

Nos. 23-35595 & 24-1602

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SUSAN SOTO PALMER, et al.,
Plaintiff-Appellees,

v.

STEVEN HOBBS, in his official capacity as Secretary of State of
Washington, and the STATE OF WASHINGTON,
Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS, and State Representative
ALEX YBARRA,
Intervenor-Defendant-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
Case No. 3:22-cv-05035 RSL

INTERVENOR-APPELLANTS' EXCERPTS OF RECORD
INDEX VOLUME

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Intervenor-Defendants.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:22-cv-05035-RSL

 Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT:

Judgment is entered in favor of Plaintiffs on their Section 2 claim. The Court retains jurisdiction over the adoption of the new redistricting plan as set forth in the Memorandum of Decision.

DATED this 11th day of August, 2023.

RAVI SUBRAMANIAN,
Clerk of the Court

By: /s/ Victoria Ericksen
Deputy Clerk

ER2

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, *et al.*,

Plaintiffs,

v.

STEVEN HOBBS, *et al.*,

Defendants,

and

JOSE TREVINO, *et al.*,

Intervenors.

CASE NO. 3:22-cv-05035-RSL

ORDER REGARDING REMEDY

BACKGROUND

On August 10, 2023, the Court found that the boundaries of Legislative District 15 (“LD 15”), as drawn by the Redistricting Commission and enacted in February 2022 (“the enacted map”), worked in combination with the social, economic, and historical conditions in the Yakima Valley region to impair the ability of Latino voters to elect candidates of their choice on an equal basis with other voters. Dkt. # 218. The State of Washington was given an opportunity to revise and adopt the legislative district maps pursuant to the process set forth in the Washington State Constitution and statutes, but it declined to do so.

1 The parties were therefore directed to meet and confer with the goal of reaching a
2 consensus on a remedial map. When they were not able to reach an agreement, plaintiffs
3 presented five remedial map options for consideration by the deadline established by the
4 Court, and the parties nominated redistricting experts who could assist the Court in the
5 assessment and modification of the proposed remedial maps. The Court selected Karin
6 Mac Donald from the nominees.¹

7
8 In response to criticisms levied by intervenors, plaintiffs revised their five remedial
9 maps to avoid incumbent displacement and/or incumbent pairing where possible. Dkt.
10 # 254. After reviewing the ten alternative maps that had been provided, the written
11 submissions of the parties, and the competing expert reports, and after conferring with Ms.
12 Mac Donald, the Court developed a preference for what was called Remedial Map 3A.
13 Dkt. # 254-1 at 31-33.² The Court heard oral argument regarding the remedial proposals on
14 February 9, 2023, and informed the parties that it was leaning towards adopting Remedial
15 Map 3A. At Intervenors' request, the Court scheduled an evidentiary hearing and invited
16 the parties to submit supplemental expert reports focusing on any problems or concerns
17 with Remedial Map 3A. The Court also reached out to the Confederated Tribes and Bands
18 of the Yakama Nation ("Yakama Nation"), soliciting their written input and participation
19 at the March 8th evidentiary hearing. Having reviewed the submissions of the parties³ and
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24 ¹ The documents provided and the instructions given to Ms. Mac Donald are set forth in Dkt. # 246.

25 ² The Court and Ms. Mac Donald independently gravitated towards Remedial Map 3A as the best of the ten options
26 presented.

³ Although untimely submitted, the intervenors' proposed remedial map, Dkt. # 273 at 8, was considered.

1 the Yakama Nation and having heard from the parties' experts, one of the named plaintiffs,
2 and a representative of the Yakama Nation, the Court requested that plaintiffs and
3 intervenors each make changes to their proposed maps to address short-comings identified
4 in the record.⁴ This matter is again before the Court for the adoption of a redistricting plan
5 that remedies the racially discriminatory vote dilution in the Yakima Valley region.
6

7 **CHOICE OF REMEDIAL MAP**

8
9 The Court hereby adopts Remedial Map 3B, described in the CSV data and map
10 submitted by plaintiffs on March 14, 2023, as exhibits to Dkt. # 288,⁵ with the following
11 adjustments to be made by the Secretary of State in implementing the map:

12 (1) Reassign that portion of Census Block 530770018013012 annexed by the
13 City of Grandview (Ordinance 2022-12, effective Aug. 29, 2022) from
14 Legislative District ("LD") 15 to LD14;

15 (2) Reassign that portion of Census Block 530770018012077 annexed by the
16 City of Grandview (Ordinance 2021-13, effective Oct. 4, 2021) from LD15
to LD14;

17 (3) Reassign that portion of Census Blocks 530770020042004 and
18 530770020042005 annexed by the City of Sunnyside (Ordinance 2020-06A,
19 effective Aug. 10, 2020) from LD15 to LD14; and

20 (4) Reassign that portion of Census Block 530770018011075 annexed by the
21 City of Sunnyside (Ordinance 2021-06, effective June 21, 2021) from LD15
to LD14.

22 (hereinafter "the adopted map.")
23

24 ⁴ Through this process, Remedial Map 3A was replaced with Remedial Map 3B.

25 ⁵ The CSV data in the record identifies every census block in the State and the legislative district to which it is
26 assigned. The data was originally submitted to the Court via email on March 13, 2024. Because the CSV file could not
be uploaded into our CM/ECF system, the data had to be converted into a pdf. The Secretary of State may use the
CSV file when implementing the new district boundaries.

1 The adopted map starts with, and avoids gratuitous changes to, the enacted map
2 while remedying the Voting Rights Act violation at issue. The Latino community of
3 interest that stretches from East Yakima, through the smaller Latino population centers
4 along the Yakima River, to Pasco is unified in a single legislative district. Although the
5 Latino citizen voting age population of LD 14 in the adopted map is less than that of the
6 enacted district, the new configuration provides Latino voters with an equal opportunity to
7 elect candidates of their choice to the state legislature, especially with the shift into an
8 even-numbered district, which ensures that state Senate elections will fall on a presidential
9 year when Latino voter turnout is generally higher.
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12 The adopted map also keeps the vast majority of the lands that are of interest to the
13 Yakama Nation together and has the highest proportion of Native American citizen voting
14 age population when compared to the enacted map or the map proposed by intervenors.
15

16 Finally, the adopted map is consistent with the other state law and traditional
17 redistricting criteria. It has a negligible total population deviation from the target
18 population of 157,251. LD 14 and the surrounding districts of the adopted map are
19 reasonably shaped and compact, and the districts consist of contiguous territory that is
20 traversable and minimizes county, city, and precinct splits.⁶ Plaintiffs' expert, Dr. Kassra
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23
24 ⁶ With the able (and much appreciated) assistance of the Secretary of State's staff and the Yakama
25 Nation, plaintiffs have made a number of small boundary adjustments to ensure that areas of land are not
26 "trapped" between county boundaries, congressional districts, legislative districts, county council or
commissioner districts, and city or town limits and that three parcels identified as MV-72, 1026, and 1025
are included in LD 14.

1 Oskooii, drew the adopted map without reference to political or partisan criteria, seeking
2 only to rectify the dilution of Latino voters that is at the center of this case.

3
4 **INTERVENORS' OBJECTIONS**

5 Intervenor object to the adopted map on a number of grounds, primarily (1) that
6 LD 14 does not include all off-Reservation trust land, associated Yakama communities of
7 interest, and traditional hunting and fishing lands of the Yakama Nation, (2) that the
8 adopted map requires boundary adjustments for too many districts, and (3) that it disrupts
9 the political lean of Washington's legislative districts outside of LD 14.
10

11 **1. Yakama Nation**

12 The first issue appears to be a non-starter. As described at the evidentiary hearing,
13 the lands in which the Yakama Nation has an interest expand across much of the central
14 part of the State: all of those lands cannot possibly be included in a single legislative
15 district. The adopted map does, however, preserve the integrity of the Reservation and all
16 off-Reservation trust lands designated by the U.S. Census. It also increases the Native
17 American citizen voting age population of LD 14, thereby increasing the communities'
18 electoral opportunities. While the White Salmon River basin and a portion of Klickitat
19 County south of the Reservation are excluded, significant portions of the Yakima,
20 Klickitat, and Columbia watersheds are included in LD 14. The area that was shifted to LD
21 17 has a significant population (approximately 15,750) and its exclusion from LD 14 was
22 essential to satisfying the statutory requirement of population parity. Importantly, the
23 Native American population in that area is only 662, with a white population of over
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1 12,200. To retain this area in LD 14 of the adopted map would not only overpopulate the
2 district in violation of the equal population criterion, but would also skew the
3 demographics and perpetuate the vote dilution at issue in this lawsuit.
4

5 **2. Scope of Boundary Adjustments**

6 Intervenor's argue that the adopted map disrupts too many districts and that
7 population shifts in thirteen legislative districts are not needed to remedy the Voting Rights
8 Act violation at issue. In doing so, they overstate the magnitude of the shifts, they fail to
9 explain why the changes are of any real import, and they offer no viable alternative that
10 would both remedy the Voting Rights Act violation found by the Court and comport with
11 traditional redistricting criteria.
12

13 **a. Magnitude of Population Shifts**

14 Intervenor's expert, Dr. Sean Trende, presents figures and maps showing the
15 number of individuals and the size of the geographic areas moving from one district to
16 another under the adopted map. Dkt. # 273 at 12-13. The percentage of individuals shifted
17 out of and into LD 8, LD 13, LD 14, LD 15, and LD 16 are significant, with core
18 population retention percentages ranging from 47.8% to 80.4%. Dkt. # 254-1 at 45; Dkt.
19 # 273 at 13. But shifts of that magnitude are necessary to unite the Latino community of
20 interest in the region.⁷ Despite these significant movements and the ripple effect they
21 cause, the adopted plan impacts only 5.5% of the State's population overall.
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26 ⁷ As discussed below, intervenor's proposed map (Dkt. # 289) does not accomplish this fundamental goal of the remedial process. The only other map Dr. Trende regards as suitably limited in its geographic scope, Remedial Map

1 With regards to Dr. Trende’s map, Dkt. # 273 at 12, its large, red splotches, while
2 striking, are misleading as a representation of population movement. The red portions
3 represent acreage which, as anyone familiar with central Washington knows, is often a
4 poor substitute for population. Depending on the population density, an area representing
5 the same number of people (approximately 15,600) could be represented by a small red dot
6 or a large red block. A more apt representation of the magnitude of the population shift
7 would compare apples to apples (total population of the district compared to the population
8 shifted), as reflected in Dr. Oskooii’s core retention figures.

11 **b. Importance of Population Shifts**

12 Intervenor presume that the consistency of legislative boundaries over time is a
13 goal of redistricting and/or this remedial process. Dkt. # 273 at 9 n.3 and 14 n.4. It is not.
14 The constitutional and statutory requirements for legislative districts do not compel the
15 Redistricting Commission to consider, much less safeguard, existing boundaries.
16 Moreover, the boundaries at issue were put in place for the 2022 election cycle: there is no
17 evidence or reason to presume that the population within any particular legislative district
18 has developed a familiarity with or an affinity for the recently-enacted borders.
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21 Under Washington law, population parity is a primary consideration in the
22 redistricting process, with other traditional redistricting criteria (such as keeping precincts
23 and communities of interest together) accomplished only “[t]o the extent consistent with”
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26 5A, fails to respect the Yakama Nation community of interest and involves shifts in LD 13, LD 14, LD 15, and LD 16 that have core population retention percentages ranging from 51.3% to 90%.

1 population parity. RCW 44.05.090(1) and (2). Thus, when making a change in the center
2 of the state to unify a particular community of interest – in this case, by moving over
3 100,000 individuals into LD 14 – a nearly identical number of individuals must move out
4 of LD 14 and into neighboring districts which must, in turn, lose some portion of their
5 population to their neighbors. Where population parity is paramount, making a substantial
6 change in the population of one legislative district is like dropping a stone into the middle
7 of a lake: the ripple effect reaches beyond the immediate area in a way that is neither
8 unexpected nor necessarily problematic.

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10
11 The ripple in the adopted map appears to be a normal redistricting occurrence,
12 especially common when one centrally-located district must be redrawn. The majority of
13 the 100,000+ individuals moved into LD 14 are offset by a swap with LD 15, but Dr.
14 Oskooii still had to lower LD 14’s population by approximately 15,600 individuals to meet
15 the population parity requirement. These 15,600 persons are what caused the ripple effect,
16 and Dr. Oskooii was diligent in moving this population through the neighboring districts
17 while adhering to state law, traditional redistricting criteria, and public input. As has been
18 made abundantly clear throughout the trial and the remedial process, there is no perfect
19 map. Redistricting is a system of constraints where the various criteria often pull the map
20 maker in different directions. His or her choices are further restricted by the requirements
21 of the Voting Rights Act. The question for the Court is, as between the maps generated by
22 the Commission, plaintiffs, and intervenors, which is most consistent with the applicable,
23 and sometimes competing, legal demands.
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1 **c. Viable Alternatives**

2 For the reasons discussed above, the Court approves of the choices Dr. Oskooii
3 made when generating the adopted map. The downside to this particular map is that it
4 affects thirteen legislative districts to some extent. Dr. Trende, in contrast, focuses his
5 map-making efforts on creating smaller shifts in population that emulate the boundaries of
6 the enacted map to the greatest extent possible. This focus is not compelled by governing
7 law. And, more importantly, achieving static boundaries comes at a cost: intervenors' final
8 map (Dkt. # 289), fails to unify the Latino community of interest that was identified at trial
9 (*see* Dkt. # 218 at 10-11) and described by Caty Padilla during the evidentiary hearing. It
10 also retains an artifact of the enacted map that cuts off a bit of the Yakama Reservation in
11 Union Gap from the remainder. Both of these problems are resolved in the adopted map.
12 Intervenor's map cannot be considered proof that limited disruption is achievable where it
13 fails to satisfy mandatory state and federal requirements.

14 **3. Political Lean**

15 Intervenors argue that the adopted map is somehow faulty because it impacts "the
16 political lean of Washington's legislative districts beyond those found in the Yakima River
17 valley." Dkt. # 273 at 17. State law required the Redistricting Commission to "exercise its
18 powers to provide fair and effective representation and to encourage electoral competition.
19 The [C]ommission's plan shall not be drawn purposely to favor or discriminate against any
20 political party or group." RCW 44.05.090(5). Neither Dr. Oskooii nor the undersigned has
21 any interest in the partisan performance of the adopted map: the map was not drawn or
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1 adopted to favor or discriminate against either political party, but rather to unite the Latino
2 community of interest in the Yakima Valley region. Dr. Trende does not explain what
3 aspect of state or federal law is at stake here, but his data suggests that the adopted map
4 generally increases the competitiveness of the impacted districts, in keeping with the
5 dictates of RCW 44.05.090(5). *See* Dkt. # 273 at 18. The one glaring exception is LD 14,
6 which is made substantially more Democratic than its LD 15 predecessor given the
7 requirement of creating a Latino opportunity district. Dr. Trende acknowledges that this
8 shift cannot be avoided. Overall, the adopted map retains the slight Republican bias of the
9 enacted map. The Court finds that the adopted map does not meaningfully shift the
10 partisan balance of the State and that it was not drawn (or adopted) purposely to favor one
11 political party over the other.
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15 CONCLUSION

16 The task of fashioning a remedy for a Voting Rights Act violation is not one that
17 falls within the Court's normal duties. It is only because the State declined to reconvene
18 the Redistricting Commission – with its expertise, staff, and ability to solicit public
19 comments – that the Court was compelled to step in. Nevertheless, with the comprehensive
20 and extensive presentations from the parties, the participation of the Yakama Nation, and
21 the able assistance of Ms. Mac Donald, the Court is confident that the adopted map best
22 achieves the many goals of the remedial process.
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5 UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

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11 STEVEN HOBBS, *et al.*,

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13 And

14 JOSE TREVINO, *et al.*,

15 Intervenor-Defendants.

CASE NO. 3:22-cv-05035-RSL

MEMORANDUM OF DECISION

16
17 Plaintiffs, five registered Latino¹ voters in Legislative Districts 14 and 15 in the
18 Yakima Valley region of Washington State,² brought suit seeking to stop the Secretary of
19 State from conducting elections under a redistricting plan adopted by the Washington State
20 Legislature on February 8, 2022. Plaintiffs argue that the redistricting plan cracks the
21 Latino vote and is therefore invalid under Section 2 of the Voting Rights Act of 1965

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24 ¹ Latino refers to individuals who identify as Hispanic or Latino, as defined by the U.S. Census. References to white voters herein refer to non-Hispanic white voters.

25 ² The Court uses the terms “Yakima Valley region” as a shorthand for the geographic region on and around the
26 Yakima and Columbia Rivers, including parts of Adams, Benton, Franklin, Grant, and Yakima counties. These counties feature in the versions of LD 14 and 15 considered by the bipartisan commission tasked with redistricting state legislative and congressional districts in Washington.

1 (“VRA”), 52 U.S.C. § 10301. “Cracking” is a type of vote dilution that involves splitting
2 up a group of voters “among multiple districts so that they fall short of a majority in each
3 one.” *Portugal v. Franklin Cnty.*, __ Wn.3d __, 530 P.3d 994, 1001 (2023) (quoting *Gill v.*
4 *Whitford*, __ U.S. __, 138 S.Ct. 1916, 1924 (2018)). Intervenors, three registered Latino
5 voters from legislative districts whose boundaries may be impacted if plaintiffs prevail in
6 this litigation, were permitted to intervene to oppose plaintiffs’ Section 2 claim because, at
7 the time, there were no other truly adverse parties.³

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10 In a parallel litigation, Benancio Garcia III challenged legislative district (“LD”) 15
11 as an illegal racial gerrymander that violated the Equal Protection Clause of the Fourteenth
12 Amendment to the United States Constitution. *Garcia v. Hobbs*, C22-5152-RSL-DGE-
13 LJCVC (W.D. Wash.). Pursuant to 28 U.S.C. § 2284, a three-judge district court was
14 empaneled to hear that claim. The trial of the Section 2 results claim asserted in *Soto*
15 *Palmer* began on June 2, 2023, before the undersigned: the Court heard the testimony of
16 Faviola Lopez, Dr. Loren Collingwood, Dr. Josue Estrada, and Senator Rebecca Saldaña
17 on that first day. The remainder of the evidence was presented before a panel comprised of
18 the undersigned, Chief Judge David E. Estudillo, and Circuit Judge Lawrence J.C.
19 VanDyke between June 5th and June 7th. This Memorandum of Decision deals only with
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25 ³ The State of Washington was subsequently joined as a defendant to ensure that, if plaintiffs were able to prove
26 their claims, the Court would have the power to provide all of the relief requested, particularly the development and
adoption of a VRA-compliant redistricting plan. After retaining its own voting rights expert and reviewing the
evidence in the case, the State concluded that the existing legislative plan dilutes the Latino vote in the Yakima Valley
region in violation of Section 2, but strenuously opposed plaintiffs’ claim that it intended to crack Latino voters.

1 the Section 2 claim. A separate order will be issued in *Garcia* regarding the Equal
2 Protection claim.

3
4 Over the course of the *Soto Palmer* trial, the Court heard live testimony from 15
5 witnesses, accepted the deposition testimony of another 18 witnesses, considered as
6 substantive evidence the reports of the parties’ experts, admitted 548 exhibits into
7 evidence, and reviewed the parties’ excellent closing statements. Having heard the
8 testimony and considered the extensive record, the Court concludes that LD 15 violates
9 Section 2’s prohibition on discriminatory results. The redistricting plan for the Yakima
10 Valley region is therefore invalid, and the Court need not decide plaintiffs’ discriminatory
11 intent claim.
12

13
14 **A. Redistricting Process**

15 Article I, § 2, of the United States Constitution requires that Members of the House
16 of Representatives “be apportioned among the several States ... according to their
17 respective Numbers.” Each state’s population is counted every ten years in a national
18 census, and states rely on census data to apportion their congressional seats into districts.
19 In Washington, the state constitution provides for a bipartisan commission (“the
20 Commission”) tasked with redistricting state legislative and congressional districts. Wash.
21 Const. art. II, § 43. The Commission consists of four voting members and one non-voting
22 member who serves as the chairperson. Wash. Const. art. II, § 43(2). The voting members
23 are appointed by the legislative leaders of the two largest political parties in each house of
24 the Legislature. *Id.* A state statute sets forth specific requirements for the redistricting plan:
25
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1 (1) Districts shall have a population as nearly equal as is practicable,
2 excluding nonresident military personnel, based on the population reported
3 in the federal decennial census as adjusted by RCW 44.05.140.

4 (2) To the extent consistent with subsection (1) of this section the
5 commission plan should, insofar as practical, accomplish the following:

6 (a) District lines should be drawn so as to coincide with the
7 boundaries of local political subdivisions and areas recognized as
8 communities of interest. The number of counties and municipalities
9 divided among more than one district should be as small as possible;

10 (b) Districts should be composed of convenient, contiguous, and
11 compact territory. Land areas may be deemed contiguous if they share
12 a common land border or are connected by a ferry, highway, bridge,
13 or tunnel. Areas separated by geographical boundaries or artificial
14 barriers that prevent transportation within a district should not be
15 deemed contiguous; and

16 (c) Whenever practicable, a precinct shall be wholly within a single
17 legislative district.

18 (3) The commission's plan and any plan adopted by the supreme court under
19 RCW 44.05.100(4) shall provide for forty-nine legislative districts.

20 (4) The house of representatives shall consist of ninety-eight members, two
21 of whom shall be elected from and run at large within each legislative
22 district. The senate shall consist of forty-nine members, one of whom shall
23 be elected from each legislative district.

24 (5) The commission shall exercise its powers to provide fair and effective
25 representation and to encourage electoral competition. The commission's
26 plan shall not be drawn purposely to favor or discriminate against any
political party or group.

RCW 44.05.090.

1 The Commission must agree, by majority vote, to a redistricting plan by November
2 15 of the relevant year,⁴ at which point the Commission transmits the plan to the
3 Legislature. RCW 44.05.100(1); Wash. Const. art. II, § 43(2). If the Commission fails to
4 agree upon a redistricting plan within the time allowed, the task falls to the state Supreme
5 Court. RCW 44.05.100(4). Following submission of the plan by the Commission, the
6 Legislature has 30 days during a regular or special session to amend the plan by an
7 affirmative two-thirds vote, but the amendment may not include more than two percent of
8 the population of any legislative or congressional district. RCW 44.05.100(2). The
9 redistricting plan becomes final upon the Legislature’s approval of any amendment or after
10 the expiration of the 30-day window for amending the plan, whichever occurs sooner.
11 RCW 44.05.100(3).

12 The redistricting plan as enacted in February 2022 contains a legislative district in
13 the Yakima Valley region, LD 15, that has a Hispanic citizen voting age population
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⁴ Though not relevant to the results analysis which ultimately resolves this case, the evidence at trial showed that
20 the Commission faced and overcame a set of challenges unlike anything any prior Commission had ever faced. Not
21 only did the COVID-19 pandemic prevent the Commissioners from meeting face-to-face, but the Commission’s
22 schedule was compressed by several months as a result of a delay in receiving the census data and a statutory change
23 in the deadline for submission of the redistricting plan to the Legislature. In addition, the Commission was the first in
24 Washington history to address the serious possibility that the VRA imposed redistricting requirements that had to be
25 accommodated along with the traditional redistricting criteria laid out in Washington’s constitution and statutes.

26 In addressing these challenges, the Commissioners pored over countless iterations of various maps and
spreadsheets, held 17 public outreach meetings, consulted with Washington’s 29 federally-recognized tribes,
conducted 22 regular business meetings, reviewed VRA litigation from the Yakima Valley region, obtained VRA
analyses, and considered thousands of public comments. Throughout the process, the Commissioners endeavored to
reach a bipartisan consensus on maps which not only divided up a diverse and geographically complex state into 49
reasonably compact districts of roughly 157,000, but also promoted competitiveness in elections. The Court
commends the Commissioners for their diligence, determination, and commitment to the various legal requirements
that guided their deliberations, particularly the requirement that the redistricting “plan shall not be drawn purposely to
favor or discriminate against any political party or group.” Wash. Const. art. II, § 43(5); *see also* RCW 44.05.090(5).

1 (“HCVAP”) of approximately 51.5%. Plaintiffs argue that, although Latinos form a slim
2 majority of voting-age citizens in LD 15, the district nevertheless fails to afford Latinos
3 equal opportunity to elect candidates of their choice given the totality of the circumstances,
4 including voter turnout, the degree of racial polarized voting in the area, a history of voter
5 suppression and discrimination, and socio-economic disparities that chill Latino political
6 activity. Plaintiffs request that the redistricting map of the Yakima Valley region be
7 invalidated under Section 2 of the VRA and redrawn to include a majority-HCVAP district
8 in which Latinos have a real opportunity to elect candidates of their choice.
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11 **B. Three-Part *Gingles* Framework**

12 The Supreme Court evaluates claims brought under Section 2 using the so-called
13 *Gingles* framework developed in *Thornburg v. Gingles*, 478 U.S. 30 (1986).⁵ To prove a
14 violation of Section 2, plaintiffs must satisfy three “preconditions.” *Id.* at 50. First, the
15 “minority group must be sufficiently large and [geographically] compact to constitute a
16 majority in a reasonably configured district.” *Wisconsin Legislature v. Wisconsin Elections*
17 *Comm’n*, 595 U.S. ___, 142 S.Ct. 1245, 1248 (2022) (per curiam) (citing *Gingles*, 478 U.S.
18 at 46–51). A district is reasonably configured if it comports with traditional districting
19 criteria. *See Milligan*, 143 S.Ct. at 1503 (citing *Alabama Legislative Black Caucus v.*
20 *Alabama*, 575 U.S. 254, 272 (2015)). “Second, the minority group must be able to show
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25 ⁵ While voting rights advocates and many legal scholars feared that the Supreme Court would alter, if not
26 invalidate, the existing analytical framework for Section 2 cases when it decided *Allen v. Milligan* in June 2023, the
majority instead “decline[d] to recast our § 2 case law” and reaffirmed the *Gingles* inquiry “that has been the baseline
of our § 2 jurisprudence for nearly forty years.” 599 U.S. ___, 143 S.Ct. 1487, 1507, 1508 (2023) (internal quotation
marks and citation omitted).

1 that it is politically cohesive,” such that it could, in fact, elect a representative of its choice.
2 *Gingles*, 478 U.S. at 51. The first two preconditions “are needed to establish that the
3 minority has the potential to elect a representative of its own choice in some single-
4 member district.” *Grove v. Emison*, 507 U.S. 25, 40 (1993). Third, “the minority must be
5 able to demonstrate that the white majority votes sufficiently as a bloc to enable it ... to
6 defeat the minority’s preferred candidate.” *Gingles*, 478 U.S. at 51. “[T]he ‘minority
7 political cohesion’ and ‘majority bloc voting’ showings are needed to establish that the
8 challenged districting thwarts a distinctive minority vote by submerging it in a larger white
9 voting population.” *Grove*, 507 U.S. at 40.

12 If a plaintiff fails to establish the three preconditions “there neither has been a
13 wrong nor can be a remedy.” *Id.* at 40–41. If, however, a plaintiff demonstrates the three
14 preconditions, he or she must also show that under the “totality of circumstances” the
15 political process is not “equally open” to minority voters in that they “have less
16 opportunity than other members of the electorate to participate in the political process and
17 to elect representatives of their choice.” 52 U.S.C. § 10301. Factors to be considered when
18 evaluating the totality of circumstances include:
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20

- 21 1. the extent of any history of official discrimination in the state or political
22 subdivision that touched the right of the members of the minority group to
23 register, to vote, or otherwise to participate in the democratic process;
- 24 2. the extent to which voting in the elections of the state or political
25 subdivision is racially polarized;
- 26 3. the extent to which the state or political subdivision has used unusually
large election districts, majority vote requirements, anti-single shot

1 provisions, or other voting practices or procedures that may enhance the
2 opportunity for discrimination against the minority group;

3 4. if there is a candidate slating process, whether the members of the
4 minority group have been denied access to that process;

5 5. the extent to which members of the minority group in the state or political
6 subdivision bear the effects of discrimination in such areas as education,
7 employment and health, which hinder their ability to participate effectively
8 in the political process;

9 6. whether political campaigns have been characterized by overt or subtle
10 racial appeals;

11 7. the extent to which members of the minority group have been elected to
12 public office in the jurisdiction[;]

13 [8.] whether there is a significant lack of responsiveness on the part of
14 elected officials to the particularized needs of the members of the minority
15 group[; and]

16 [9.] whether the policy underlying the state or political subdivision's use of
17 such voting qualification, prerequisite to voting, or standard, practice or
18 procedure is tenuous.

19 *Gingles*, 478 U.S. at 36–37 (the “Senate Factors”) (quoting S. Rep. 97-417, 28–29, 1982
20 U.S.C.C.A.N. 177, 206–07).

21 In applying Section 2, the Court must keep in mind the ill the statute is designed to
22 redress. In 1986 and again in 2023, the Supreme Court explained that “[t]he essence of a
23 § 2 claim is that a certain electoral law, practice, or structure interacts with social and
24 historical conditions to cause an inequality in the opportunities enjoyed by [minority] and
25 white voters to elect their preferred representatives.” *Id.* at 47; *see also Milligan*, 143 S.Ct.
26 at 1503. Where an electoral structure, such as the boundary lines of a legislative district,

1 “operates to minimize or cancel out” minority voters’ “ability to elect their preferred
2 candidates,” relief under Section 2 may be available. *Gingles*, 478 U.S. at 48; *Milligan*,
3 143 S.Ct. at 1503. “Such a risk is greatest ‘where minority and majority voters consistently
4 prefer different candidates’ and where minority voters are submerged in a majority voting
5 population that ‘regularly defeat[s]’ their choices.” *Milligan*, 143 S.Ct. at 1503 (quoting
6 *Gingles*, 478 U.S. at 48). Before courts can find a violation of Section 2, they must conduct
7 “an intensely local appraisal” of the electoral structure at issue, as well as a “searching
8 practical evaluation of the ‘past and present reality.’” *Milligan*, 143 S.Ct. at 1503 (quoting
9 *Gingles*, 478 U.S. at 79).⁶

12 **C. Numerosity and Geographic Compactness**

13
14 It is undisputed that Latino voters in the Yakima Valley region are numerous
15 enough that they could have a realistic chance of electing their preferred candidates if a
16 legislative district were drawn with that goal in mind. Plaintiffs have shown that such a
17 district could be reasonably configured. Dr. Loren Collingwood, plaintiffs’ expert on the
18 statistical and demographic analysis of political data, presented three proposed maps that
19 perform similarly or better than the enacted map when evaluated for compactness and
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22 ⁶ In writing the majority opinion in *Milligan*, Chief Justice Roberts provides the historical context out of which the
23 Voting Rights Act arose, starting from the end of the Civil War and going through the 1982 amendments to the
24 statute. The primer chronicles the “parchment promise” of the Fifteenth Amendment, the unchecked proliferation of
25 literacy tests, poll taxes, and “good-morals” requirements, the statutory effort to “banish the blight of racial
26 discrimination in voting,” the judiciary’s narrow interpretation of the original VRA, and the corrective amendment
proposed by Senator Bob Dole that reinvigorated the fight against electoral schemes that have a disparate impact on
minorities even if there was no discriminatory intent. 143 S.Ct. at 1498–1501 (citation omitted). The summary is a
forceful reminder that ferreting out racial discrimination in voting does not merely involve ensuring that minority
voters can register to vote and go to the polls without hindrance, but also requires an evaluation of facially neutral
electoral practices that have the effect of keeping minority voters from the polls and/or their preferred candidates from
office.

1 adherence to traditional redistricting criteria. The Commissioners and Dr. Matthew
2 Barreto, an expert on Latino voting patterns with whom some of the Commissioners
3 consulted, also created maps that would unify Latino communities in the Yakima Valley
4 region in a single legislative district without the kind of “tentacles, appendages, bizarre
5 shapes, or any other obvious irregularities that would make it difficult to find’ them
6 sufficiently compact.” *Milligan*, 143 S.Ct. at 1504 (quoting *Singleton v. Merrill*, 582 F.
7 Supp.3d 924, 1011 (N.D. Ala. 2022)). The State’s redistricting and voting rights expert,
8 Dr. John Alford, testified that plaintiffs’ examples are “among the more compact
9 demonstration districts [he’s] seen” in thirty years. Tr. 857:11-14.

12 Intervenors take issue with the length and breadth of the demonstrative districts,
13 arguing that because Yakima is 80+ miles away from Pasco, the Latino populations of
14 those cities are “farflung segments of a racial group with disparate interests.” Dkt. # 215 at
15 16 (quoting *LULAC v. Perry*, 548 U.S. 399, 433 (2006)). But the evidence in the case
16 shows that Yakima and Pasco are geographically connected by other, smaller, Latino
17 population centers and that the community as a whole largely shares a rural, agricultural
18 environment, performs similar jobs in similar industries, has common concerns regarding
19 housing and labor protections, uses the same languages, participates in the same religious
20 and cultural practices, and has significant immigrant populations. The Court finds that
21 Latinos in the Yakima Valley region form a community of interest based on more than just
22 race. While the community is by no means uniform or monolithic, its members share many
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1 of the same experiences and concerns regardless of whether they live in Yakima, Pasco, or
2 along the highways and rivers in between.⁷

3
4 Plaintiffs have the burden under the first *Gingles* precondition to “adduce[] at least
5 one illustrative map” that shows a reasonably configured district in which Latino voters
6 have an equal opportunity to elect their preferred representatives. *Milligan*, 143 S.Ct. at
7 1512. They have done so.

8 **D. Political Cohesiveness**

9
10 The second *Gingles* precondition focuses on whether the Latino community in the
11 relevant area is politically cohesive, such that it would rally around a preferred candidate.
12 *Milligan*, 143 S.Ct. at 1503. Each of the experts who addressed this issue, including
13 Intervenors’ expert, testified that Latino voters overwhelmingly favored the same
14 candidate in the vast majority of the elections studied. The one exception to this
15 unanimous opinion was the 2022 State Senate race pitting a Latina Republican against a
16 white Democrat. With regards to that election, Dr. Owens’ analysis showed a 52/48 split in
17 the Latino vote, which he interpreted as a lack of cohesion. Dr. Collingwood, on the other
18 hand, calculated that between 60-68% of the Latino vote went to the white Democrat, a
19 showing of moderate cohesion that was consistent with the overall pattern of racially
20 polarized voting.⁸ Despite this one point of disagreement in the expert testimony, the
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25 ⁷ Intervenors’ political science expert, Dr. Mark Owens, raised the issue of disparate and therefore distinct Latino
26 populations but acknowledged at trial that he does not know anything about the communities in the Yakima Valley
region other than what the maps and data show.

⁸ Dr. Owens also identified the 2020 Superintendent of Public Institutions race as something of an anomaly, noting
that the Latino vote in the Yakima Valley region did not coalesce around the Democratic candidate, but rather around

1 statistical evidence shows that Latino voter cohesion is stable in the 70% range across
2 election types and election cycles over the last decade.

3 **E. Impact of the Majority Vote**

4
5 The third *Gingles* precondition focuses on whether the challenged district
6 boundaries allow the non-Hispanic white majority to thwart the cohesive minority vote.
7 *Milligan*, 143 S.Ct. at 1503. In order to have a chance at succeeding on their Section 2
8 claim, plaintiffs must show not only that the relevant minority and majority communities
9 are politically cohesive, but also that they are in opposition such that the majority
10 overwhelms the choice of the minority. Dr. Collingwood concluded, and Dr. Alford
11 confirmed, that white voters in the Yakima Valley region vote cohesively to block the
12 Latino-preferred candidates in the majority of elections (approximately 70%). Intervenors
13 do not dispute the data or the opinions offered by Drs. Collingwood and Alford, but argue
14 that because the margins by which the white-preferred candidates win are, in some
15 instances, quite small, relief is unavailable under Section 2. Plaintiffs have shown “that the
16 white majority votes sufficient as a bloc to enable it – in the absence of special
17 circumstances, such as the minority candidate running unopposed . . . – usually to defeat
18 the minority’s preferred candidate.” *Gingles*, 478 U.S. at 51. A defeat is a defeat,
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25 his Republican opponent. The question under the second *Gingles* precondition is whether Latino voters in the relevant
26 area exhibit sufficient political cohesiveness to elect their preferred candidate – of any party or no party – if given the
chance. As Dr. Barreto explained, a Latino preferred candidate is not necessarily the same thing as a Democratic
candidate. In southern Florida, for example, an opportunity district for Latinos would have to perform well for
Republicans rather than for Democrats. The evidence in this case shows that Latino voters have cohesively preferred a
particular candidate in almost every election in the last decade, but that their preference can vary based on the
ethnicity of the candidates and/or the policies they champion.

1 regardless of the vote count. Intervenors provide no support for the assertion that losses by
2 a small margin are somehow excluded from the tally when determining whether there is
3 legally significant bloc voting or whether the majority “usually” votes to defeat the
4 minority’s preferred candidate. White bloc voting is “legally significant” when white
5 voters “normally . . . defeat the combined strength of minority support plus white
6 ‘crossover’ votes.” *Gingles*, 478 at 56. Such is the case here.⁹

8
9 Finally Intervenors argue that because the Latino community in the Yakima Valley
10 region generally prefers Democratic candidates, its choices are partisan and, therefore, the
11 community’s losses at the polls are not “on account of race or color” as required for a
12 successful claim under Section 2(a). While the Court will certainly have to determine
13 whether the totality of the circumstances in the Yakima Valley region shows that Latino
14 voters have less opportunity than white voters to elect representatives of their choice on
15 account of their ethnicity (as opposed to their partisan preferences), that question does not
16 inform the political cohesiveness or bloc voting analyses. *See Milligan*, 143 S.Ct. at 1503
17 (describing the second and third *Gingles* preconditions without reference to the cause of
18 the bloc voting); *Gingles*, 478 U.S. at 100 (O’Connor, J., concurring) (finding that
19 defendants cannot rebut statistical evidence of divergent racial voting patterns by offering
20 evidence that the patterns may be explained by causes other than race, although the
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25 ⁹ Although small margins of defeat do not impact the cohesiveness and/or bloc voting analyses, the closeness of the
26 elections is not irrelevant. As Dr. Alford suggests, it goes to the extent of the map alterations that may be necessary to
remedy the Section 2 violation. It does not, however, go to whether there is or is not a Section 2 violation in the first
place.

1 evidence may be relevant to the overall voter dilution inquiry); *Solomon v. Liberty Cnty.*
2 *Comm 'rs*, 221 F.3d 1218, 1225 (11th Cir. 2000) (noting that *Gingles* establishes
3 preconditions, but they are not necessarily dispositive if other circumstances, such as
4 political or personal affiliations of the different racial groups with different candidates,
5 explain the election losses); *Baird v. Consolidated City of Indianapolis*, 976 F.2d 357, 359,
6 361 (7th Cir. 1992) (assuming that plaintiffs can prove the three *Gingles* preconditions
7 before considering as part of the totality of the circumstances whether electoral losses had
8 more to do with party than with race); *but see LULAC v. Clements*, 999 F.2d 831, 856 (5th
9 Cir. 1993) (finding that a white majority that votes sufficiently as a bloc to enable it to
10 usually defeat the minority's preferred candidate is legally significant under the third
11 *Gingles* precondition only if based on the race of the candidate).

12 **F. Totality of the Circumstances**

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16 “[A] plaintiff who demonstrates the three preconditions must also show, under the
17 ‘totality of circumstances,’ that the political process is not ‘equally open’ to minority
18 voters.” *Milligan*, 143 S.Ct. at 1503 (quoting *Gingles*, 478 U.S. at 45–46). Proof that the
19 contested electoral practice – here, the drawing of the boundaries of LD 15 – was adopted
20 with an intent to discriminate against Latino voters is not required. Rather, the correct
21 question “is whether ‘as a result of the challenged practice or structure plaintiffs do not
22 have an equal opportunity to participate in the political processes and to elect candidates of
23 their choice.’” *Gingles*, 478 U.S. at 44 (quoting S. Rep. 97-417 at 28, 1982 U.S.C.C.A.N.
24 at 206). In enacting Section 2, Congress recognized that “voting practices and procedures
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1 that have discriminatory results perpetuate the effects of past purposeful discrimination.”
2 *Gingles*, 478 U.S. at 44 n.9 (quoting S. Rep. 97-417 at 40, 1982 U.S.C.C.A.N. at 218). The
3 Court “must assess the impact of the contested structure or practice on minority electoral
4 opportunities ‘on the basis of objective factors,’” *i.e.*, the Senate Factors, *Gingles*, 478 U.S.
5 at 44 (quoting S. Rep. 97–417, at 27, 1982 U.S.C.C.A.N. at 205), in order to determine
6 whether the structure or practice is causally connected to the observed statistical disparities
7 between Latino and white voters in the Yakima Valley region, *Gonzalez v. Arizona*, 677
8 F.3d 383, 405 (9th Cir. 2012)). “[T]here is no requirement that any particular number of
9 [the Senate Factors] be proved, or that a majority of them point one way or the other.”
10 *Gingles*, 478 U.S. at 45 (quoting S. Rep. No. 97–417 at 29, 1982 U.S.C.C.A.N. at 209)
11 (internal quotation marks omitted).
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15 **1. History of Official Discrimination**

16 The first Senate Factor requires an evaluation of the history of official
17 discrimination in the state or political subdivision that impacted the right of Latinos to
18 register, to vote, or otherwise to participate in the democratic process. Plaintiffs provided
19 ample historical evidence of discriminatory English literacy tests, English-only election
20 materials, and at-large systems of election that prevented or suppressed Latino voting. In
21 addition, plaintiffs identified official election practices and procedures that have prevented
22 Latino voters in the Yakima Valley region from electing candidates of their choice as
23 recently as the last few years. *See Aguilar v. Yakima Cnty.*, No. 20-2-0018019 (Kittitas
24 Cnty. Super. Ct.); *Glatt v. City of Pasco*, 4:16-cv-05108-LRS (E.D. Wash.); *Montes v. City*
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26

1 of *Yakima*, 40 F. Supp.3d 1377 (E.D. Wash. 2014). *See also Portugal*, 530 P.3d at 1006.

2 While progress has been made towards making registration and voting more accessible to
3 all Washington voters, those advances have been hard won, following decades of
4 community organizing and multiple lawsuits designed to undo a half century of blatant
5 anti-Latino discrimination.
6

7 Intervenors do not dispute this evidence, but argue that plaintiffs have failed to
8 show that the “litany of past miscarriages of justice . . . work to deny Hispanics equal
9 opportunity to participate in the political process today.” Dkt. # 215 at 26. The Court
10 disagrees. State Senator Rebecca Saldaña explained that historic barriers to voting have
11 continuing effects on the Latino population. Seemingly small, everyday municipal
12 decisions, like which neighborhoods would get sidewalks, as well as larger decisions about
13 who could vote, were for decades decided by people who owned property.
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16 And so the people that are renters, the people that are living in labor camps,
17 would not be allowed to have a say in those circumstances. So there’s a bias
18 towards land ownership, historically, and how lines are drawn, who gets to
19 vote, who gets to have a say in their democracy. If you don’t feel like you
20 can even have a say about sidewalks, it creates a barrier for you to actually
21 believe that your vote would matter, even if you could vote.

22 Trial Tr. at 181. This problem is compounded by the significant percentage of the
23 community that is ineligible to vote because of their immigration status or who face
24 literacy and language barriers that prevent full access to the electoral process. “[A]ll of
25 these are barriers that make it harder for Latino voters to be able to believe that their vote
26 counts [or that they] have access to vote.” Trial Tr. at 182. In addition, both Senator

1 Saldaña and plaintiff Susan Soto Palmer testified that the historic and continuing lack of
2 candidates and representatives who truly represent Latino voters – those who are aligned
3 with their interests, their perspectives, and their experiences – continues to suppress the
4 community’s voter turnout. Trial Tr. at 182 and 296. There is ample evidence to support
5 the conclusion that Latino voters in the Yakima Valley region faced official discrimination
6 that impacted and continues to impact their rights to participate in the democratic process.
7

8 **2. Extent of Racially Polarized Voting**

9
10 As discussed above, voting in the Yakima Valley region is racially polarized. The
11 Intervenors do not separately address Senate Factor 2, which the Supreme Court has
12 indicated is one of the most important of the factors bearing on the Section 2 analysis.
13

14 **3. Voting Practices That May Enhance the Opportunity for 15 Discrimination**

16 Three of the experts who testified at trial opined that there are voting practices,
17 separate and apart from the drawing of LD 15’s boundaries, that may hinder Latino voters’
18 ability to fully participate in the electoral process in the Yakima Valley region. First, LD
19 15 holds its senate election in a non-presidential (off) election year. Drs. Collingwood,
20 Estrada, and Barreto opined that Latino voter turnout is at its lowest in off-year elections,
21 enlarging the turnout gap between Latino and white voters in the area. Second, Dr. Barreto
22 indicated that Washington uses at-large, nested districts to elect state house
23 representatives, a system that may further dilute minority voting strength. *See Gingles*, 478
24 U.S. at 47. Third, Dr. Estrada testified that the ballots of Latino voters in Yakima and
25
26

1 Franklin Counties are rejected at a disproportionately high rate during the signature
2 verification process, a procedure that is currently being challenged in the United States
3 District Court for the Eastern District of Washington in *Reyes v. Chilton*, No. 4:21-cv-
4 05075-MKD.
5

6 Intervenors generally ignore this testimony and the experts' reports, baldly asserting
7 that there is "no evidence" of other voting practices or procedures that discriminate against
8 Latino voters in the Yakima Valley region. Dkt. # 215 at 27. The State, for its part,
9 challenges only the signature verification argument. It appears that Dr. Estrada's opinion
10 that Latino voters are disproportionately impacted by the process is based entirely on an
11 article published on Crosscut.com which summarized two other articles from a non-profit
12 organization called Investigate West. While it may be that experts in the fields of history
13 and Latino voter suppression would rely on facts asserted in secondary articles when
14 developing their opinions, the Court need not decide the admissibility of this opinion under
15 Fed. R. Ev. 703. Even without considering the possibility that the State's signature
16 verification process, as implemented in Yakima and Franklin Counties, suppresses the
17 Latino vote, plaintiffs have produced un rebutted evidence of other electoral practices that
18 may enhance the opportunity for discrimination against the minority group.
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22 **4. Access to Candidate Slating Process**

23 There is no evidence that there is a candidate slating process or that members of the
24 minority group have been denied access to that process.
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1 unequal power structure between white land owners and Latino agricultural workers
2 suppresses the Latino community’s participation in the electoral process out of a concern
3 that they could jeopardize their jobs and, in some cases, their homes if they get involved in
4 politics or vote against their employers’ wishes. Senate Factor 5 weighs heavily in
5 plaintiffs’ favor.

6 **6. Overt or Subtle Racial Appeals in Political Campaigns**

7
8 Assertions that “non-citizens” are voting in and affecting the outcome of elections,
9 that white voters will soon be outnumbered and disenfranchised, and that the Democratic
10 Party is promoting immigration as a means of winning elections are all race-based appeals
11 that have been put forward by candidates in the Yakima Valley region during the past
12 decade. Plaintiffs have also provided evidence that a candidate campaigned against the
13 Fourteenth Amendment’s guarantee that “[a]ll persons born or naturalized in the United
14 States . . . are citizens of the United States,” a part of U.S. law since 1868. Political
15 messages such as this that avoid naming race directly but manipulate racial concepts and
16 stereotypes to invoke negative reactions in and garner support from the audience are
17 commonly referred to as dog-whistles. The impact of these appeals is heightened by the
18 speakers’ tendencies to equate “immigrant” or “non-citizen” with the derogatory term
19 “illegal” and then use those terms to describe the entire Latino community without regard
20 to actual facts regarding citizenship and/or immigration status.

21
22 Intervenor’s take the position that illegal immigration is a fair topic for political
23 debate, and it is. But the Senate Factors are designed to guide the determination of whether
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1 “the political processes leading to nomination or election in the . . . political subdivision
2 are not equally open to participation by members of” the Latino community. *Gingles*, 478
3 U.S. at 36 (quoting Section 2). If candidates are making race an issue on the campaign trail
4 – especially in a way that demonizes the minority community and stokes fear and/or anger
5 in the majority – the possibility of inequality in electoral opportunities increases. As
6 recognized by the Senate when enacting Section 2, such appeals are clearly a circumstance
7 that should be considered.
8

9 10 **7. Success of Latino Candidates**

11 This Senate Factor evaluates the extent to which members of the minority group
12 have been elected to public office in the jurisdiction, a calculation made more difficult in
13 this case by the fact that the boundaries of the “jurisdiction” have moved over time. The
14 parties agree, however, that in the history of Washington State, only three Latinos were
15 elected to the state Legislature from legislative districts that included parts of the Yakima
16 Valley region. That is a “very, very small number” compared to the number of
17 representatives elected over time and considering the large Latino population in the area.
18 Trial Tr. at 145 (Dr. Estrada testifying). Even when the boundaries of the “jurisdiction” are
19 reduced to county lines, Latino candidates have not fared well in countywide elections: as
20 of the time of trial, only one Latino had ever been elected to the three-member Board of
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1 Yakima County Commissioners, and no Latino had ever been elected to the Franklin
2 County Board of Commissioners.¹⁰

3
4 The Court finds two other facts in the record to be relevant when evaluating the
5 electoral success of Latino candidates in the Yakima Valley region. First, State Senator
6 Nikki Torres, one of the three Latino candidates elected to the state legislature, was elected
7 from LD 15 under the challenged map. Her election is a welcome sign that the race-based
8 bloc voting that prevails in the Yakima Valley region is not insurmountable. The other
9 factor is not so hopeful, however. Plaintiff Soto Palmer testified to experiencing blatant
10 and explicit racial animosity while campaigning for a Latino candidate in LD 15. Her
11 testimony suggests not only the existence of white voter antipathy toward Latino
12 candidates, but also that Latino candidates may be at a disadvantage in their efforts to
13 participate in the political process if, as Ms. Soto Palmer did, they fear to campaign in
14 areas that are predominately white because of safety concerns.
15
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17 **8. Responsiveness of Elected Officials**

18 Senate Factor 8 considers whether there is a significant lack of responsiveness on
19 the part of elected officials to the particularized needs of Latinos in the Yakima Valley
20 region. Members of the Latino community in the area testified that their statewide
21 representatives have not supported their community events (such as May Day and
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23

24
25 ¹⁰ Intervenors criticize Dr. Estrada for disregarding municipal elections, but the Section 2 claim is based on
26 allegations that the boundaries of LD 15 were drawn in such a way that it cracked the Latino vote, a practice that is
virtually impossible in a single polity with defined borders and a sizeable majority. That Latino candidates are
successful in municipal elections where they make up a significant majority of an electorate that cannot be cracked
has little relevance to the Section 2 claim asserted here.

1 Citizenship Day), have failed to support legislation that is important to the community
2 (such as the Washington Voting Rights Act, healthcare funding for undocumented
3 individuals, and the Dream Act), do not support unions and farmworker rights, and were
4 dismissive of safety concerns that arose following the anti-Latino rhetoric of the 2016
5 presidential election. Ms. Lopez and Ms. Soto Palmer have concluded that their
6 representatives in the Legislature simply do not care about Latinos and often vote against
7 the statutes and resources that would help them.
8

9
10 Senator Saldaña, who represents LD 37 on the west side of the state, considers
11 herself a “very unique voice” in the Legislature, one that she uses to help her fellow
12 legislators understand how their work impacts the people of Washington. Trial Tr. 173.
13 When she first went to Olympia as a student advocating for farmworker housing, she
14 realized that the then-senator from LD 15 was not supportive of or advocating for the
15 issues she was hearing were important to the Yakima Valley Latino community, things like
16 farmworker housing, education, dual-language education, access to healthcare, access to
17 counsel, and access to state IDs. Senator Saldaña testified that Latinos from around the
18 state, including the Yakima Valley, seek meetings with her, rather than their own
19 representatives, to discuss issues that are important to them.
20

21
22 Plaintiffs also presented expert testimony on this point. Dr. Estrada compared the
23 2022 legislative priorities of Washington’s Latino Civic Alliance (“LCA”) to the voting
24 records of the legislators from the Yakima Valley region. LCA sent the list of bills the
25 community supported to the legislators ahead of the Legislative Day held in February
26

1 2022. The voting records of elected officials in LD 14, LD 15, and LD 16 on these bills are
2 set forth in Trial Exhibit 4 at 75-76. Of the forty-eight votes cast, only eight of them were
3 in favor of legislation that LCA supported.
4

5 The Intervenors point out that the Washington State Legislature has required an
6 investigation into racially-restrictive covenants, has funded a Spanish-language radio
7 station in the Yakima Valley, and has enacted a law making undocumented students
8 eligible for state college financial aid programs. Even if one assumes that the elected
9 officials from the Yakima Valley region voted for these successful initiatives, Intervenors
10 do not acknowledge the years of community effort it took to bring the bills to the floor or
11 that these three initiatives reflect only a few of the bills that the Latino community
12 supports.
13
14

15 **9. Justification for Challenged Electoral Practice**

16 The ninth Senate Factor asks whether the reasons given for the redrawn boundaries
17 of LD 15 are tenuous. They are not. The four voting members of the redistricting
18 Commission testified at trial that they each cared deeply about doing their jobs in a fair and
19 principled manner and tried to comply with the law as they understood it to the best of
20 their abilities. The boundaries that were drawn by the bipartisan and independent
21 commission reflected a difficult balance of many competing factors and could be justified
22 in any number of rational, nondiscriminatory ways.
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1 **10. Proportionality**

2 Section 2(b) specifies that courts can consider the extent to which members of a
3 protected class have been elected to office in the jurisdiction (an evaluation performed
4 under Senate Factor 7), but expressly rejects any right “to have members of a protected
5 class elected in numbers equal to their proportion in the population.” 52 U.S.C.
6 § 10301(b). The Supreme Court recently made clear that application of the *Gingles*
7 preconditions, in particular the geographically compact and reasonably configured
8 requirements of the first precondition, will guard against any sort of proportionality
9 requirement. *Milligan*, 143 S.Ct. at 1518.
10

11 Other Supreme Court cases evaluate proportionality in a different way, however,
12 comparing the percentage of districts in which the minority has an equal opportunity to
13 elect candidates of its choice with the minority’s share of the CVAP. It is, after all,
14 possible that despite having shown racial bloc voting and continuing impacts of
15 discrimination, a minority group may nevertheless hold the power to elect candidates of its
16 choice in numbers that mirror its share of the voting population, thereby preventing a
17 finding of voter dilution. *See Johnson v. De Grandy*, 512 U.S. 997, 1006 (1994). In *De*
18 *Grandy*, the Supreme Court acknowledged the district court’s *Gingles* analysis and
19 conclusions in favor of the minority population, but found that the Hispanics of Dade
20 County, Florida, nevertheless enjoyed equal political opportunity where they constituted
21 50% of the voting-age population and would make up supermajorities in 9 of the 18 new
22 legislative districts in the county. In those circumstances, the Court could “not see how
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1 these district lines, apparently providing political effectiveness in proportion to voting-age
2 numbers, deny equal political opportunity.” *De Grandy*, 512 U.S. at 1014. The Supreme
3 Court subsequently held that the proportionality check should look at equality of
4 opportunity across the entire state as part of the analysis of whether the redistricting at
5 issue dilutes the voting strength of minority voters in a particular legislative district.
6 *LULAC v. Perry*, 548 U.S. 399, 437 (2006).¹¹

7
8 The proportionality inquiry supports plaintiffs’ claim for relief under Section 2 even
9 if evaluated on a statewide basis. Although Latino voters make up between 8 and 9% of
10 Washington’s CVAP, they hold a bare majority in only one legislative district out of 49, or
11 2%. Given the low voter turnout rate among Latino voters in the bare-majority district,
12 Latinos do not have an effective majority anywhere in the State. They do not, therefore,
13 enjoy roughly proportional opportunity in Washington.
14
15

16 Intervenor’s argue that the proportionality inquiry must focus on how many
17 legislative districts are represented by at least one Democrat, whom Latino voters are
18 presumed to prefer. From that number, Intervenor’s calculate that 63% of Washington’s
19 legislative districts are Latino “opportunity districts” as defined in *Bartlett v. Strickland*,
20

21
22 ¹¹ The Court notes that the record in *Perry* showed “the presence of racially polarized voting – and the possible
23 submergence of minority votes – throughout Texas,” and it therefore made “sense to use the entire State in assessing
24 proportionality.” 548 U.S. at 438. There is nothing in the record to suggest the presence of racially polarized voting
25 throughout Washington, and almost all of the testimony and evidence at trial focused on the totality of the
26 circumstances in the Yakima Valley region. A statewide assessment of proportionality seems particularly
inappropriate here where the interests and representation of Latinos in the rural and agricultural Yakima Valley region
may diverge significantly from those who live in the more urban King and Pierce Counties. Applying a statewide
proportionality check in these circumstances “would ratify ‘an unexplored premise of highly suspect validity: that in
any given voting jurisdiction ..., the rights of some minority voters under § 2 may be traded off against the rights of
other members of the same minority class.’” *Perry*, 548 U.S. at 436 (quoting *De Grandy*, 512 U.S. at 1019).

1 556 U.S. 1, 13 (2009). The cited discussion defines “majority-minority districts,”
2 “influence districts,” and “crossover districts,” however, and ultimately concludes that a
3 district in which minority voters have the potential to elect representatives of their own
4 choice – the key to the Section 2 analysis – qualifies as a majority-minority district.
5 *Bartlett*, 556 U.S. at 15. As discussed in *Perry*, then, the proper inquiry is “whether the
6 number of districts in which the minority group forms an effective majority is roughly
7 proportional to its share of the population in the relevant area.” 548 U.S. at 426. *See also*
8 *Old Person v. Cooney*, 230 F.3d 1113, 1129 (9th Cir. 2000) (describing “proportionality”
9 as “the relation of the number of majority-Indian voting districts to the American Indians’
10 share of the relevant population). The fact that Democrats are elected to statewide offices
11 by other voters in other parts of the state is not relevant to the proportionality evaluation.¹²
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15 Regardless, the Court finds that, in the circumstances of this case, the
16 proportionality check does not overcome the other evidence of Latino vote dilution in LD
17 15. The totality of the circumstances factors “are not to be applied woodenly,” *Old Person*,
18 230 F.3d at 1129, and “the degree of probative value assigned to proportionality may vary
19 with other facts,” *De Grandy*, 512 U.S. at 1020. In this case, the distinct history of and
20 economic/social conditions facing Latino voters in the Yakima Valley region make it
21 particularly inappropriate to trade off their rights in favor of opportunity or representation
22 enjoyed by others across the state. The intensely local appraisal set forth in the preceding
23
24

25
26 ¹² Intervenors also suggest that a comparison of the statewide Latino CVAP with the number of Latino members of the state Legislature is the appropriate way to evaluate proportionality. No case law supports this evaluative method.

1 sections shows that the enactment of LD 15 has diluted the Latino vote in the Yakima
2 Valley region in violation of plaintiffs’ rights under Section 2. “[B]ecause the right to an
3 undiluted vote does not belong to the minority as a group, but rather to its individual
4 members,” the wrong plaintiffs have suffered is remediable under Section 2. *Perry*, 548
5 U.S. at 437.

7 * * *

8
9 The question in this case is whether the state has engaged in line-drawing which, in
10 combination with the social and historical conditions in the Yakima Valley region, impairs
11 the ability of Latino voters in that area to elect their candidate of choice on an equal basis
12 with other voters. The answer is yes. The three *Gingles* preconditions are satisfied, and
13 Senate Factors 1, 2, 3, 5, 6, 7, and 8 all support the conclusion that the bare majority of
14 Latino voters in LD 15 fails to afford them equal opportunity to elect their preferred
15 candidates. While a detailed evaluation of the situation in the Yakima Valley region
16 suggests that things are moving in the right direction thanks to aggressive advocacy, voter
17 registration, and litigation efforts that have brought at least some electoral improvements
18 in the area,¹³ it remains the case that the candidates preferred by Latino voters in LD 15
19 usually go down in defeat given the racially polarized voting patterns in the area.
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23 ¹³ As Ms. Soto Palmer eloquently put it in response to the Court’s questioning:

24 So I agree with you, there is progress being made. But I believe that many in my community would
25 like to get to a day where we don’t have to advocate so hard for the Latino and Hispanic
26 communities to be able to fairly and equitably elect someone of their preference, so that we can
work on other things that will benefit all of us, such as healthcare for all, and other things that are
really important, like income inequality, and so forth. . . . So it is my hope that every little step of
the way, anything I can do to help us get there, that is why I’m here.

1 Intervenors make two additional arguments that are not squarely addressed through
2 application of the *Gingles* analysis. The first is that the analysis is inapplicable where the
3 challenged district already contains a majority Latino CVAP, and the Court should “simply
4 hold that, as a matter of sound logic, Hispanic voters have equal opportunity to participate
5 in the democratic process and elect candidates as they choose.” Dkt. # 215 at 13. The
6 Supreme Court has recognized, however, that “it may be possible for a citizen voting-age
7 majority to lack real electoral opportunity,” *Perry*, 548 U.S at 428, and the evidence shows
8 that that is the case here. A majority Latino CVAP of slightly more than 50% is
9 insufficient to provide equal electoral opportunity where past discrimination, current
10 social/economic conditions, and a sense of hopelessness keep Latino voters from the polls
11 in numbers significantly greater than white voters. Plaintiffs have shown that a
12 geographically and reasonably configured district could be drawn in which the Latino
13 CVAP constitutes an effective majority that would actually enable Latinos to have a fair
14 and equal opportunity to obtain representatives of their choice. That is the purpose of
15 Section 2, and creating a bare, ineffective majority in the Yakima Valley region does not
16 immunize the redistricting plan from its mandates.
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23 Trial Tr. at 307-08. Mr. Portugal similarly pointed out that while incremental improvement in political representation
24 is possible, it will not come without continued effort on the part of the community:

25 I think with advocacy and being able to continue organizing, and not give up, because it’s a lot of
26 things that we still have, in a lot of areas that are affecting our community, to get to the point where
we can have some great representation. So, yes, [things can slowly improve] – they will continue,
but we need to – we cannot let the foot off the gas

Trial Tr. at 842.

1 Intervenor’s second argument is that plaintiffs have not been denied an equal
2 opportunity to elect candidates of their choice because of their race or color, but rather
3 because they prefer candidates from the Democratic Party, which, as a matter of partisan
4 politics, is a losing proposition in the Yakima Valley region. Party labels help identify
5 candidates that favor a certain bundle of policy prescriptions and choices, and the
6 Democratic platform is apparently better aligned with the economic and social preferences
7 of Latinos in the Yakima Valley region than is the Republican platform. Intervenor’s are
8 essentially arguing that Latino voters should change the things they care about and
9 embrace Republican policies (at least some of the time) if they hope to enjoy electoral
10 success.¹⁴ But Section 2 prohibits electoral laws, practices, or structures that operate to
11 minimize or cancel out minority voters’ ability to elect their preferred candidates: the focus
12 of the analysis is the impact of electoral practices on a minority, not discriminatory intent
13 towards the minority. *Milligan*, 143 S.Ct. at 1503; *Gingles*, 478 at 47-48 and 87. There is
14 no indication in Section 2 or the Supreme Court’s decisions that a minority waives its
15 statutory protections simply because its needs and interests align with one partisan party
16 over another.

21 Intervenor’s make much of the fact that Justice Brennan was joined by only three
22 other justices when opining that “[i]t is the difference between the choices made by blacks
23 and white – not the reasons for that difference – that results in blacks having less
24

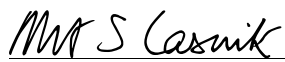
25 ¹⁴ As noted above in n.8, there is evidence in the record that Latino voters in the Yakima Valley region did coalesce
26 around a Republican candidate in the 2020 Superintendent of Public Institutions race. Intervenor’s do not acknowledge
this divergence from the normal pattern, nor do they explain how it would impact their partisanship argument.

1 opportunity than whites to elect their preferred representatives.” *Gingles*, 478 U.S. at 63.
2 But Justice O’Connor disagreed with Justice Brennan on this point only because she could
3 imagine a very specific situation in which the reason for the divergence between white and
4 minority voters could be relevant to evaluating a claim for voter dilution. Such would be
5 the case, she explained, if the “candidate preferred by the minority group in a particular
6 election was rejected by white voters for reasons other than those which made the
7 candidate the preferred choice of the minority group.” *Gingles*, 478 U.S. at 100. In that
8 situation, the oddity that made the candidate unpalatable to the white majority would
9 presumably not apply to another minority-preferred candidate who might then “be able to
10 attract greater white support in future elections,” reducing any inference of systemic vote
11 dilution. *Gingles*, 478 U.S. at 100. There is no evidence that Latino-preferred candidates in
12 the Yakima Valley region are rejected by white voters for any reason other than the
13 policy/platform reasons which made those candidates the preferred choice, and there is no
14 reason to suspect that future elections will see more white support for candidates who
15 support unions, farmworker rights, expanded healthcare, education, and housing options,
16 *etc.* Especially in light of the evidence showing significant past discrimination against
17 Latinos, on-going impacts of that discrimination, racial appeals in campaigns, and a lack of
18 responsiveness on the part of elected officials, plaintiffs have shown inequality in electoral
19 opportunities in the Yakima Valley region: they prefer candidates who are responsive to
20 the needs of the Latino community whereas their white neighbors do not. The fact that the
21 candidates identify with certain partisan labels does not detract from this finding.
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1 For all of the foregoing reasons, the Court finds that the boundaries of LD 15, in
2 combination with the social, economic, and historical conditions in the Yakima Valley
3 region, results in an inequality in the electoral opportunities enjoyed by white and Latino
4 voters in the area. The Clerk of Court is directed to enter judgment in plaintiffs' favor on
5 their Section 2 claim. The State of Washington will be given an opportunity to adopt
6 revised legislative district maps for the Yakima Valley region pursuant to the process set
7 forth in the Washington State Constitution and state statutes, with the caveat that the
8 revised maps must be fully adopted and enacted by February 7, 2024.

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10
11 The parties shall file a joint status report on January 8, 2024, notifying the Court
12 whether a reconvened Commission was able to redraw and transmit to the Legislature a
13 revised map by that date. If the Commission was unable to do so, the parties shall present
14 proposed maps (jointly or separately) with supporting memoranda and exhibits for the
15 Court's consideration on or before January 15, 2024. Regardless whether the State or the
16 Court adopts the new redistricting plan, it will be transmitted to the Secretary of State on
17 or before March 25, 2024, so that it will be in effect for the 2024 elections.
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19

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21 Dated this 10th day of August, 2023.

22
23 
24 Robert S. Lasnik
25 United States District Judge
26

Nos. 23-35595 & 24-1602

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SUSAN SOTO PALMER, et al.,
Plaintiff-Appellees,

v.

STEVEN HOBBS, in his official capacity as Secretary of State of
Washington, and the STATE OF WASHINGTON,
Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS, and State Representative
ALEX YBARRA,
Intervenor-Defendant-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
Case No. 3:22-cv-05035 RSL

INTERVENORS-APPELLANTS' EXCERPTS OF RECORD
VOLUME 2 of 3

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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, et. al.,
Plaintiffs,
v.
STEVEN HOBBS, et. al.,
Defendants,
and
JOSE TREVINO, ISMAEL CAMPOS,
and ALEX YBARRA,
Intervenor-Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

**PLAINTIFFS’ NOTICE OF
FILING REMEDIAL MAP 3B
AND PROPOSED ORDER**

At the March 8, 2024 hearing, the Court requested that Plaintiffs make alterations to their proposed Remedial Map 3A to address “trapped polygon”¹ issues identified in two declarations of Nicholas Pharris—the Support Lead for the VoteWA/TotalAddress election management system in the Elections Division of the Office of the Secretary of State—see Docs. 270 & 286, as well as to incorporate three public domain land parcels identified by the Yakama Nation that were on the border of the original version of proposed Map 3A, see Docs. 272 at 5-12; Doc. 277 at 6 n.5.

¹ A “trapped polygon” in this instance refers to a small area of land that would be in a different legislative district than the balance of its corresponding city council or county commissioner district and thus, without modifications to the legislative map, may necessitate the creation of and additional precinct.

1 Plaintiffs have addressed these issues as follows and submit Map 3B (renamed to avoid confusion)
2 reflecting these changes by email to the Court, the special master, and the parties. As Mr. Pharris’s
3 declarations note, most changes affect zero or very few people and thus the map’s characteristics—
4 and remedial performance—are unaffected.

5 **Public Domain Land Parcels.** Plaintiffs have adjusted Map 3A to include within
6 Legislative District (“LD”) 14 the three parcels identified in the Yakama Nation’s filing, Doc. 272,
7 that Dr. Oskooii identified to be resolved, Doc. 277 at 6 n.5.

8 **“Trapped Polygons” Remedied by Shifting Full Census Blocks.** Most of the “trapped
9 polygons” identified in Mr. Pharris’s declaration can be remedied by shifting entire Census Blocks
10 between districts, as Mr. Pharris suggested. Plaintiffs have adjusted Map 3A to make all of Mr.
11 Pharris’s recommended adjustments—remedying the issues described in paragraph 9-17 and 19-
12 22 of his initial declaration, Doc. 270, and the sole issue raised in his second declaration, Doc. 286.

13 **“Trapped Polygons” Requiring Census Block Splits.** Four of the “trapped polygons”
14 identified by Mr. Pharris are the result of cities annexing *portions* of Census Blocks in the time
15 since the 2020 Census was completed, such that the city boundaries do not align with Census Block
16 boundaries. It is advisable that these polygons be addressed in the remedial map as they contain a
17 handful of voters, and voter privacy is best maintained by avoiding the need to create new precincts
18 containing 1-2 voters each. Plaintiffs and the Secretary have conferred in the time since the March
19 8 hearing and have concluded that the best way to address this category² is for the Court to describe

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² The redistricting software available to Plaintiffs cannot readily split Census Blocks, but the
24 Secretary has confirmed he can implement a map the Court orders with split Census Blocks. As
25 Mr. Pharris’s declaration notes, only seven voters are affected so there is no effect on the
26 population deviation of the districts. Doc. 270, ¶¶ 23-26. Several other states have some split
Census Blocks in their legislative districts. *See* United States Census Bureau, State Legislative

1 the required adjustments in its remedial order, which the Secretary can then implement. Plaintiffs
2 have attached to this Notice a Proposed Order that includes suggested language—which has been
3 reviewed by the Secretary and confirmed to resolve the identified issues—that would adopt Map
4 3B with this category of “trapped polygons” remedied as suggested by Mr. Pharris’s declaration.

5 **Klickitat County/Yakama Nation Border.** Klickitat County’s Commissioner District
6 boundaries do not adhere to the Yakama Nation Reservation boundary. As a result, there are five
7 small, unpopulated areas of land where the “trapped polygon” issue arises, as noted in paragraph
8 18 of Mr. Pharris’s initial declaration, Doc. 270. There are two ways to address this issue.

9
10 First, the legislative boundary can remain as it is in Plaintiffs’ proposal. This approach will
11 respect the boundary of the Yakama Nation Reservation in the legislative map but will require
12 Klickitat County to do one of two things: (1) it can adjust the boundary between County
13 Commissioner Districts 1 and 2 to match the Yakama Nation Reservation boundary in the area
14 identified in paragraph 18 of Mr. Pharris’s declaration or (2) it can create one or more new, zero-
15 population precinct(s) to include the “trapped polygon” territory.

16
17 Second, the legislative boundary in Map 3A can be adjusted to match the boundary of
18 Klickitat County Commissioner Districts 1 and 2 in the area identified in paragraph 18 of Mr.
19 Pharris’s declaration. This would leave a small, unpopulated portion of the Yakama Nation
20 Reservation outside of LD14, but would eliminate the “trapped polygon” issue.

21
22 Plaintiffs believe the most appropriate choice is the first option, *i.e.*, to respect the Yakama
23 Nation Reservation boundary in the legislative map. Plaintiff would encourage the Klickitat
24 County Commission to make a minor adjustment to the boundaries of its county commissioner
25 _____
26 Districts, <https://www.census.gov/programs-surveys/decennial-census/about/rdo/state-legislative-district.html>.

1 district to conform to the Yakama Nation’s Reservation boundary in this region. Regardless of
2 how Klickitat County addresses the issue, however, the Secretary built time into the schedule for
3 these types of adjustments when he requested a remedial map be determined by March 2024. *See*
4 Doc. 179. And zero people are affected regardless of how the county chooses to respond.³

5 The attached Proposed Order adopts Map 3B, which makes all the corrections noted above,
6 and orders the implementation of that map with the minor adjustments necessary to remedy the
7 partial Census Block trapped polygons. Adopting this proposed order will ensure that zero people
8 are affected by any of the issues raised in Mr. Pharris’s declarations and minimize the need for
9 county-level changes to implement the map.
10

11
12 Dated: March 14, 2024

13 By: /s/ Mark P. Gaber

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³ If the Court disagrees and concludes that it is better to ensure that zero “trapped polygons” remain to be addressed by the county, it can add the following sentence to the list of adjustments in Plaintiffs’ Proposed Order: “Reassign Klickitat County Census Blocks 530399501012106, 530399501012105, 530399501012112, and 530399501012114 from LD14 to LD17; reassign Klickitat County Census Block 530399503022058 from LD17 to LD14.”

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CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 13th day of March, 2024 via the Court’s CM/ECF system.

/s/ Mark P. Gaber
Mark P. Gaber
Counsel for Plaintiffs

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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, et. al.,
Plaintiffs,
v.
STEVEN HOBBS, et. al.,
Defendants,
and
JOSE TREVINO, ISMAEL CAMPOS,
and ALEX YBARRA,
Intervenor-Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

**PLAINTIFFS’ PROPOSED
ORDER ADOPTING
REMEDIAL MAP 3B**

Having concluded that the current Washington legislative district map violates Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, and having (1) considered the parties’ remedial briefing, expert declarations, and submissions, (2) heard the expert and lay testimony offered by Plaintiffs and Intervenors at the March 8, 2024 remedial hearing, and (3) having heard from counsel for the Yakama Nation at the March 8, 2024 remedial hearing, the Court has determined that it will order Defendants to implement Plaintiffs’ proposed remedial map 3B, as submitted to the Court and provided to the parties on March 13, 2024, with the following adjustments to be made by Defendants in implementing the map:

1 (1) Reassign that portion of Census Block 530770018013012 annexed by the City of
2 Grandview (Ordinance 2022-12, effective Aug. 29, 2022) from Legislative District (“LD”) 15 to
3 LD14;

4 (2) Reassign that portion of Census Block 530770018012077 annexed by the City of
5 Grandview (Ordinance 2021-13, effective Oct. 4, 2021) from LD15 to LD14;

6 (3) Reassign that portion of Census Blocks 530770020042004 and 530770020042005
7 annexed by the City of Sunnyside (Ordinance 2020-06A, effective Aug. 10, 2020) from LD15 to
8 LD14; and
9

10 (4) Reassign that portion of Census Block 530770018011075 annexed by the City of
11 Sunnyside (Ordinance 2021-06, effective June 21, 2021) from LD15 to LD14.

12 **IT IS SO ORDERED.**

13 Dated this ___ day of March, 2024.
14

15 _____
16 Robert S. Lasnik
17 United States District Judge
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IN THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as Secretary of State of Washington, and the STATE OF WASHINGTON,

Defendants,

and,

JOSE TREVINO, ISMAEL G. CAMPOS, and State Representative ALEX YBARRA,

Intervenor-Defendants.

Case No. 3:22-CV-5035-RSL

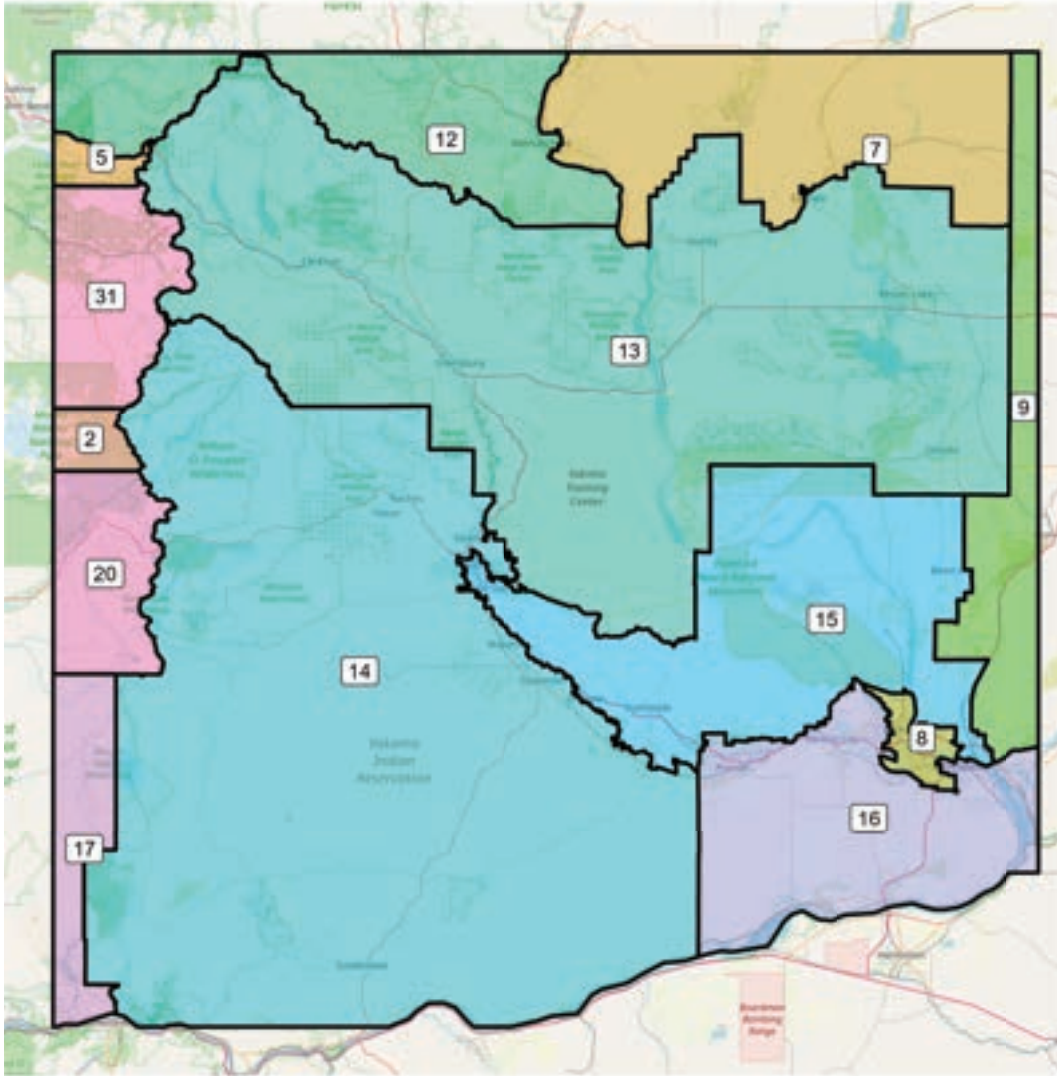
DECLARATION OF SEAN P. TRENDE, Ph.D.

1. Toward the conclusion of the March 8, 2024 hearing in this case, the Court requested that I address certain concerns that the plaintiffs' experts had raised with respect to the map described in my February 23, 2024 report.
2. I am submitting, along with this declaration, an updated map that addresses these concerns.
3. To address the contiguity issue raised by Plaintiffs, I moved the East Wahluke precinct in Grant County from District 13 to District 15. This results in a shift of 775 residents from District 13 to District 15. This also adds the Vernita Bridge along State Route 24 to District 15, providing a bridge across the Columbia River and addressing the contiguity issue.
4. Note that this does not add a county split. It simply reintroduces one that had been present in the Enacted Map. This precinct was originally in District 15 in the Enacted Map; I moved it to District 13 in the Feb. 23 map only because it made it possible to *remove* a county split created by the Enacted Map. By moving it back to District 15, I return to the same number of county splits as the original map.
5. I then have to re-balance populations to compensate for the loss of 775 residents from District 13 and accompanying gain in population in District 15. I therefore shift 757 residents from District 14 to District 13 by shifting a part of Precinct 4402 in Yakima County.
6. I then shift Precinct 162 in the City of Yakima and part of Precinct 150 in the City of Yakima to District 14 from District 15, moving a total of 689 residents. I also am now able to remove the odd-looking appendage at the bottom of District 15 by shifting Precinct 3105 in Yakima County into District 14, along with the empty precinct 300.
7. I did not address the split of the Yakama Nation Reservation in Union Gap that Dr. Oskooii identified, because Union Gap is also intact in the Enacted Plan, and is

separated from the Yakama Nation Reservation. I understood the Yakama Nation's preference as being to hew to the configuration of District 14 in the Enacted Map as much as possible. If the Court would like this changed, it is a relatively minor matter of shifting these precincts into District 14, and then adding some blocks from District 14 to District 15 in the City of Yakima.

8. Also, because the Court did not order it, I did not renumber any districts. It would be trivial to order District 15 renumbered to District 14 and vice-versa.
9. An image of the map centered on the three affected districts follows:

Figure 1: Intervenor-Defendants' Map



10. District 13 now has 10 more residents than the ideal population. District 15 has 29 fewer residents than the ideal population. District 14 has 2 fewer residents than the ideal population. This is well within the population deviations found in the Enacted Map.

11. District 15's 2021 Hispanic CVAP remains at 51.1%.

12. The politics of District 15 are functionally unchanged. The Democratic candidate

for Treasurer in 2020 received 50.5% of the vote under the Feb. 23 version of District 15; that candidate received 50.5% of the vote in this iteration. President Biden received 52.8% of the vote under the Feb. 23 version of District 15; he received 52.8% of the vote under this version. The Democratic candidates for Attorney General and Governor in 2020 likewise received the same vote share in both iterations of the district. Hillary Clinton received 50.1% of the vote (to Donald Trump's 44%) under this version of District 15, compared to a 50.2% to 44% margin under the previous version.

13. This map splits 277 precincts, compared to 284 split precincts under the Enacted Map.
14. All overall compactness of these districts are improved from the map presented to the Court. District 13 had a Reock Score of 0.289 and a Polsby-Popper of 0.265. The Reock score is now 0.2778 and the Polsby-Popper is 0.2419. District 14 had a Reock Score of 0.5165 and a Polsby-Popper of 0.3452. The Reock is now 0.5218 and the Polsby-Popper is 0.3476. District 15 had a Reock Score of 0.2151 and a Polsby-Popper of 0.145. Those scores are now 0.2377 and 0.1755.
15. In short, it is possible to comply with this Court's request of providing a functionally contiguous Remedial District that still performs as well as the District provided in my Feb. 23 report. It provides an option for this Court to order the creation of a district that will allow Hispanic residents of the region to elect their candidate of choice, and that addresses the concerns of the Yakama Nation without the disruptive second- and third-order effects of some of the other alternatives provided.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge and belief. Executed on 13 March, 2024 in Delaware, Ohio.

Sean Trends

Sean P. Trends

IN THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as Secretary of State of Washington, and the STATE OF WASHINGTON,

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SUPPLEMENTAL EXPERT REPORT OF SEAN P. TRENDE, Ph.D.

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1 Expert Qualifications

My qualifications were set out in my December 22, 2023 Expert Report of Sean P. Trende, Ph.D., in this matter (hereinafter “First Trende Report” or “First Report”). They have not changed materially since then. I have not testified in any additional matters, nor have I been deposed in any.

2 Scope of Engagement

I was engaged to file a report pursuant to the Court’s order for supplemental expert reports on Plaintiffs’ Map 3A. I have also been asked to determine if it is plausible to draw a map that will address the concerns of the Yakama Nation regarding the Remedial maps submitted by Dr. Oskooii while still creating a district that addresses this Court’s ordered remedy: that the district will give Hispanic voters the opportunity to elect their candidate of choice. In my opinion, it is possible to draw a map that will simultaneously (1) address the concerns of the Yakama Nation; (2) contain a minority majority district; and (3) provide a reasonable opportunity for Democrats to win the district referenced in (2). I have labelled this map “Intervenor-Defendants Yakama Nation Inclusion Proposed Alternative Map,” but will refer to it as the “Intervenor-Defendants’ Map” or simply “Proposed Map” for shorthand.

This map will also alleviate many of the needlessly far-reaching consequences created by Map 3A. Because Map 3A was submitted to the Court after my First Report was filed, I will evaluate it here. I will also respond to criticisms of my previous analysis offered by Dr. Oskooii in his January 5, 2024 “Rebuttal Expert Report Submitted on Behalf of Plaintiffs,” (hereinafter “Oskooii Report”) insofar as those criticisms would still be relevant to my analysis here.

3 Methodology

To create this map I began with the existing districts that governed the 2022 elections in Washington (“Enacted Map”). I then sought to transform District 15 into a minority-majority district that was typically carried by statewide Democratic candidates. While this was a goal, I did not let these concerns predominate, instead prioritizing the traditional principles of minimizing county and jurisdictional splits, respecting communities of interest (including the requests of the Yakama Nation), and drawing reasonably compact, contiguous districts. I also sought to minimize disruption to adjoining districts. It is likely possible to draw a district with a higher HCVAP or Democratic performance by allowing race or politics to predominate over these concerns; these maps were excluded from consideration.

4 Analysis of Demonstration Map 3A and Intervenor-Defendants' Map

4.1 Yakama Nation Concerns

In correspondence to the Attorney General of Washington, dated Dec. 22, 2023, the Chairman of the Yakama Nation Tribal Council expressed his concerns with the various remedial maps proposed by plaintiffs in this case. The Chairman explained that the tribe wished to preserve the political integrity of the Yakama Reservation boundary and “incorporate off-Reservation trust land *with its associated Yakama communities of interest* into one representative district.” (Ex. 2) (emphasis supplied). In particular, he noted that “[n]one of the [plaintiffs’ proposed] remedial maps represent the Yakama Nation’s interests to the same degree as the current 14th Legislative District that was a product of the Yakama Nation’s active participation as a sovereign government in consultative posture with the Washington State Redistricting Commission.” He concluded that “the Yakama Nation encourages your advocacy for the remedial redis-

tricting which respects the Yakama Reservation political boundaries and incorporates the greatest amount of off-Reservation trust land and associated communities of interest with Indigenous voting populations.” *Id.*

This is consistent with testimony adduced at trial, which demonstrated that the Yakama Nation’s concerns were not limited to the Reservation boundaries itself, but also reflect concerns that “their traditional hunting and fishing lands[] be contained within one Legislative District. ” Trial Tr. 714:25-715:16.

To my knowledge, this information is not located in a single document. Important facets of it can, however, be pieced together by comments made by the tribe throughout the redistricting process. For example, in a November 4, 2021 letter the chairman praised District 4 (which includes Klickitat, Benton and Yakima counties) in the congressional map for creating “shared representative interests in protecting water quality and habitat along a majority of the Columbia River and many of its tributary basins” and including “the Yakama Nation’s significant human service areas and public safety districts adjacent to the Reservation.” (Ex. 3). He also praised Legislative District 14 for incorporating “Yakama members living in established tribal communities off-Reservation and on federal trust property along the Columbia River,” for including human service and public safety areas adjacent to the district, and for including “critical natural resource management areas for the protection of adjacent forests and rivers.” *Id.*

PowerPoint presentations provided to the Commission on August 6, 2021 likewise demonstrate a desire on the part of the Yakama Nation to include areas from “the river to the river” – that is, that it should provide “single representation between the Yakima River and Columbia River.” The communication noted that the 1992 and 2002 maps had achieved this goal; these maps paired the Yakama Nation with Klickitat County in its entirety. (Ex. 4). The tribe further specified a particular interest in service benefit areas and environmental stewardship areas “particularly to the south of the Yakima Reservation.” (Ex. 5). It also referred to a short film “Land of the Yakamas,” which references the importance of the Klickitat River and White Salmon River. *See* <https://>

[//yakamafish-nsn.gov/LandOfTheYakamas](https://yakamafish-nsn.gov/LandOfTheYakamas), at 2:19–2:25. In a June 3, 2021 letter, the tribe urged the Commission to reject “any legislative mapping that demonstrably ‘cracks’ the indigenous voting population located south of the Yakima River in Klickitat and Skamania Counties.” (Ex. 6).

Other sources further emphasize the importance of the region south of the Yakama Reservation to the tribe. The State of Washington has identified Husum as a “historic Yakama Nation fishing village,” and noted that the tribe has been “highly involved in the protection and restoration of the [White Salmon] River.” apps.ecology.wa.gov/publications/documents/2303103.pdf. White Salmon includes a treaty fishing access site that is “for the exclusive use of Indian fishers from the four Columbia River Intertribal Fish Commission (one is the Yakama Nation) CRITFC member tribes.” <https://critfc.org/for-tribal-fishers/in-lieutreaty-fishing-access-sites/>. The tribe has also been involved in restoration projects in the Klickitat River Watershed. <http://www.ykfp.org/klickitat/>. See also <https://yakamafish-nsn.gov/restore/projects/yakima-klickitat-fisheries-project-ykfp> (describing Tribal restoration efforts within the Yakima and Klickitat River watersheds).

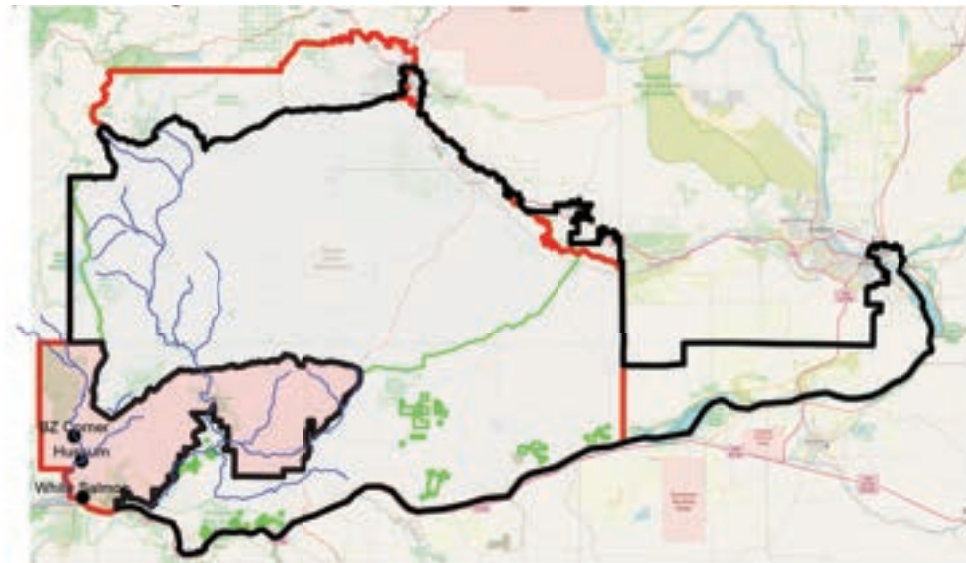
All of these are excluded from Remedial Map 3A, District 14. The following map depicts Remedial Map 3A, District 14 with a black line. Reservation Boundaries and Off-Reservation Trust Lands are depicted with a green line, while Enacted Map District 14 is drawn with a red line. As you can see, Remedial Map 3A, District 14 does appear to include the Reservation in its entirety, as well as the various Off-Reservation Trust Lands.

But, unlike District 14 in the Enacted Map, it does not include all of the tribal areas “from the river to the river.” In particular, it excludes the tribe’s fishing access site in White Salmon. It excludes historic fishing villages along the White Salmon River. It also trifurcates the Klickitat River and its watershed, while eliminating the White Salmon River entirely from the district. This, then, eliminates the Enacted Map’s establishment of “shared representative interests in protecting water quality and habitat along a majority

of the Columbia River and many of its tributary basins.”

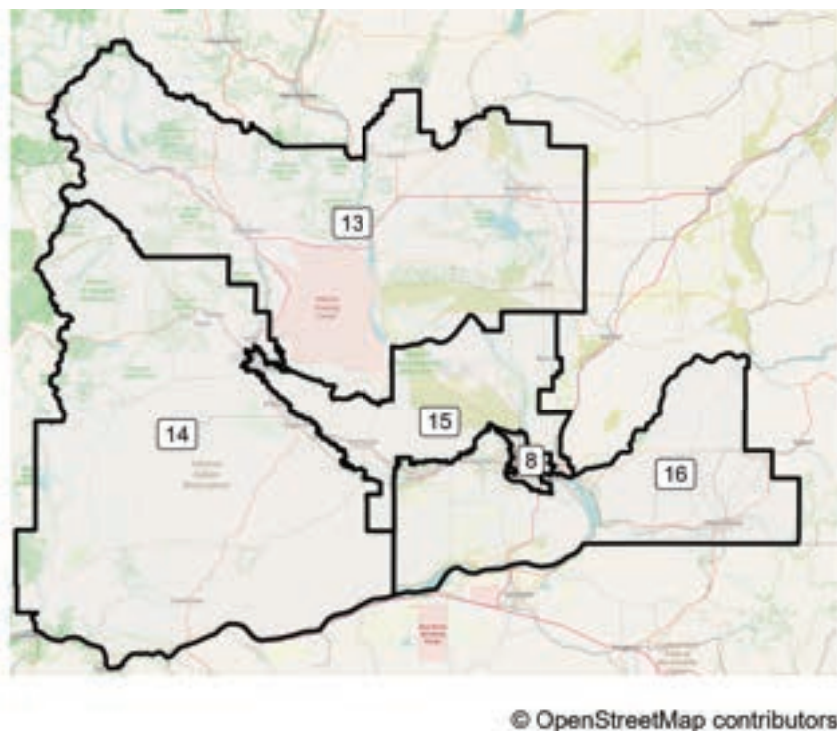
Figure 1: Remedial Map 3A District 14, Enacted Map District 15, and Tribal Areas

(a) Green line = Yakama Nation Reservation boundaries and Off-Reservation Trust Land; Red line = Enacted District 15; Black line = Remedial Map 3A District 14; Blue lines = Klickitat and White Salmon River Watersheds; Red area = Area excluded from District 14



It does not have to be that way, though. Intervenor-Defendants' Map alters just three legislative districts: 13, 14 and 15.

Figure 2: Intervenor-Defendants proposed district boundaries, Yakima River valley



Future sections in this supplemental report will explore various features and facets of this map, but for our purposes here, the relevant fact is that the only changes to the southern or western boundary of Enacted District 14 are the removal of two precincts in Eastern Yakima County (which are not contained within the Yakama Nation),¹ and changes to some precincts in the City of Yakima. In other words, with respect to the Tribal Lands, the Enacted Map is kept intact. This map would therefore “respect the Yakama Nation’s political boundaries and incorporate the greatest amount of off-reservation trust land and associated communities of interest with indigenous voting populations. . . . to the same degree as the current 14th legislative district that was a product of the Yakama Nation’s active participation as a sovereign government in consultative posture with the Washington State Redistricting Commission.”

¹This appendage was created as a tradeoff for keeping Moxee and Terrace Heights intact elsewhere in the map.

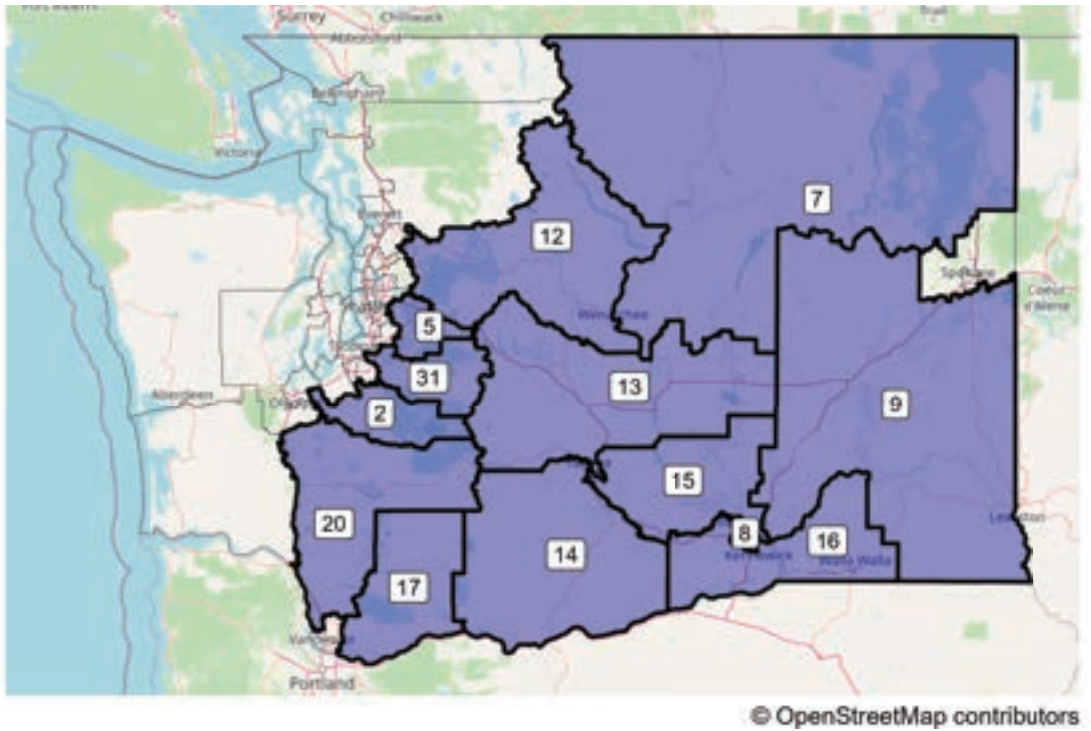
4.2 Overview of Intervenor-Defendants' Map, Compared to Remedial Map 3A

Remedial Map 3A makes only minor changes to Remedial Map 3; most of the critiques from my initial report apply here as well.² Regardless, as you can see, Remedial Map 3A requires a redraw of most of the districts in eastern Washington, as well as several districts in suburban Seattle and Tacoma.³

²Dr. Oskooii criticizes my initial report for not thoroughly examining Washington's redistricting criteria. See Oskooii Report, at ¶11. That is not what I was asked to do, however, likely because Intervenor-Defendants do not believe it is their burden to prove that Dr. Oskooii's proposed remedial maps fail to comply with *all* of the relevant criteria. I have no doubt, for example, that Dr. Oskooii was able to draw maps that were contiguous; since that is not in dispute it did not seem worth including in my report.

³Dr. Oskooii insists that disruptions of the magnitude he creates with his remedial maps are "unavoidable." See Oskooii Report at ¶14. It's true that you can't alter one district without altering at least one more, but it is by no means guaranteed that such a shift will cascade into 12 additional districts. Indeed, Dr. Oskooii's own maps suggest that such movement is not unavoidable: Two of his proposed maps alter two fewer districts than Map 3A, while one of them alters just four districts in total. Given that Dr. Oskooii was aware of at least one less-disruptive alternative, it *is* "unexpected" that he would draw maps that redrew most of the districts in Eastern Washington and then claim that this was demanded by the "realities of redistricting." *id.* ¶16. In fact, as shown below, it is demanded by his decision to split the areas south of the Yakama Nation. While Dr. Oskooii insists that my emphasis on the Enacted Map is misplaced, *id.*, in my experience advising commission on the VRA and in litigating these cases, minimizing changes to the legislature's preferred map is critical for federal courts.

Figure 3: Enacted Districts altered by Remedial Map 3A



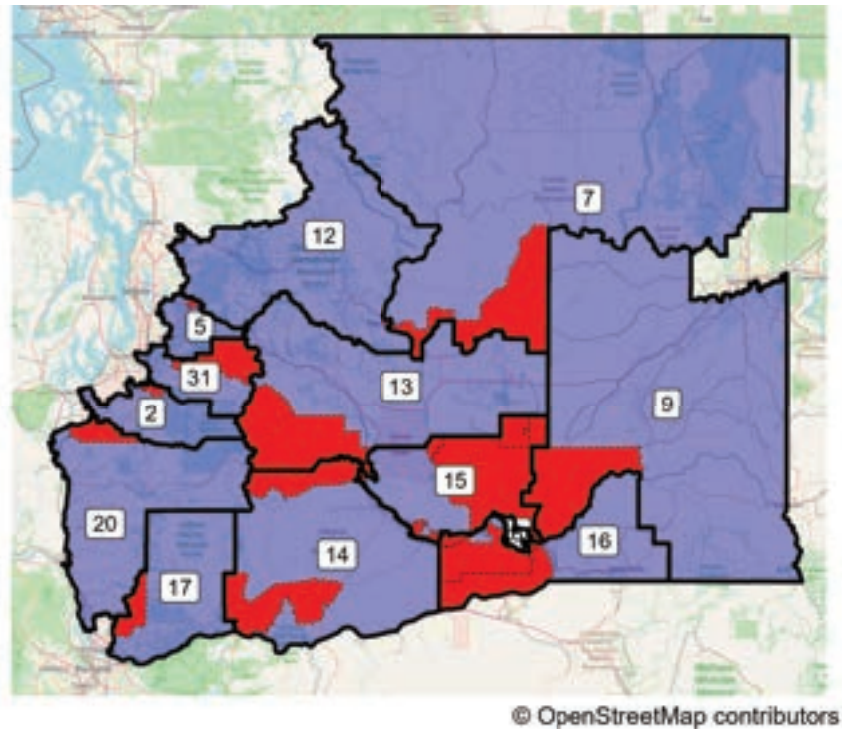
The Proposed Map, on the other hand, changes only three districts.

Figure 4: Enacted Districts altered by Intervenor-Defendants' Map 3A



The following map, adapted from my first report, shows the areas that are changed in Remedial Map 3A by highlighting the census blocks that are changed. As you can see, to make Map 3A work, Dr. Oskooii “walks” the districts around much of Eastern Washington, disrupting 13 districts.

Figure 5: Blocks Changed in Remedial Map 3A



Note that this is not necessitated by the "realities of redistricting," but rather by Dr. Oskooii's decision to split up the area immediately south of the Yakama Reservation which the tribe had fought to include in a single district. You can see this in the following table, which details the movement of populations from district to district. 15,726 individuals are moved out of 14 and into 17. 15,639 individuals are moved from 17 to 20. 15,508 individuals are moved from 20 to 2. 15,545 individuals are moved from 2 to 31. 15,551 individuals are moved from 31 to 5. 15,697 individuals are moved from 5 to 12. 15,600 individuals are moved from 12 to 7. Finally, 15,697 individuals from 7 to 13. Notably, the one map he submitted that does not split up this critical area – Map 5 – does not create such a cascade.

Figure 6: Movement of Population, Remedial Map 3A

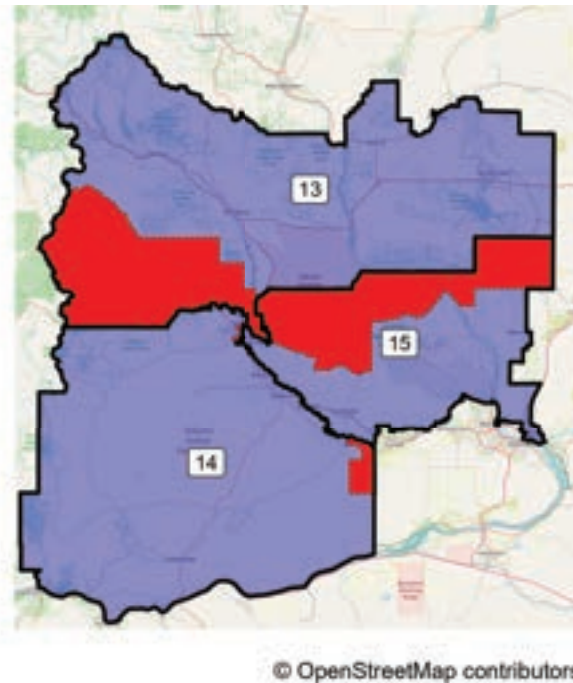
Enacted District	Remedial District 3A	Total
2	31	15,545
5	12	15,697
7	13	15,543
8	16	62,386
9	16	9,612
12	5	123
12	7	15,600
13	15	30,654
14	15	87,551
14	17	15,726
15	9	7,466
15	13	15,236
15	14	94,742
15	16	12,040
16	8	62,249
16	14	8,379
16	15	11,374
17	20	15,639
20	2	15,508
31	5	15,551

This table also demonstrates that, like its predecessor, Map 3A redistricts a large number of residents – 526,621 in total. While this moves around 4,000 fewer residents

than the previous iteration of Map 3, that still represents over three complete districts worth of residents being redistricted.

The Proposed Map, on the other hand, is far less disruptive.⁴

Figure 7: Blocks Changed in Intervenor-Defendants' Proposed Map



⁴Dr. Oskooii claims that I assess core retention improperly, describing these data as “misleading, inaccurate” and using “inappropriate metrics to assess core retention.” ¶23. They are none of these things. In fact, I don’t believe I ever use the term “core retention” in my report. I am simply illustrating the magnitude of the disruptions that Map 3 (and now 3A) creates. That’s not inaccurate or misleading, it’s a precise answer to the question of the total effect of the plan: About 3 districts worth of people are moved. I do this because in the context of VRA remedies, whether the map disrupts districts beyond what’s needed to remedy the harm is an important consideration for courts.

Dr. Oskooii instead relies upon the *percentage* of population moved between districts. This too is a valid way to describe a map’s shifts. However, it is important to place these percentages in context. For example, the districts with 86% core retention may seem as though they are retaining almost their entire district core, when in fact this means about 1 in every 7 residents were moved into a different district. A core retention rate of 90% means that 1 out of every 10 residents were moved. In other words, whether you look at raw numbers or percentages, the disruption to these districts is still substantial, and add up to a large overall move.

Last, Dr. Oskooii refers back to his statewide metrics. *Id.* at ¶27. It is true that he only alters one-in-four districts in the state. But this is why statewide metrics are misleading in this context; the 100% core retention in districts that are truly far removed from the area he changes can obscure significant changes in the districts he does change. And once again, the differences between 95% core retention (Map 4) and 97.5% retention (Map 5) is a big deal: 1-in-20 residents in the state being moved versus 1-in-40.

It moves a total of 87,230 residents between the districts: Less than a single seat's worth. Moreover 29,220 residents constitute around 18.6% of a district's population; these districts retain around 80% of their populations from the Enacted Map.

Figure 8: Movement of Residents, Enacted Plan v. Proposed

Enacted District	Proposed	Total
13	14	28,832
14	15	29,220
15	13	28,880
15	14	298

4.3 HCVAP

As mentioned in my initial report, Map 3A, District 14 has an HCVAP of just at 50.2% using the 2021 data. Proposed Map District 15 has a higher HCVAP: 51.1% using the 2021 data and 50.3% using the 2020 data.⁵

4.4 Compactness

As discussed in the initial report, Remedial Map 3 makes a number of districts significantly less compact (it also makes a few districts slightly more compact). Because it changes substantially fewer districts, the Proposed Map makes fewer changes. As with

⁵Since District 14 in Map 3A is unchanged from Map 3, there is no need to rehash the racial analysis of the district. It is certainly not the place of an expert to dispute Dr. Oskooii's relating of his mental process while drawing the maps. The only point of interest he makes is by taking the racial dotplots and drawing arrows to show concentrations of Hispanic citizens that were not included in the district. See Oskooii Report at 17. The point of my First Report, however, is that racial dotplots should be read *in conjunction* with the choropleth maps, as both relate different data. What the choropleth maps show is that the areas to which he points also have high concentrations of non-Hispanic White citizens. In other words, adding these precincts would generally serve to lower the HCVAP of District 14, at times substantially so.

Map 3A, District 15 is made less compact than the Enacted Map. It is more compact than 3A using Polsby-Popper, and less compact using Reock. District 13 is slightly less compact than the Enacted Map using Reock but slightly more compact using Polsby-Popper. As with Map 3A, the Proposed Map District 14 is less compact than the Enacted Map using either Polsby-Popper or Reock, however it is more compact than Map 3A using either metric.⁶

Figure 9: Ten Least Compact Districts by Reock Score

Enacted Map		Remedial 3		Remedial 3A		Proposed Alt.	
Reock	District	Reock	District	Reock	District	Reock	District
0.133	42	0.133	42	0.133	42	0.133	42
0.180	2	0.186	2	0.186	2	0.180	2
0.222	43	0.221	15	0.221	15	0.215	15
0.243	16	0.222	43	0.222	43	0.222	43
0.258	41	0.223	14	0.223	14	0.243	16
0.279	8	0.249	17	0.226	31	0.258	41
0.291	49	0.258	41	0.249	17	0.279	8
0.295	13	0.272	5	0.258	41	0.289	13
0.304	40	0.291	49	0.291	49	0.291	49
0.308	5	0.298	8	0.299	8	0.304	40

⁶Dr. Oskooii does not really dispute the district-by-district changes, but rather insists on once again looking at statewide averages. Oskooii Report at ¶31. Because a large number of districts have zero change, any statewide average is going to be weighted toward zero change, even as substantial changes are made to individual districts which, to my understanding, are the focus of a VRA inquiry. His only response is that district-by-district scores can be misleading because of feature selection, but there is no real reason that the districts he changes should become less compact than the original district lines, since all of the maps have to deal with feature selection, including the Enacted Map. It's just that when Dr. Oskooii changes a district, he tends to select features in ways to make the districts less compact, at times substantially so. There's nothing inevitable about this.

Figure 10: Ten Least Compact Districts by Polsby-Popper Score

Enacted Map		Remedial 3		Remedial 3A		Proposed Alt.	
Polsby-Popper	District	Polsby-Popper	District	Polsby-Popper	District	Polsby-Popper	District
0.141	11	0.141	11	0.141	11	0.141	11
0.203	8	0.145	14	0.145	14	0.150	15
0.217	45	0.190	5	0.203	15	0.203	8
0.222	2	0.203	15	0.208	2	0.217	45
0.223	41	0.208	2	0.217	45	0.222	2
0.226	12	0.217	45	0.219	12	0.223	41
0.227	1	0.219	12	0.223	41	0.226	12
0.242	6	0.223	41	0.227	1	0.227	1
0.245	26	0.227	1	0.236	5	0.242	6
0.245	35	0.238	13	0.238	13	0.245	26

4.5 Political Effects

As discussed in my original report, Map 3 disrupts the political lean of Washington’s legislative districts beyond those found in the Yakima River valley. District 14 is made substantially more Democratic than its predecessor District 15, but this is unsurprising given the requirement of creating a minority opportunity district. At the same time, however, District 17 changes from being a district with a slight Republican lean to one with a slight Democratic lean, while District 12 goes from being non-competitive to being competitive, albeit with a Republican lean. District 5 depends on the races examined.⁷

⁷Dr. Oskooii once again tries to hide the impact of his maps in certain districts by referencing statewide partisan bias metrics. Oskooii Report ¶¶55 - ¶¶60. Setting aside any problems with the Planscore algorithm he uses to evaluate the maps, the approach suffers from the same shortcomings as his approach to compactness. These metrics will generally not change much unless a district is outright flipped from Democrat to Republican or vice-versa; in other words, making District 12 much more competitive won’t change the efficiency gap even though the district becomes potentially winnable for the other party. Regardless, my point isn’t that this is a radical overall impact on the composition of the House or Senate. My point is simply that these changes do have political impacts that extend beyond remediating the VRA violation that the Court found. Moreover, they are unnecessary, as illustrated by Dr. Oskooii’s

Figure 11: Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 3A

District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-20.0%	-22.8%	-22.6%	-14.7%	-14.6%	-21.2%	-21.0%	-16.2%	-15.9%	-18.9%	-17.8%	-16.0%	-15.7%	-8.1%	-7.1%	-13.9%	-13.4%	-17.0%	-16.6%
5	11.3%	7.7%	14.3%	9.9%	22.9%	18.5%	3.9%	0.9%	13.9%	10.9%	-1.0%	-2.8%	17.1%	13.6%	11.0%	9.2%	8.2%	5.8%	13.9%	10.5%
7	-33.8%	-32.3%	-38.0%	-36.6%	-31.5%	-30.0%	-36.8%	-35.5%	-27.9%	-26.7%	-29.0%	-28.0%	-33.7%	-32.3%	-20.6%	-19.4%	-27.2%	-26.1%	-31.9%	-30.5%
8	-20.4%	-26.5%	-22.2%	-28.7%	-15.8%	-22.2%	-30.0%	-35.7%	-20.4%	-26.9%	-21.8%	-26.0%	-21.7%	-27.6%	-10.5%	-15.0%	-20.0%	-24.6%	-20.3%	-26.3%
9	-20.1%	-18.9%	-21.8%	-20.7%	-16.0%	-14.9%	-26.3%	-25.3%	-14.6%	-13.2%	-20.0%	-18.8%	-19.8%	-18.6%	-11.7%	-10.5%	-17.9%	-16.9%	-18.6%	-17.5%
12	-10.2%	-6.6%	-11.3%	-6.8%	-2.0%	2.7%	-14.1%	-10.8%	-7.2%	-3.6%	-14.8%	-12.5%	-8.1%	-3.7%	-4.2%	-2.0%	-8.4%	-5.6%	-7.9%	-4.1%
13	-29.7%	-28.5%	-34.0%	-32.9%	-26.0%	-24.7%	-34.3%	-32.9%	-29.8%	-28.1%	-29.0%	-28.0%	-30.1%	-28.3%	-21.5%	-19.9%	-25.5%	-24.3%	-29.6%	-28.1%
14	-9.3%	14.6%	-12.1%	10.3%	-6.0%	15.5%	-15.4%	9.5%	-13.3%	9.4%	-10.6%	15.4%	-12.8%	13.1%	-3.5%	23.6%	-9.4%	12.0%	-10.5%	13.5%
15	-1.2%	-24.0%	-5.2%	-26.8%	0.2%	-20.6%	-6.7%	-30.5%	-7.3%	-28.1%	-0.3%	-23.1%	-1.7%	-27.0%	7.6%	-16.9%	-1.9%	-21.7%	-2.3%	-25.0%
16	-23.7%	-19.0%	-26.4%	-20.9%	-20.3%	-15.0%	-32.0%	-27.1%	-20.6%	-15.7%	-22.6%	-20.3%	-25.0%	-20.2%	-10.8%	-8.2%	-21.5%	-18.1%	-22.9%	-18.2%
17	-1.3%	1.8%	-0.0%	2.8%	3.6%	6.6%	-7.6%	-4.7%	2.5%	5.3%	-7.7%	-5.1%	-2.1%	0.3%	-1.4%	1.7%	-2.6%	-0.1%	-0.9%	2.0%
20	-31.4%	-31.3%	-33.8%	-33.3%	-27.9%	-27.7%	-33.8%	-34.1%	-25.7%	-25.7%	-29.4%	-30.7%	-28.7%	-29.2%	-18.7%	-20.5%	-24.4%	-25.0%	-28.6%	-28.9%
31	-14.4%	-15.8%	-15.6%	-16.8%	-5.9%	-7.3%	-16.2%	-17.3%	-9.6%	-10.7%	-15.5%	-16.5%	-8.6%	-9.7%	-4.9%	-5.8%	-9.2%	-10.2%	-10.4%	-11.6%

But again, all of this is avoidable. Because Districts 5, 12, and 17 are unchanged in intervenor-defendants' proposal (and in Map 5), their political position is unchanged as well. District 14 is made more Republican, and District 13 is made marginally more

own Map 5 and the Intervenor-Defendants' Map here.

Democratic.⁸

More importantly, District 15 is transformed into one where Democrats are favored, in other words, one where Hispanic voters will have a reasonable opportunity to elect their candidate of choice. In all of the elections measured in the tables above, Democrats were victorious. On average, from 2016 to 2020, the district transforms from one where Republicans won by 2% to one where Democrats won by 5%. Of all of the elections in Dave's Redistricting, whether contained in the site's composite or not, Republicans carried the district only in the 2022 Senate race (it is my understanding that there is a factual dispute as to who the Hispanic candidate of choice was in this election), the 2016 Lieutenant Governor's race, and the 2020 Secretary of State race. In all other races, the Democrat won. Regardless, the expectation here would be that the Hispanic candidate of choice would carry the district, even if it is not a guarantee.

⁸That Dr. Oskooii interprets my reference to +/- 10% as meaning a movement of a tenth of a percentage point in either direction is confusing. When I say +/- 10%, I mean percentage points, which is how this is usually addressed. Moving from 67% to 64% isn't going to change the partisanship of a district much, as the Republican or Democrat will almost always win either way. Moving from 50% to 53% can have a large impact on a candidate's ability to win. Dr. Oskooii even writes "A district is considered to perform (also referred to as "lean" or "reliable" in political science) in favor of one party over the other when the difference between the party vote shares of that district is 10% or higher (e.g., 45%-55%)."

Dr. Oskooii incidentally doesn't provide any citation for his claim. First, within the study of elections, rating the competitiveness of districts isn't something the modern political science discipline is deeply interested in and as such there aren't any agreed-upon metrics; instead such assessments are typically performed by race forecasters such as Nate Silver, Charlie Cook, or myself. *See, e.g.*, Charles E. Cook, Jr. & David Wasserman, "Recalibrating Ratings for a New Normal," 47 *PS: Political Science and Politics*, 304 (2014); Logan Dancey & Geoffrey Sheagley, "Partisanship and Perceptions of Party-Line Voting in Congress," 71 *Pol Rsrch. Q.* 32 (2018) (relying on Cook Political Ratings); Mark Blumenthal, "Polls Forecasts and Aggregators," 47 *PS: Political Science and Politics* 427 (2014) (relying on RealClearPolitics polling data); James E. Campbell, et. al, "Forecasting Recap: Assessments of the 2008 National Elections Forecasts," 42 *PS: Political Science and Politics* 19 (2009) (same); Matt Barreto, Loren Collingwood, & Sylvian Manzano, "A New Measure of Group Influence in Presidential Elections: Assessing Latino Influence in 2008," 63 *Pol. Rsrch. Q.* 908 (2010) (same). Most would see a significant difference between labeling a district "lean" and "reliable." None of us, to my knowledge, are doing so with a legal understanding of "perform" in mind. Moreover, I don't know of any political scientist or elections analyst that would dispute that, even within that 45%-55% range, there's a substantial difference between a 50-50 district and a 54.5% Democrat – 45.5% Republican district.

Finally, Dr. Oskooii is referring here to Dave's Redistricting App's rating of districts as "competitive" or "not competitive." While I have a great deal of respect for Dave Bradlee, there's no real methodology or justification for this cutoff. At best it is a rough heuristic for separating competitive districts from non-competitive, and says nothing of the overall "lean" of a district within that range.

Figure 12: Democratic (Dis)Advantage, Enacted Map vs. Intervenor-Defendants’ Map

District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-20.3%	-22.8%	-22.8%	-14.7%	-14.7%	-21.2%	-21.2%	-16.2%	-16.2%	-18.9%	-18.9%	-16.0%	-16.0%	-8.1%	-8.1%	-13.9%	-13.9%	-17.0%	-17.0%
5	11.3%	11.3%	14.3%	14.3%	22.9%	22.9%	3.9%	3.9%	13.9%	13.9%	-1.0%	-1.0%	17.1%	17.1%	11.0%	11.0%	8.2%	8.2%	13.9%	13.9%
7	-33.8%	-33.8%	-38.0%	-38.0%	-31.5%	-31.5%	-36.8%	-36.8%	-27.9%	-27.9%	-29.0%	-29.0%	-33.7%	-33.7%	-20.6%	-20.6%	-27.2%	-27.2%	-31.9%	-31.9%
8	-20.4%	-20.4%	-22.2%	-22.2%	-15.8%	-15.8%	-30.0%	-30.0%	-20.4%	-20.4%	-21.8%	-21.8%	-21.7%	-21.7%	-10.5%	-10.5%	-20.0%	-20.0%	-20.3%	-20.3%
9	-20.1%	-20.1%	-21.8%	-21.8%	-16.0%	-16.0%	-26.3%	-26.3%	-14.6%	-14.6%	-20.0%	-20.0%	-19.8%	-19.8%	-11.7%	-11.7%	-17.9%	-17.9%	-18.6%	-18.6%
12	-10.2%	-10.2%	-11.3%	-11.3%	-2.0%	-2.0%	-14.1%	-14.1%	-7.2%	-7.2%	-14.8%	-14.8%	-8.1%	-8.1%	-4.2%	-4.2%	-8.4%	-8.4%	-7.9%	-7.9%
13	-29.7%	-26.9%	-34.0%	-31.6%	-26.0%	-23.3%	-34.3%	-31.5%	-29.8%	-27.4%	-29.0%	-26.8%	-30.1%	-27.0%	-21.5%	-18.9%	-25.5%	-23.3%	-29.6%	-26.9%
14	-9.3%	-18.0%	-12.1%	-20.6%	-6.0%	-14.7%	-15.4%	-23.9%	-13.3%	-21.1%	-10.6%	-18.6%	-12.8%	-21.4%	-3.5%	-11.6%	-9.4%	-16.6%	-10.5%	-18.9%
15	-1.2%	6.7%	-5.2%	2.7%	0.2%	8.1%	-6.7%	1.2%	-7.3%	0.7%	-0.3%	7.8%	-1.7%	6.3%	7.6%	15.3%	-1.9%	5.0%	-2.3%	5.6%
16	-23.7%	-23.7%	-26.4%	-26.4%	-20.3%	-20.3%	-32.0%	-32.0%	-20.6%	-20.6%	-22.6%	-22.6%	-25.0%	-25.0%	-10.8%	-10.8%	-21.5%	-21.5%	-22.9%	-22.9%
17	-1.3%	-1.3%	-0.0%	-0.0%	3.6%	3.6%	-7.6%	-7.6%	2.5%	2.5%	-7.7%	-7.7%	-2.1%	-2.1%	-1.4%	-1.4%	-2.6%	-2.6%	-0.9%	-0.9%
20	-31.4%	-31.4%	-33.8%	-33.8%	-27.9%	-27.9%	-33.8%	-33.8%	-25.7%	-25.7%	-29.4%	-29.4%	-28.7%	-28.7%	-18.7%	-18.7%	-24.4%	-24.4%	-28.6%	-28.6%
31	-14.4%	-14.4%	-15.6%	-15.6%	-5.9%	-5.9%	-16.2%	-16.2%	-9.6%	-9.6%	-15.5%	-15.5%	-8.6%	-8.6%	-4.9%	-4.9%	-9.2%	-9.2%	-10.4%	-10.4%

4.6 Incumbency

Finally, while Map 3A does eliminate some of the “double bunking” of incumbents, the districts in the Yakima Valley area retain their double bunks, including by shifting Sen. Torres into District 16. Likewise, Sen. Brad Hawkins of East Wenatchee is again moved into District 7 with incumbent Sen. Shelly Short of Addy. The Proposed Map avoids this, as all incumbents are kept in their original districts.

5 Conclusion

In addition to the shortcomings detailed in my First Report, Remedial Map 3A splits traditional Yakama tribal areas in western Klickitat County, which drew an objection from the Yakama Nation. Fortunately, it is possible to address this, while causing less disruption to the overall map and still producing a district that will give Hispanic voters an opportunity to elect their candidate of choice.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge and belief. Executed on 23 February 2024 in Delaware, Ohio.

Sean Trends

Sean P. Trende

6 Exhibit 1

District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRU	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-20.0%	-22.8%	-22.6%	-14.7%	-14.6%	-21.2%	-21.0%	-16.2%	-15.9%	-18.9%	-17.8%	-16.0%	-15.7%	-8.1%	-7.1%	-13.9%	-13.4%	-17.0%	-16.6%
5	11.3%	7.7%	14.3%	9.9%	22.9%	18.5%	3.9%	0.9%	13.9%	10.9%	-1.0%	-2.8%	17.1%	13.6%	11.0%	9.2%	8.2%	5.8%	13.9%	10.7%
7	-33.8%	-32.3%	-38.0%	-36.6%	-31.5%	-30.0%	-36.8%	-35.5%	-27.9%	-26.7%	-29.0%	-28.0%	-33.7%	-32.3%	-20.6%	-19.4%	-27.2%	-26.1%	-31.9%	-30.5%
8	-20.4%	-26.5%	-22.2%	-28.7%	-15.8%	-22.2%	-30.0%	-35.7%	-20.4%	-26.9%	-21.8%	-26.0%	-21.7%	-27.6%	-10.5%	-15.0%	-20.0%	-24.6%	-20.3%	-26.6%
9	-20.1%	-18.9%	-21.8%	-20.7%	-16.0%	-14.9%	-26.3%	-25.3%	-14.6%	-13.2%	-20.0%	-18.8%	-19.8%	-18.6%	-11.7%	-10.5%	-17.9%	-16.9%	-18.6%	-17.5%
12	-10.2%	-6.6%	-11.3%	-6.8%	-2.0%	2.7%	-14.1%	-10.8%	-7.2%	-3.6%	-14.8%	-12.5%	-8.1%	-3.7%	-4.2%	-2.0%	-8.4%	-5.6%	-7.9%	-4.9%
13	-29.7%	-28.5%	-34.0%	-32.9%	-26.0%	-24.7%	-34.3%	-32.9%	-29.8%	-28.1%	-29.0%	-28.0%	-30.1%	-28.3%	-21.5%	-19.9%	-25.5%	-24.3%	-29.6%	-28.9%
14	-9.3%	14.6%	-12.1%	10.3%	-6.0%	15.5%	-15.4%	9.5%	-13.3%	9.4%	-10.6%	15.4%	-12.8%	13.1%	-3.5%	23.6%	-9.4%	12.0%	-10.5%	13.5%
15	-1.2%	-24.0%	-5.2%	-26.8%	0.2%	-20.6%	-6.7%	-30.5%	-7.3%	-28.1%	-0.3%	-23.1%	-1.7%	-27.0%	7.6%	-16.9%	-1.9%	-21.7%	-2.3%	-25.4%
16	-23.7%	-19.0%	-26.4%	-20.9%	-20.3%	-15.0%	-32.0%	-27.1%	-20.6%	-15.7%	-22.6%	-20.3%	-25.0%	-20.2%	-10.8%	-8.2%	-21.5%	-18.1%	-22.9%	-18.9%
17	-1.3%	1.8%	-0.0%	2.8%	3.6%	6.6%	-7.6%	-4.7%	2.5%	5.3%	-7.7%	-5.1%	-2.1%	0.3%	-1.4%	1.7%	-2.6%	-0.1%	-0.9%	2.0%
20	-31.4%	-31.3%	-33.8%	-33.3%	-27.9%	-27.7%	-33.8%	-34.1%	-25.7%	-25.7%	-29.4%	-30.7%	-28.7%	-29.2%	-18.7%	-20.5%	-24.4%	-25.0%	-28.6%	-28.9%
31	-14.4%	-15.8%	-15.6%	-16.8%	-5.9%	-7.3%	-16.2%	-17.3%	-9.6%	-10.7%	-15.5%	-16.5%	-8.6%	-9.7%	-4.9%	-5.8%	-9.2%	-10.2%	-10.4%	-11.6%

District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRG	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-20.3%	-22.8%	-14.7%	-14.7%	-14.7%	-21.2%	-21.2%	-16.2%	-16.2%	-18.9%	-18.9%	-16.0%	-16.0%	-8.1%	-8.1%	-13.9%	-13.9%	-17.0%	-17.0%
5	11.3%	11.3%	14.3%	22.9%	22.9%	22.9%	3.9%	3.9%	13.9%	13.9%	-1.0%	-1.0%	17.1%	17.1%	11.0%	11.0%	8.2%	8.2%	13.9%	13.9%
7	-33.8%	-33.8%	-38.0%	-31.5%	-31.5%	-31.5%	-36.8%	-36.8%	-27.9%	-27.9%	-29.0%	-29.0%	-33.7%	-33.7%	-20.6%	-20.6%	-27.2%	-27.2%	-31.9%	-31.9%
8	-20.4%	-20.4%	-22.2%	-15.8%	-15.8%	-15.8%	-30.0%	-30.0%	-20.4%	-20.4%	-21.8%	-21.8%	-21.7%	-21.7%	-10.5%	-10.5%	-20.0%	-20.0%	-20.3%	-20.3%
9	-20.1%	-20.1%	-21.8%	-16.0%	-16.0%	-16.0%	-26.3%	-26.3%	-14.6%	-14.6%	-20.0%	-20.0%	-19.8%	-19.8%	-11.7%	-11.7%	-17.9%	-17.9%	-18.6%	-18.6%
12	-10.2%	-10.2%	-11.3%	-2.0%	-2.0%	-2.0%	-14.1%	-14.1%	-7.2%	-7.2%	-14.8%	-14.8%	-8.1%	-8.1%	-4.2%	-4.2%	-8.4%	-8.4%	-7.9%	-7.9%
13	-29.7%	-26.9%	-34.0%	-23.3%	-23.3%	-23.3%	-34.3%	-31.5%	-29.8%	-27.4%	-29.0%	-26.8%	-30.1%	-27.0%	-21.5%	-18.9%	-25.5%	-23.3%	-26.9%	-26.9%
14	-9.3%	-18.0%	-12.1%	-6.0%	-14.7%	-14.7%	-15.4%	-23.9%	-13.3%	-21.1%	-10.6%	-18.6%	-12.8%	-21.4%	-3.5%	-11.6%	-9.4%	-16.6%	-18.9%	-18.9%
15	-1.2%	6.7%	-5.2%	0.2%	8.1%	8.1%	-6.7%	1.2%	-7.3%	0.7%	-0.3%	7.8%	-1.7%	6.3%	7.6%	15.3%	-1.9%	5.0%	5.6%	5.6%
16	-23.7%	-23.7%	-26.4%	-20.3%	-20.3%	-20.3%	-32.0%	-32.0%	-20.6%	-20.6%	-22.6%	-22.6%	-25.0%	-25.0%	-10.8%	-10.8%	-21.5%	-21.5%	-22.9%	-22.9%
17	-1.3%	-1.3%	-0.0%	3.6%	3.6%	3.6%	-7.6%	-7.6%	2.5%	2.5%	-7.7%	-7.7%	-2.1%	-2.1%	-1.4%	-1.4%	-2.6%	-2.6%	-0.9%	-0.9%
20	-31.4%	-31.4%	-33.8%	-27.9%	-27.9%	-27.9%	-33.8%	-33.8%	-25.7%	-25.7%	-29.4%	-29.4%	-28.7%	-28.7%	-18.7%	-18.7%	-24.4%	-24.4%	-28.6%	-28.6%
31	-14.4%	-14.4%	-15.6%	-5.9%	-5.9%	-5.9%	-16.2%	-16.2%	-9.6%	-9.6%	-15.5%	-15.5%	-8.6%	-8.6%	-4.9%	-4.9%	-9.2%	-9.2%	-10.4%	-10.4%

Expert Report of Dr. Loren Collingwood

Loren Collingwood

2024-02-23

Executive Summary

I have been retained by plaintiffs as an expert, and have been asked to examine the citizen voting age population (CVAP) of different racial/ethnic categories of the enacted LD-15 as well as several proposed LD-14 districts in 10 remedial maps (1-5, 1A-5A).

To estimate CVAP demographics for each map, I used the recently released 2022 CVAP block group data taken from the U.S. Census.¹ I filter the block groups to those appearing in each respective map (i.e., LD-15 in the enacted plan, or LD-14 in the alternative plans), then sum the total counts for total population, non-Hispanic white alone, Hispanic, and several other minority groups.

Based on my analysis, I conclude the following:

- The enacted plan has a Hispanic CVAP (HCVAP) population of 52.18%
- Maps 1, 1A, 2, 2A have an estimated HCVAP of 52.48%
- Maps 3, 3A, 4, 4A have an estimated HCVAP of 51.04%
- Maps 5, 5A have an estimated HCVAP of 47.96%.
- LD14 is the same in each "A" remedial proposal as the corresponding original proposal. As a result, the performance analysis for LD14 in each "A" map is the same as its corresponding original proposal.

My opinions are based on the following data sources: 2020 US Census block data, 2022 American Community Survey (ACS) block group data, and enacted and alternative Block Assignment files provided to me by counsel.

I am being compensated at a rate of \$400/hour. My compensation is not contingent on the opinions expressed in this report, on my testimony, or on the outcome of this case.

Background and Qualifications

I am an associate professor of political science at the University of New Mexico. Previously, I was an associate professor of political science and co-director of civic engagement at the

¹The 2022 CVAP estimates were not available prior to January 23, 2024:
<https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>

Center for Social Innovation at the University of California, Riverside. I have published two books with *Oxford University Press*, 42 peer-reviewed journal articles, and nearly a dozen book chapters focusing on sanctuary cities, race/ethnic politics, election administration, and RPV. I received a Ph.D. in political science with a concentration in political methodology and applied statistics from the University of Washington in 2012 and a B.A. in psychology from the California State University, Chico, in 2002. I have attached my curriculum vitae, which includes an up-to-date list of publications, as Exhibit 1 to this report.

In between my B.A. and Ph.D., I spent 3-4 years working in private consulting for the survey research firm Greenberg Quinlan Rosner Research in Washington, D.C. I also founded the research firm Collingwood Research, which focuses primarily on the statistical and demographic analysis of political data for a wide array of clients, and lead redistricting and map-drawing and demographic analysis for the Inland Empire Funding Alliance in Southern California. I was the redistricting consultant for the West Contra Costa Unified School District, CA, independent redistricting commission in which I was charged with drawing court-ordered single member districts. I was the redistricting consulting with Roswell, NM, Independent School District to draw single member districts.

I served as a testifying expert for the plaintiff in the Voting Rights Act Section 2 case *NAACP v. East Ramapo Central School District*, No. 17 Civ. 8943 (S.D.N.Y.). I am the quantitative expert in *LULAC vs. Pate (Iowa)*, 2021, and have filed an expert report in that case. I am the BISG expert in *LULAC Texas et al. v. John Scott et al. (1:21-cv-0786-XR)*, 2022. I filed two reports and have been deposed in that case. I was the RPV expert for the plaintiff in *East St. Louis Branch NAACP, et al. vs. Illinois State Board of Elections, et al.*, having filed two reports in that case. I was the Senate Factors expert for plaintiff in *Pendergrass v. Raffensperger (N.D. Ga. 2021)*, where I filed two reports, was deposed, and testified at trial. I was the RPV expert for plaintiff in *Johnson, et al., v. WEC, et al., No. 2021AP1450-OA*, having filed three reports in that case. I was the RPV expert for plaintiff in *Faith Rivera, et al. v. Scott Schwab and Michael Abbott*. I filed a report, was deposed, and testified at trial. I served as the RPV expert for the intervenor in *Walen and Henderson v. Burgum and Jaeger No 1:22-cv-00031-PDW-CRH*, where I filed a report and testified at trial. I was the RPV expert in *Lower Brule Sioux Tribe v. Lyman County* where I filed a report. I was the RPV expert for plaintiff in *Soto Palmer et al. vs. Hobbs et al.*, where I filed two reports, was deposed, and testified at trial. I was the RPV expert for plaintiff in *IE United et al. v. Riverside County, CVRI2202423*, where I filed a report and was deposed. I was the RPV expert for plaintiff in *Paige Dixon v. Lewisville Independent School District, et al., Civil Action No. 4:22-cv-00304*, where I filed two expert reports. I was the RPV expert for plaintiff in *Turtle Mountain Band of Chippewa Indians v. Jaeger No. 3:22-cv-00022-PDW-ARS*, where I filed two reports, was deposed, and testified at trial.

Proposed Maps

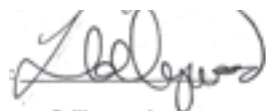
Plaintiffs have proposed 10 maps, and in several LD-14 is the same. Each map’s 2022 ACS Citizen Voting Age Population (CVAP) demographics are presented in Table 1 below.² I also include estimates for the enacted LD-15.³

Table 1. Demographics 2022 CVAP.

Map	HCVAP	WCVAP	BCVAP	NCVAP	ACVAP
Enacted D15	52.18	42.73	1	0.96	1.18
Map 1 D14	52.48	36.83	1.07	5.33	1.57
Map 1A D14	52.48	36.83	1.07	5.33	1.57
Map 2 D14	52.48	36.83	1.07	5.33	1.57
Map 2A D14	52.48	36.83	1.07	5.33	1.57
Map 3 D14	51.04	38.36	1.01	5.25	1.6
Map 3A D14	51.04	38.36	1.01	5.25	1.6
Map 4 D14	51.04	38.36	1.01	5.25	1.6
Map 4A D14	51.04	38.36	1.01	5.25	1.6
Map 5 D14	47.96	41.86	1.07	5.04	1.46
Map 5A D14	47.96	41.86	1.07	5.04	1.46

LD14 in each “A” remedial proposal is the same as in the corresponding original proposal. For example, LD14 is the same in Maps 1 and 1A, 2 and 2A, 3 and 3A, 4 and 4A, and 5 and 5A. Thus, the performance of LD14 in each “A” remedial proposal is also the same as in the corresponding original proposal, as reported in my December 1, 2023, report.

Pursuant to 28 U.S.C. § 1746, I, Loren Collingwood, declare the foregoing is true and correct.



Dr. Loren Collingwood

Dated: February 23, 2024

² Estimates for white, Black, Asian/Pacific Islander, and Native American are non-Hispanic single race.

³ HCVAP = Hispanic CVAP, WCVAP = White CVAP, BCVAP = Black CVAP, NCVAP = Native American CVAP, ACVAP = Asian/Pacific Islander CVAP.

IN THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as Secretary of State of Washington, and the STATE OF WASHINGTON,

Defendants,

and,

JOSE TREVINO, ISMAEL G. CAMPOS, and State Representative ALEX YBARRA,

Intervenor-Defendants.

Case No. 3:22-CV-5035-RSL

EXPERT REPORT OF SEAN P. TRENDE, Ph.D.

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1 Expert Qualifications

1.1 Career

I serve as Senior Elections Analyst for Real Clear Politics. I joined Real Clear Politics in January of 2009 after practicing law for eight years. I assumed a fulltime position with Real Clear Politics in March of 2010. Real Clear Politics is a company of approximately 50 employees, with its main offices in Washington D.C. It produces one of the most heavily trafficked political websites in the world, which serves as a one-stop shop for political analysis from all sides of the political spectrum and is recognized as a pioneer in the field of poll aggregation. Real Clear Politics produces original content, including both data analysis and traditional reporting.

My main responsibilities with Real Clear Politics consist of tracking, analyzing, and writing about elections. I collaborate in rating the competitiveness of Presidential, Senate, House, and gubernatorial races. As a part of carrying out these responsibilities, I have studied and written extensively about demographic trends in the country, exit poll data at the state and federal level, public opinion polling, and voter turnout and voting behavior. In particular, understanding the way that districts are drawn and how geography and demographics interact is crucial to predicting United States House of Representatives races, so much of my time is dedicated to that task.

I am currently a Visiting Scholar at the American Enterprise Institute, where my publications focus on the demographic and coalitional aspects of American Politics.

I am also a Lecturer at The Ohio State University.

1.2 Publications and Speaking Engagements

I am the author of the 2012 book *The Lost Majority: Why the Future of Government is up For Grabs and Who Will Take It*. In this book, I explore realignment theory. It argues that realignments are a poor concept that should be abandoned. As part of this analysis, I conducted a thorough analysis of demographic and political trends beginning

in the 1920s and continuing through modern times, noting the fluidity and fragility of the coalitions built by the major political parties and their candidates.

I also co-authored the 2014 Almanac of American Politics. The Almanac is considered the foundational text for understanding congressional districts and the representatives of those districts, as well as the dynamics in play behind the elections. My focus was researching the history of and writing descriptions for many of the 2012 districts, including tracing the history of how and why they were drawn the way that they were drawn. Because the 2014 Almanac covers the 2012 elections, analyzing how redistricting was done was crucial to my work. I have also authored a chapter in Larry Sabato's post-election compendium after every election dating back to 2012.

I have spoken on these subjects before audiences from across the political spectrum, including at the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution. In 2012, I was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps. I was selected by the United States Embassy in Sweden to discuss the 2016 elections to a series of audiences there and was selected by the United States Embassy in Spain to fulfill a similar mission in 2018. I was invited to present by the United States Embassy in Italy, but was unable to do so because of my teaching schedule.

1.3 Education

I received my Ph.D. in political science at The Ohio State University in 2023. I passed comprehensive examinations in both methods and American Politics. The first chapter of my dissertation involves voting patterns on the Supreme Court from 1900 to 1945; the second chapter involves the application of integrated nested LaPlace approximations to enable the incorporation of spatial statistical analysis in the study of United States elections. The third chapter of the dissertation involves the use of communities of interest in redistricting simulations. In pursuit of this degree, I also earned a Mas-

ter's Degree in Applied Statistics. My coursework for my Ph.D. and M.A.S. included, among other things, classes on G.I.S. systems, spatial statistics, issues in contemporary redistricting, machine learning, non-parametric hypothesis tests and probability theory. I also earned a B.A. from Yale University in history and political science in 1995, a Juris Doctor from Duke University in 2001, and a Master's Degree in political science from Duke University in 2001.

In the winter of 2018, I taught American Politics and the Mass Media at Ohio Wesleyan University. I taught Introduction to American Politics at The Ohio State University for three semesters from Fall of 2018 to Fall of 2019, and again in Fall of 2021. In the Springs of 2020, 2021, 2022 and 2023, I taught Political Participation and Voting Behavior at The Ohio State University. This course spent several weeks covering all facets of redistricting: how maps are drawn, debates over what constitutes a fair map, measures of redistricting quality, and similar topics. I also taught survey methodology in Fall of 2022 and Spring of 2024.

1.4 Prior Engagements as an Expert

A full copy of all cases in which I have testified or been deposed is included on my c.v, attached as Exhibit 1. In 2021, I served as one of two special masters appointed by the Supreme Court of Virginia to redraw the districts that will elect the Commonwealth's representatives to the House of Delegates, state Senate, and U.S. Congress in the following decade. The Supreme Court of Virginia accepted those maps, which were praised by observers from across the political spectrum. *E.g.*, "New Voting Maps, and a New Day, for Virginia," *The Washington Post* (Jan. 2, 2022), available at <https://www.washingtonpost.com/opinions/2022/01/02/virginia-redistricting-voting-maps-gerrymandee/>; Henry Olsen, "Maryland Shows How to do Redistricting Wrong. Virginia Shows How to Do it Right," *The Washington Post* (Dec. 9, 2021), available at <https://www.washingtonpost.com/opinions/2021/12/09/maryland-virginia-redistricting/>; Richard Pildes, "Has VA Created a New Model for a Reasonably Non-Partisan Redistricting

Process,” *Election Law Blog* (Dec. 9, 2021), available at <https://electionlawblog.org/?p=126216>.

In 2019, I was appointed as the court’s expert by the Supreme Court of Belize. In that case I was asked to identify international standards of democracy as they relate to malapportionment claims, to determine whether Belize’s electoral divisions (similar to our congressional districts) conformed with those standards, and to draw alternative maps that would remedy any existing malapportionment.

I served as a Voting Rights Act expert to counsel for the Arizona Independent Redistricting Commission in 2021 and 2022.

2 Introduction

2.1 Scope of Engagement

I have been retained by Intervenor-Defendants in the above-captioned action, to evaluate the remedial maps submitted by Plaintiffs. I have been retained and am being compensated at a rate of \$450.00 per hour to provide my expert analysis.

2.2 Data Utilized

For purposes of this project, I utilized the following data:

- Block Assignment files provided by plaintiffs;
- Election results projected to the census block level, downloaded from the Redistricting Data Hub (<https://redistrictingdatahub.org/>);
- Census data for Citizen Voting Age Population by race, downloaded from <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>

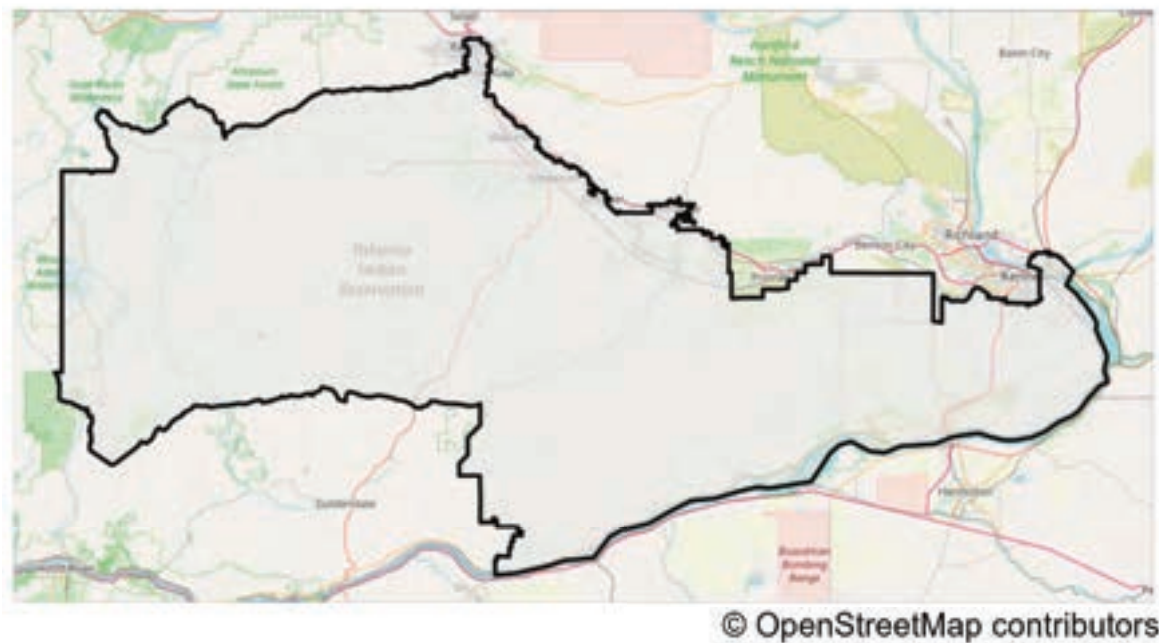
3 Analysis of Remedial Maps 1 and 2

Although five remedial maps have been submitted, there are only three variants of the actual remedial districts, with further variations on how the surrounding districts are treated. I therefore break my analysis into three parts – one for each proposed remedial district. This section covers the first two maps.

3.1 Overview

Maps 1 and 2 both use the configuration depicted in Figure 1 for their remedial VRA district:

Figure 1: Proposed VRA District in Remedial Maps 1 and 2

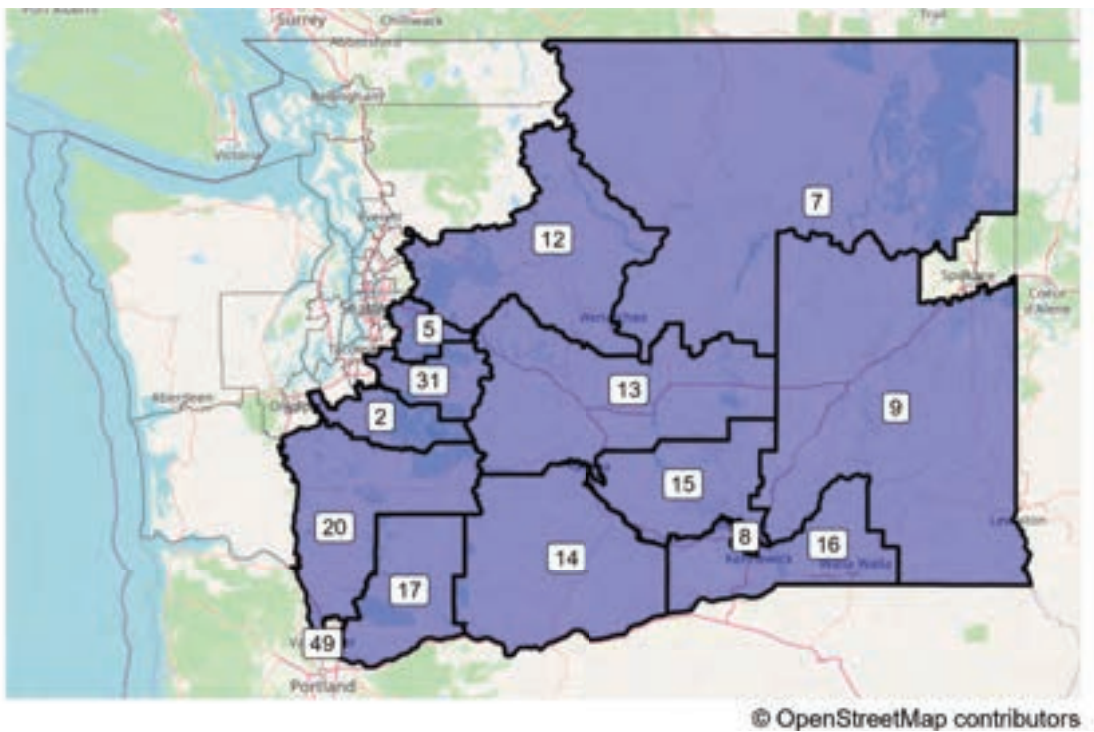


This district combines populations from Yakima, Pasco, and several small towns along the Yakima River.

3.1.1 Remedial Map 1

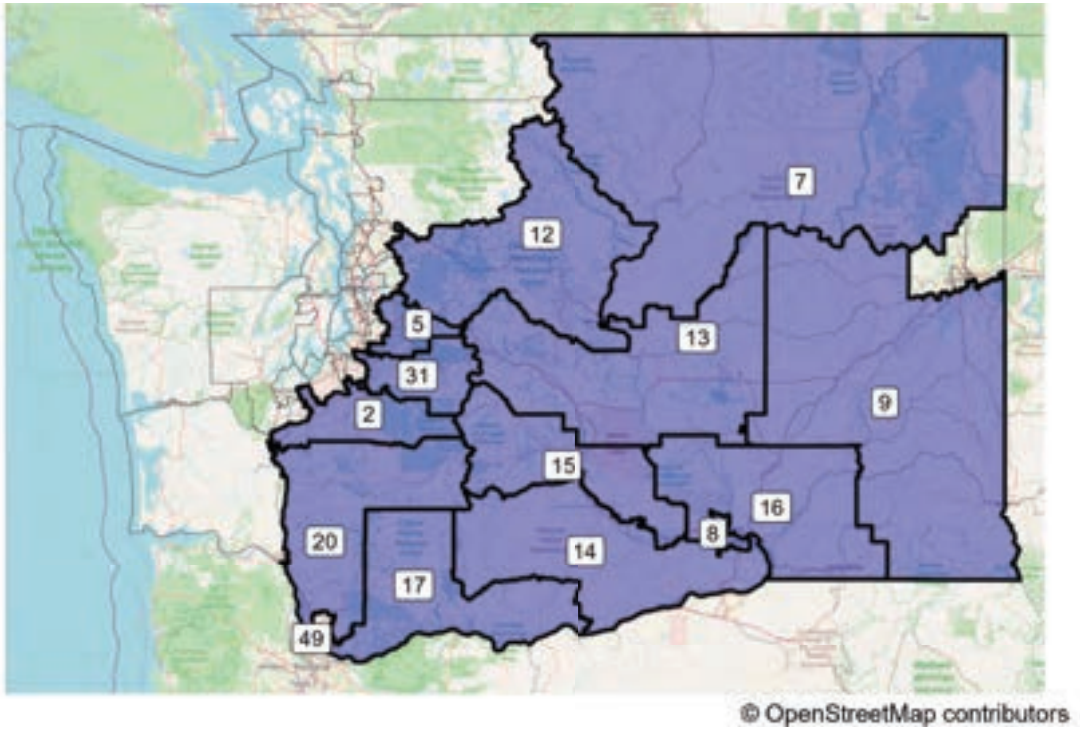
Remedial Map 1, however, includes a cascade of changes that extend beyond the borders of the proposed remedial VRA district (which has been renumbered to 14 in all remedial maps). Figure 2, for example, shows which of the districts in the Enacted Map are changed in Remedial Map 1. Overall, 14 districts, or 28.6% of the districts in the state, are altered in Remedial Map 1.

Figure 2: Enacted Map, with Districts Altered in Remedial Map 1 Highlighted



Similarly, Figure 3 shows the districts in Remedial Map 1 with the districts that were altered from the Enacted Map highlighted.

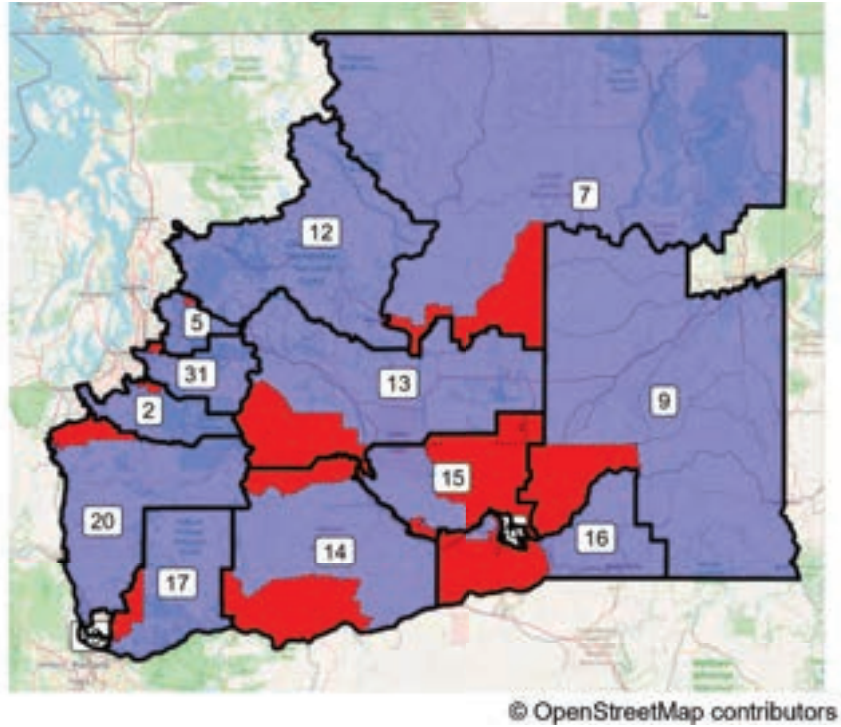
Figure 3: Remedial Map 1, with Districts Altered from Enacted Map Highlighted



A final visual aid for understanding what Remedial Map 1 does is found in Figure 4. This highlights the Enacted Plan districts that are changed in Map 1. It also depicts the census blocks¹ that are shifted between districts from the Enacted Plan to the remedial plan by highlighting them in red.

¹The United States Census Bureau Reports the results of the Decennial Census at various levels. The “quarks” of the census data are what are known as census blocks, which are small geographic areas that typically conform to major geographic boundaries or other visible features, such as rivers, roadways, train tracks, and so forth. Census blocks are grouped together to form block groups, which in turn are grouped together to form census tracts, which are large portions of counties.

Figure 4: Enacted Map, with Census Blocks Shifted Into Different Districts in Remedial Map 1 Highlighted in Red



The following table summarizes these population movements. For each of the Enacted Districts that are changed, it shows to which districts its residents are moved. In other words, 21,098 residents of Enacted District 2 are moved into Remedial District 31; 21,006 residents of Enacted District 5 are moved into Remedial District 12; and so forth.

Movement of Residents, Enacted Plan v. Remedial Plan 1		
Enacted District	Remedial District 1	Total
2	31	21,098
5	12	21,006
7	13	20,961
8	16	59,854
9	16	9,612
12	7	20,938
13	15	30,654
14	15	88,714
14	17	21,311
15	8	0
15	9	9,356
15	13	9,603
15	14	97,346
15	16	16,619
16	8	59,712
16	14	12,374
16	15	12,046
17	20	21,178
20	2	20,989
31	2	0
31	5	20,880
49	17	0

In total, the map shifts 574,251 individuals among the districts, including 247,170 residents who do not reside in Enacted Districts 14, 15 or 16 and 147,050 residents who do not reside in either Enacted Districts 14, 15 or 16 or in Remedial Districts 14, 15 or 16.

Finally, the changes take place over much of the state, with blocks being shifted in 28 of the state's 39 counties, including several in western Washington. Overall, six

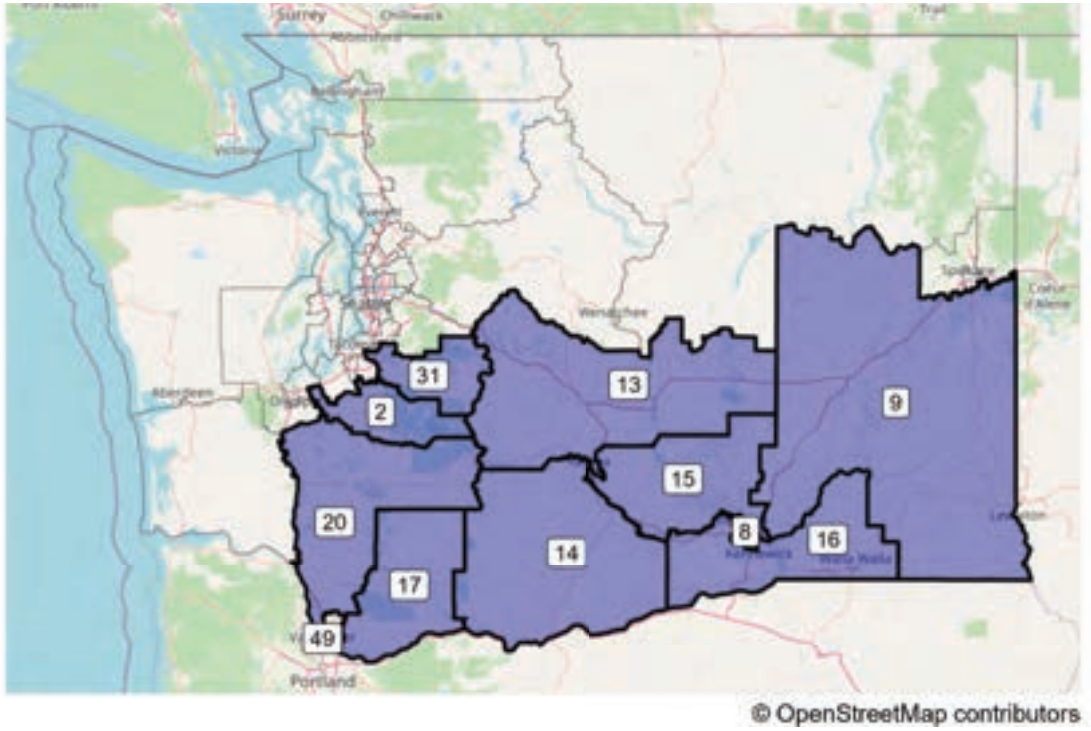
districts are moved entirely out of seven counties, while seven districts are moved into nine counties.

Districts Moved Into and Out of Counties, Enacted vs. Remedial 1			
District Moves Out Of		District Moves Into	
District	County	District	County
8	Franklin	2	Lewis
9	Franklin	5	Pierce
12	Douglas	7	Chelan
13	Yakima	13	Adams
15	Adams	13	Douglas
15	Franklin	14	Benton
15	Grant	14	Franklin
20	Thurston	16	Grant
—	—	17	Klickitat

3.1.2 Remedial Map 2

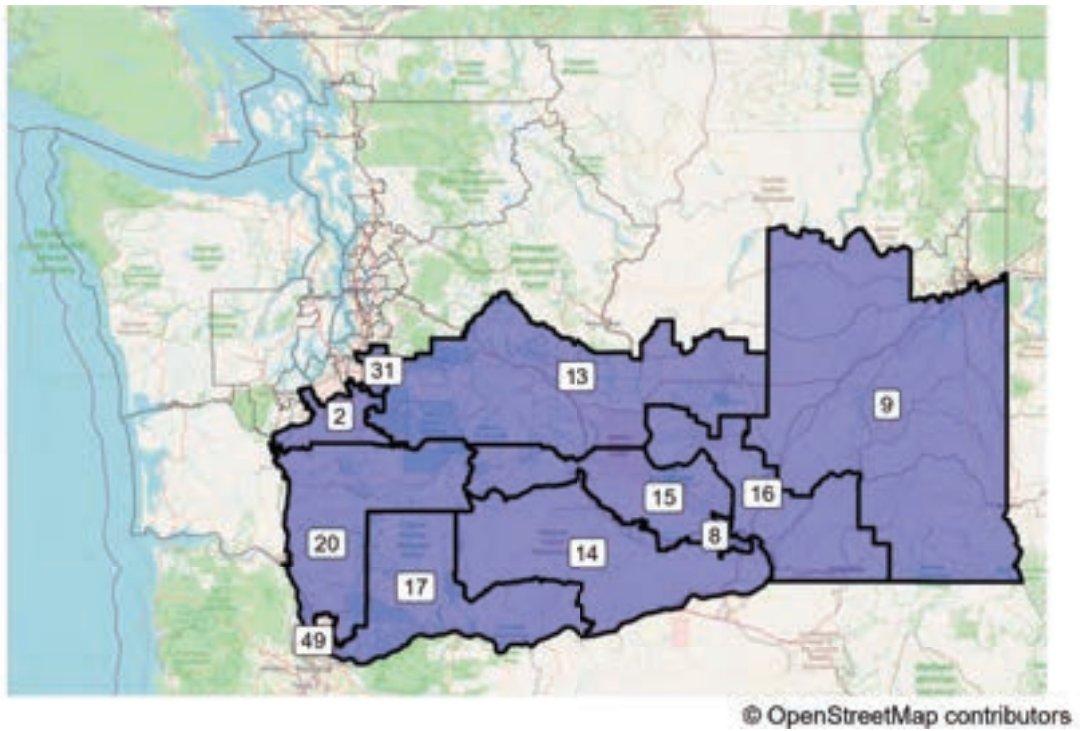
Remedial Map 2 alters fewer districts than does Remedial Map 1. Figure 5 shows which of the districts in the Enacted Map are changed in Remedial Map 2. Overall, the boundaries of 11 districts, or 22.4% of the districts in the state, are altered in Remedial Map 2.

Figure 5: Enacted Map, with Districts Altered in Remedial Map 2 Highlighted



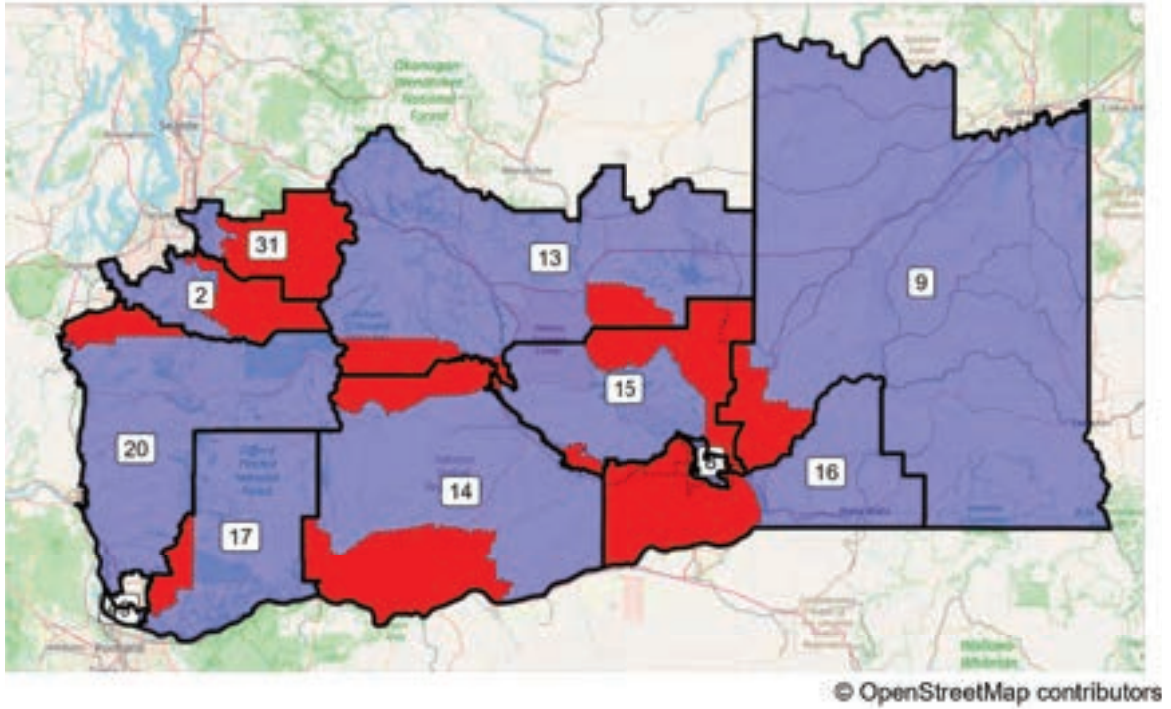
Similarly, Figure 6 shows the districts in Remedial Map 2 with the districts that were altered from the Enacted Map highlighted.

Figure 6: Remedial Map 2, with Districts Altered from Enacted Map Highlighted



Finally, Fig. 7 highlights the Enacted Plan districts that are changed in Map 2. It also depicts the census blocks that are shifted between districts from the Enacted Plan to the remedial plan by highlighting them in red.

Figure 7: Enacted Map, with Census Blocks Shifted Into Different Districts in Remedial Map 2 Highlighted in Red



We can once again see the degree to which the Remedial Map disrupts the Enacted Map in the following table:

Movement of Residents, Enacted Plan v. Remedial Plan 2		
Enacted District	Remedial District 1	Total
2	13	127
2	31	21,098
8	16	59,854
9	16	3,261
13	15	17,271
13	16	3,849
14	15	88,714
14	17	21,311
15	8	0
15	9	3,171
15	14	97,346
15	16	31,429
16	8	59,712
16	14	12,374
16	15	24,235
17	20	21,178
20	2	20,989
31	13	21,003
49	17	0

In total, the map shifts 506,922 individuals among the districts, including 168,630 residents who do not reside in Enacted Districts 14, 15 or 16 and 88,244 residents who do not reside in either Enacted Districts 14, 15 or 16 or in Remedial Districts 14, 15 or 16.

Finally, the changes take place over much of the state, with blocks being shifted in 21 of the state's 39 counties, including in several western Washington counties. Overall, six districts are moved entirely out of seven counties, while seven districts are moved into nine counties.

Districts Moved Into and Out of Counties, Enacted vs. Remedial 2			
District Moves Out Of		District Moves Into	
District	County	District	County
8	Franklin	2	Lewis
15	Adams	13	Columbia
15	Franklin	13	Pierce
15	Grant	14	Benton
20	Thurston	14	Franklin
—	—	16	Adams
—	—	16	Grant
—	—	17	Klickitat

3.2 HCVAP

I was asked to identify the Hispanic Citizen Voting Age Population in the district with the highest Hispanic Citizen Voting Age Population in plaintiffs' proposed remedial districts, and to compare it to the HCVAP in the Enacted Plan District 15. Estimating this is a tricky task. Because the census only reports citizen voting age population at the block group level (see *supra* note 1), and because the districts divide block groups, the population estimates must be estimated for the blocks. Those blocks can then be aggregated up to give an estimate of the HCVAP on a district-wide level.

The way that this is typically done is to take the population of the block group, and then apportion it to the blocks according to some known population of the blocks. For example, suppose that you had 1,000 Hispanic citizens of voting age in a block group, and that the block group contains three blocks: Block A, Block B and Block C. These blocks have voting age populations (which are known from the decennial census) of 500, 1500 and 2000, respectively. An analyst might observe that these blocks contain 12.5%, 37.5% and 50% of the voting age population of the block group, respectively, and apportion 125 Hispanic Citizens of Voting Age from the block group to Block A (1,000 x 12.5%), 375 to Block B (1,000 x 37.5%) and 500 to Block C (1,000 x 50%). There are other ways you

could do this. One might use the Hispanic Voting Age Population, or overall Voting Age Population, or other techniques to create the estimates. Most of these techniques will give the same answer, however, within a few tenths of a percentage point.

For purposes of this report, I have weighted the CVAP to the Total Voting Age Population for each block from the 2020 census, and the HCVAP to the Hispanic Voting Age Population for each block. The blocks were then aggregated.

HCVAP Estimates of VRA Districts in Remedial 1 and 2, and Enacted Map

Year	HCVAP% (Rem. Maps 1 and 2)	HCVAP% (Enacted Map)
2021	51.7%	52.6%
2020	51.3%	51.9%
2019	49.8%	50.0%

3.3 Compactness of the District Shapes

I was asked to consider the compactness of the districts in Remedial Maps 1 and 2, compared to the Enacted Map. In particular, I was asked to examine the analysis of Dr. Oskooii. First, and critically, Dr. Oskooii reports the overall compactness for all of the state's 49 districts in the various remedial proposals, and notes that they are similar to the Enacted Map. Oskooii Report at 13.

This is not the whole story. While Dr. Oskooii does change a surprisingly large number of districts to remedy a violation occurring in a single district, he nevertheless leaves many other districts intact in his remedial maps. Since the compactness metrics of most of the districts in the remedial maps are unchanged by definition, even fairly gratuitous decreases in the compactness of the other districts will not change the overall compactness of a remedial map when calculated on a statewide basis.

This report supplements Dr. Oskooii's aggregate analysis by examining the com-

pactness of the individual districts that are altered in each remedial map. While there are hundreds of district compactness metrics available, I focus on the two metrics employed by Dr. Oskooii: Reock and Polsby-Popper. At this stage in the litigation, I suspect that these metrics have been fully defined and explored previously, so I will be brief. The Reock score imagines a circle around the district that touches the district boundary in at least two points but never crosses that boundary. The score reflects the percentage of that circle's area that the district will fill. Thus, the more distended the district becomes, the worse it scores. A circle would have a perfect Reock score of 1; a line would have a Reock score of 0.

The Polsby-Popper score imagines a circle with the same perimeter as the district. The score is the percentage of that circle's area that the district would fill. Thus, as a district grows arms and inlets, its perimeter will increase. This will in turn increase the perimeter of the circle, which will increase the circle's area, decreasing the percentage of the circle that the district will fill, leading to a lower score.

The following table shows the 10 least compact district districts using the Reock scores for the Enacted Plan, and Remedial Plans 1 and 2. The compactness of additional districts could easily be extracted from the accompanying code.

We begin with the Reock Scores. Districts that are changed in either Remedial Plan 1 or Remedial Plan 2 are highlighted.

10 Lowest Reock Scores					
Enacted Map, Remedial 1 and Remedial 2					
Enacted Map		Remedial 1		Remedial 2	
Reock	District	Reock	District	Reock	District
0.133	42	0.133	42	0.133	42
0.180	2	0.166	2	0.174	15
0.222	43	0.219	14	0.199	2
0.243	16	0.220	15	0.202	13
0.258	41	0.222	43	0.216	16
0.279	8	0.234	17	0.219	14
0.291	49	0.256	5	0.222	43
0.295	13	0.258	41	0.234	17
0.304	40	0.281	8	0.258	41
0.308	5	0.291	49	0.281	8

Under all 3 plans, District 42 remains the least compact district. That is unsurprising, as its shape is largely dictated by the elongated shape of county Whatcom County. District 2, located in southern Pierce County and portions of eastern Thurston County, is the second-least compact in both the Enacted Plan and under Remedial Plan 1 (where it is made even less compact). Remedial Plan 2 makes this district slightly more compact.

District 14 would be less compact than all but these two Enacted Plan Districts using the Reock Score in either remedial map. Dr. Oskoi's Remedial Map 1 makes four districts less compact than the third-least compact district in the Enacted Plan, while Remedial Map 2 is even worse, making six districts less compact than the third-least compact district in the Enacted Plan. It makes District 15 less compact than any district in the Enacted Plan, save for District 42 (which again, is likely forced by the shape of Whatcom County to have a low Reock score).

Remedial Map 1 makes Districts 2, 5, 7, 9, 14, 15, 17, 20, and 49 less compact – in some cases, substantially so – while Districts 8, 12, 13, 16 and 31 are made marginally

more compact. Of particular note, the proposed remedial district sees its Reock score drop from 0.531 to 0.219, taking it from one of the most compact districts in the map to one of the least compact districts in the map.

Comparison of Reock Scores, Changed Districts, Remedial 1					
Made Less Compact			Made More Compact		
Enacted District	Reock, Enacted	Reock, Rem. 1	District	Reock, Enacted	Reock, Rem. 2
2	0.180	0.166	8	0.279	0.281
5	0.308	0.256	12	0.343	0.344
7	0.368	0.341	13	0.295	0.302
9	0.498	0.457	16	0.243	0.301
14	0.531	0.219	31	0.310	0.312
15	0.323	0.220	—	—	—
17	0.455	0.234	—	—	—
20	0.387	0.386	—	—	—
49	0.291	0.291	—	—	—

Comparison of Reock Scores, Changed Districts, Remedial 2					
Made Less Compact			Made More Compact		
Enacted District	Reock, Enacted	Reock, Rem. 2	District	Reock, Enacted	Reock, Rem. 2
9	0.498	0.481	2	0.180	0.199
13	0.295	0.202	8	0.279	0.281
14	0.531	0.219	31	0.310	0.457
15	0.323	0.174	—	—	—
16	0.243	0.216	—	—	—
17	0.455	0.234	—	—	—
20	0.387	0.386	—	—	—
49	0.291	0.291	—	—	—

Here, only three districts are made more compact, while nine districts are made less compact. Districts 13, 14, 15 and 17 all see significant reductions in their compactness; only District 31 is made appreciably more compact under this metric.

For Polsby-Popper, the story is much the same. Under the Enacted Map, only three of the districts that Dr. Oskooii changes are among the 10 least compact districts. Under Remedial Map 1 that number is 6 and under Remedial Map 2 that number is 5. Only one district has a Polsby-Popper score under 0.2 in the Enacted Plan – a district that largely follows the irregular boundaries of Renton and Tukwila. Under the two remedial plans that number grows to four.

10 Lowest Polsby-Popper Scores					
Enacted Map, Remedial 1 and Remedial 2					
Enacted Map		Remedial 1		Remedial 2	
Polsby-Popper	District	Polsby-Popper	District	Polsby-Popper	District
0.141	11	0.141	11	0.134	2
0.203	8	0.185	2	0.141	11
0.217	45	0.188	8	0.185	15
0.222	2	0.189	5	0.188	8
0.223	41	0.211	15	0.217	45
0.226	12	0.217	45	0.220	31
0.227	1	0.223	41	0.223	41
0.242	6	0.223	12	0.226	12
0.245	26	0.227	1	0.227	1
0.245	35	0.231	14	0.231	14

Once again, most of the districts that are redrawn under this map are made less compact. Under Remedial Map 1, 11 districts are made less compact, while just three are made more compact. Districts 14 and 17 stand out as having particularly large decreases in their compactness.

Comparison of Polsby-Popper Scores, Changed Districts, Remedial 1					
Made Less Compact			Made More Compact		
Enacted District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 1	District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 2
2	0.222	0.185	7	0.327	0.340
5	0.249	0.189	9	0.351	0.372
8	0.203	0.188	16	0.278	0.352
12	0.226	0.223	—	—	—
13	0.271	0.237	—	—	—
14	0.478	0.231	—	—	—
15	0.255	0.211	—	—	—
17	0.489	0.281	—	—	—
20	0.290	0.252	—	—	—
31	0.330	0.284	—	—	—
49	0.291	0.291	—	—	—

Under Remedial Map 2, every district that is changed is made less compact using the Polsby-Popper score, with the exception of District 9. Districts 14 and 17 once again stand out.

Comparison of Polsby-Popper Scores, Changed Districts, Remedial 2					
Made Less Compact			Made More Compact		
Enacted District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 2	District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 2
2	0.222	0.134	9	0.351	0.378
8	0.203	0.188	—	—	—
13	0.271	0.235	—	—	—
14	0.478	0.231	—	—	—
15	0.255	0.185	—	—	—
16	0.278	0.245	—	—	—
17	0.489	0.281	—	—	—
20	0.290	0.252	—	—	—
31	0.330	0.220	—	—	—
49	0.291	0.291	—	—	—

3.4 Compactness of Population

I was also asked to examine how District 14 in Remedial Maps 1 and 2 are put together. In particular, I was asked to look at whether there was a compact minority

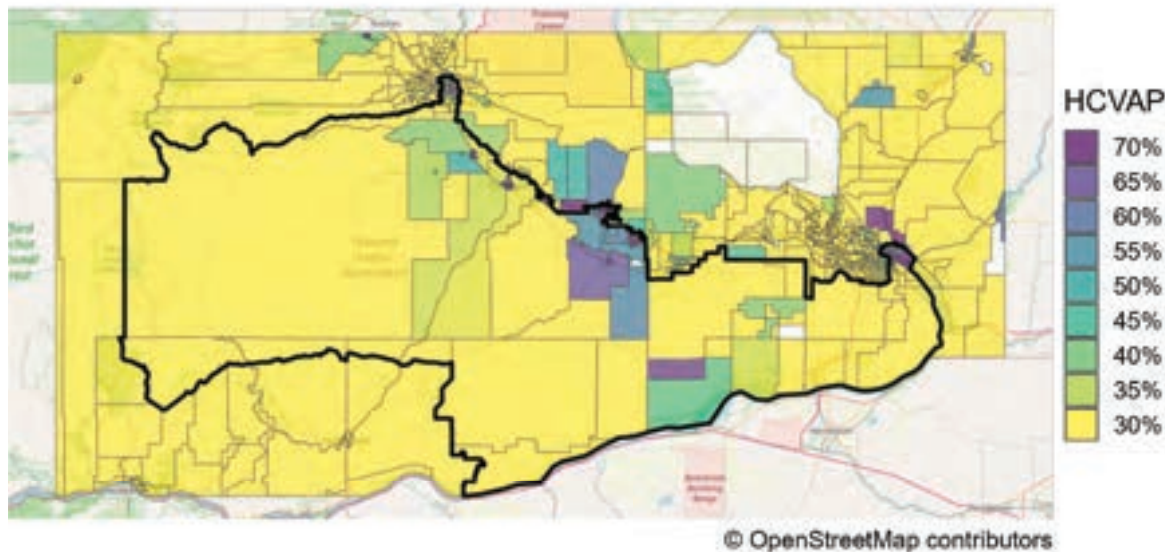
population at the core of the district, or whether the district stitched together discrete clusters of minority groups to achieve the 50% + 1 threshold.

The answer is the latter. Not only do the maps stitch together far-flung Hispanic populations, they do so while weaving in and out of otherwise compact communities that are geographically close to one another. Whatever data were used as the basis for drawing the maps – and I have no particular reason to question Dr. Oskooii’s assurances that he directly consulted neither racial nor political data – the maps nevertheless carve out Hispanic areas and Democratic areas with razor-like accuracy across a wide swath of south-central Washington, creating appendages that wrap into heavily Hispanic and Democratic areas in order to build the district.

We begin with choropleth maps. Choropleth maps are traditional “area-based” maps, where some areal unit (here, voting districts, or VTDs²) are shaded to correspond with some data (here, percentage Hispanic CVAP). We can first look at the maps on a district-wide basis. Note that white areas have zero population; attempting to calculate a HCVAP here returns a null value.

²VTDs are a census unit that are similar to precincts, although they are not always identical

Figure 8: HCVAP of VTDs, Remedial Map 1 and 2, District 14



These color scales on these maps are truncated at 30% and 70% HCVAP. In my experience, allowing the color scale to run from 0% to 100% risks losing a good deal of data, as differences in the crucial 40% - 60% HCVAP range are blended together. This approach has been accepted in many courts in which I have testified, and has never been challenged by a court.

As you can see, the district begins with a heavy cluster of Hispanic citizens in Pasco, before looping around to the south and covering wide swaths of heavily White precincts. It then picks up a cluster of heavily Hispanic cities along the Yakima River, while ignoring heavily non-Hispanic White neighboring cities.

The following table illustrates this. It shows all of the cities³ in Benton, Franklin and Yakima counties, the District to which they are assigned, and the Hispanic Citizen Voting Age Population for each. They are then arranged by HCVAP. When a city appears

³Many of these places are not “cities”, in the strictest sense of the term. In the interest of word economy, I use it as a general term for locations ranging from census-designated places to cities

more than once, it means that the city is split; the HCVAP for the portion of the city contained in each district is reported separately.

Rank	District	City	HCVAP	Rank	District	City	HCVAP
1	15	Cliffdell	0.00%	25	14	Parker	26.69%
2	15	Nile	0.92%	26	16	Pasco	29.00%
3	15	Naches	1.06%	27	14	Kennewick	30.87%
4	16	Kahlotus	4.65%	28	15	Donald	33.88%
5	8	West Richland	6.44%	29	14	Union Gap	34.51%
6	8	Richland	8.59%	30	15	Zillah	34.69%
7	15	Gleed	9.77%	31	16	Connell	37.26%
8	16	Richland	9.79%	32	15	Moxee	38.29%
9	15	Summitview	10.00%	33	15	Prosser	38.83%
10	14	Finley	10.04%	34	14	Yakima	47.99%
11	15	Tampico	10.19%	35	14	Harrah	52.95%
12	15	Eschbach	11.42%	36	16	Basin City	58.62%
13	14	White Swan	14.74%	37	14	Pasco	63.38%
14	16	West Pasco	14.78%	38	15	Tieton	68.88%
15	15	Terrace Heights	15.31%	39	14	Grandview	72.77%
16	16	Benton City	16.50%	40	14	Sunnyside	73.27%
17	16	Mesa	16.62%	41	14	Wapato	73.37%
18	8	Kennewick	17.31%	42	14	Toppenish	79.14%
19	15	Selah	18.14%	43	14	Granger	82.74%
20	15	Ahtanum	19.18%	44	15	Outlook	89.47%
21	16	West Richland	20.10%	45	14	Mabton	94.55%
22	15	Yakima	22.34%	46	14	Ahtanum	—
23	15	Cowiche	22.37%	47	14	Tampico	—
24	15	Buena	23.00%	—	—	—	—

As you can see, only two of the 24 cities with the lowest HCVAPs are included

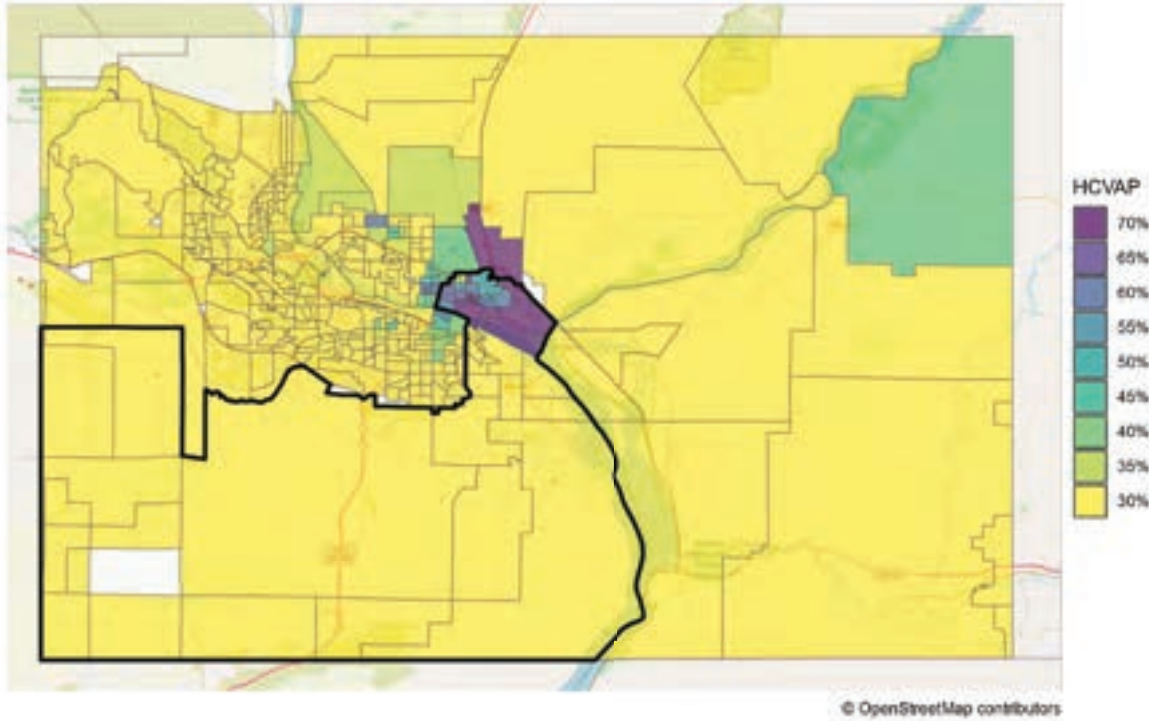
in District 14. Finley is to the South of Pasco; District 14 crosses it in order to reach Pasco. White Swan is located in the heart of the Yakima Indian reservation and is overwhelmingly Native America. On the other hand, the 14th includes every majority-Hispanic city in the three counties, with the exception of Basin City (located well to the north of Pasco) and Tieton (Northwest of Yakima) and Outlook (pop. 184).

We can also confine our inquiry to the cities in Yakima County.

Rank	District	City	HCVAP	Rank	District	City	HCVAP
1	15	Cliffdell	0.00%	17	14	Union Gap	34.51%
2	15	Nile	0.92%	18	15	Zillah	34.69%
3	15	Naches	1.06%	19	15	Moxee	38.29%
4	15	Gleed	9.77%	20	14	Yakima	47.99%
5	15	Summitview	10.00%	21	14	Harrah	52.95%
6	15	Tampico	10.19%	22	15	Tieton	68.88%
7	15	Eschbach	11.42%	23	14	Grandview	72.77%
8	14	White Swan	14.74%	24	14	Sunnyside	73.27%
9	15	Terrace Heights	15.31%	25	14	Wapato	73.37%
10	15	Selah	18.14%	26	14	Toppenish	79.14%
11	15	Ahtanum	19.18%	27	14	Granger	82.74%
12	15	Yakima	22.34%	28	15	Outlook	89.47%
13	15	Cowiche	22.37%	29	14	Mabton	94.55%
14	15	Buena	23.00%	30	14	Ahtanum	—
15	14	Parker	26.69%	31	14	Tampico	—
16	15	Donald	33.88%	—	—	—	—

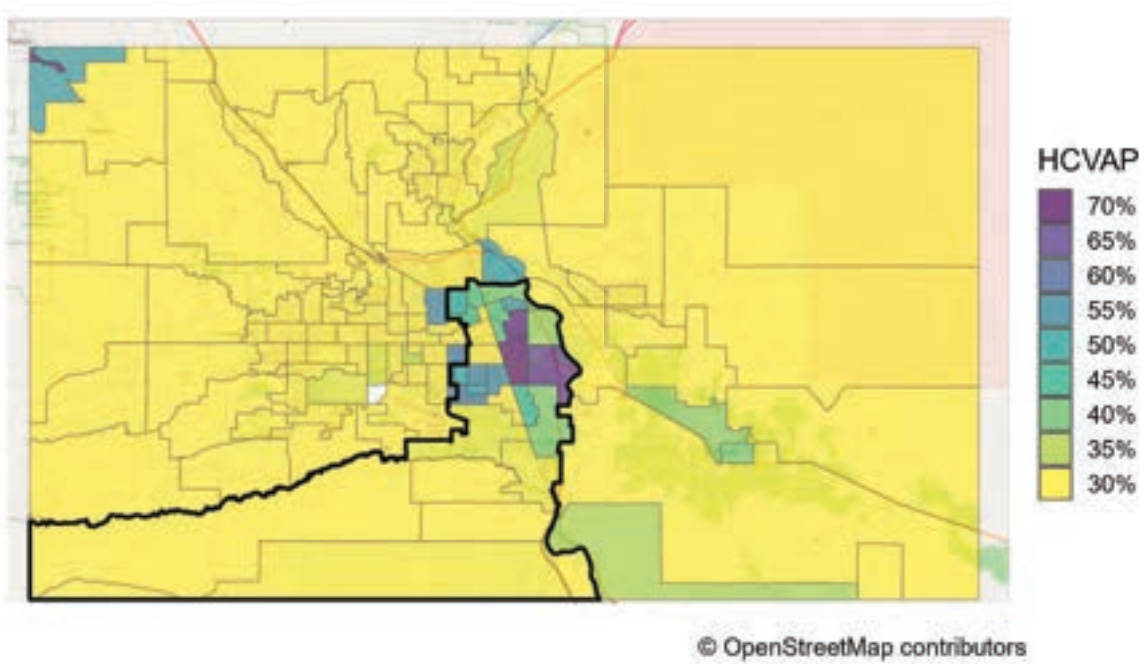
You can see this better in the following maps, which zoom in on Pasco and Yakima:

Figure 9: HCVAP of VTDs, Remedial Map 1 and 2, District 14, Pasco Area



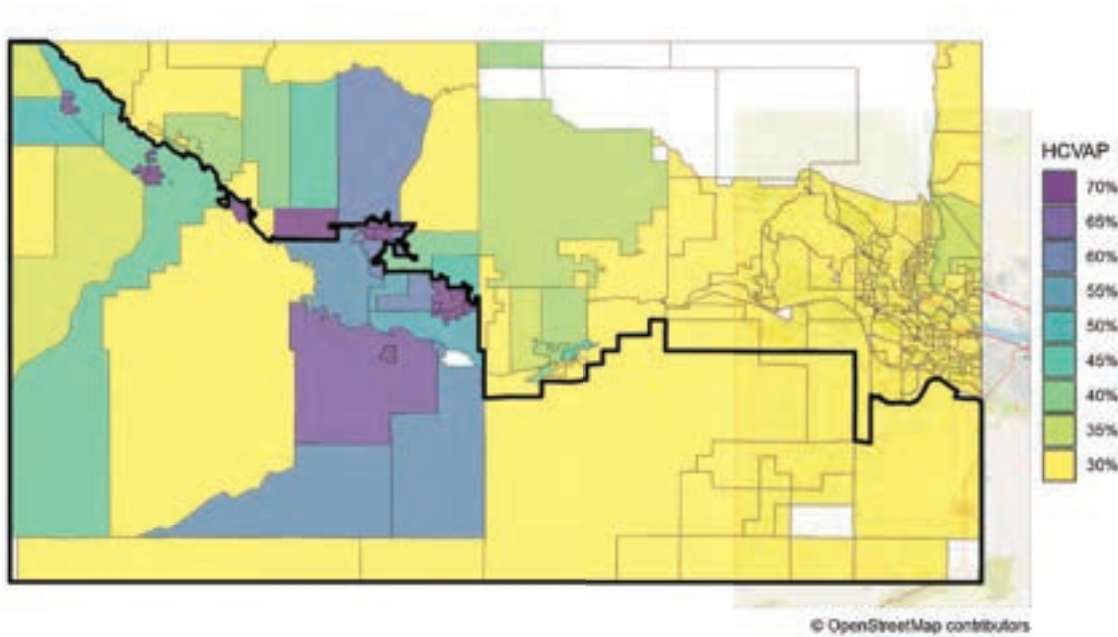
12 of the 18 majority Hispanic VTDs are placed in District 14 in the area depicted above, along with 23 of the 286 non-majority Hispanic VTDs.

Figure 10: HCVAP of VTDs, Remedial Map 1 and 2, District 14, Yakima Area



8 of the 14 majority Hispanic VTDs are placed in District 14 in the area depicted above, along with 21 of the 110 non-majority Hispanic VTDs.

Figure 11: HCVAP of VTDs, Remedial Map 1 and 2, District 14, Yakima River



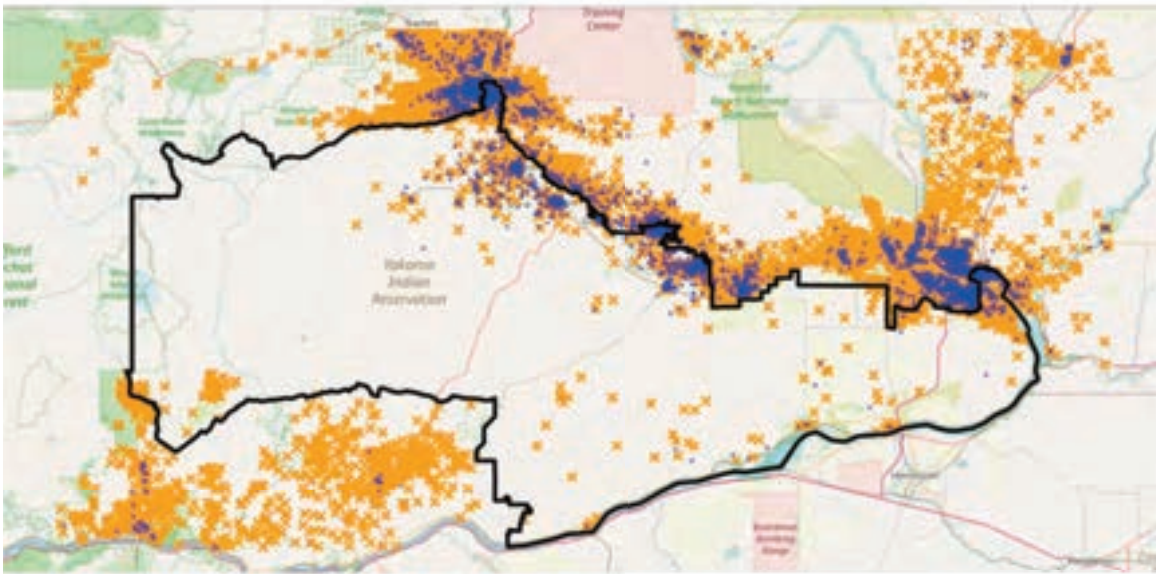
28 of the 31 majority Hispanic VTDs are placed in District 14 in the area depicted above, along with 21 of the 210 non-majority Hispanic VTDs.

One of the limitations of choropleth maps, however, is that they don't reveal populations. A VTD with 10 Hispanic residents and 10 White residents is treated the same as a VTD with 1,000 Hispanic residents and 1,000 White residents. While there may be times where those differences are immaterial, there may also be times where the difference is important.

To account for this, I will typically employ dot density maps. Dot density maps have been utilized in cases at least back to the Bethune-Hill case, where Dr. Rodden employed them to examine the distribution of residents of districts. In a dot density map, census blocks are taken as the basis for the district. In each block, a dot is drawn for every member of a group, or every ten members, or every 100 members, depending on the scale of the map. For these maps, I employ 1 blue dot for 10 Hispanic Citizens of

Voting Age, an orange “x” for 10 White Citizens of Voting Age, and a purple “+” for 10 members of other races. Obviously there is some rounding involved, but in the aggregate that typically does not matter.

Figure 12: Dot Density Map of Population, Remedial Maps 1 and 2, District 14. Here, one blue dot represents 10 Hispanic citizens of voting age, one orange x represents 10 White citizens of voting age, and one purple + represents 10 citizens of voting age of other races.



Most of the district is, in fact, largely uninhabited. You can, however, see how the district carefully avoids crossing over into heavily White areas to reach out and take in geographically dispersed Hispanic communities. In other words, there is no single Hispanic population in the district that is sufficient to constitute 50%+1 of the Citizen Voting Age Population. Rather, there are multiple isolated pockets of Hispanic clustering that are patched together to make this district work.

It is also apparent by examining the dotplots of Pasco, Yakima, and the areas in

between how the district carves out heavily Hispanic areas while avoiding areas that are more densely White.

Figure 13: Dot Density Map of Population, Remedial Maps 1 and 2, District 14, in the Pasco area. Here, one blue dot represents 10 Hispanic citizens of voting age, one orange x represents 10 White citizens of voting age, and one purple + represents 10 citizens of voting age of other races.

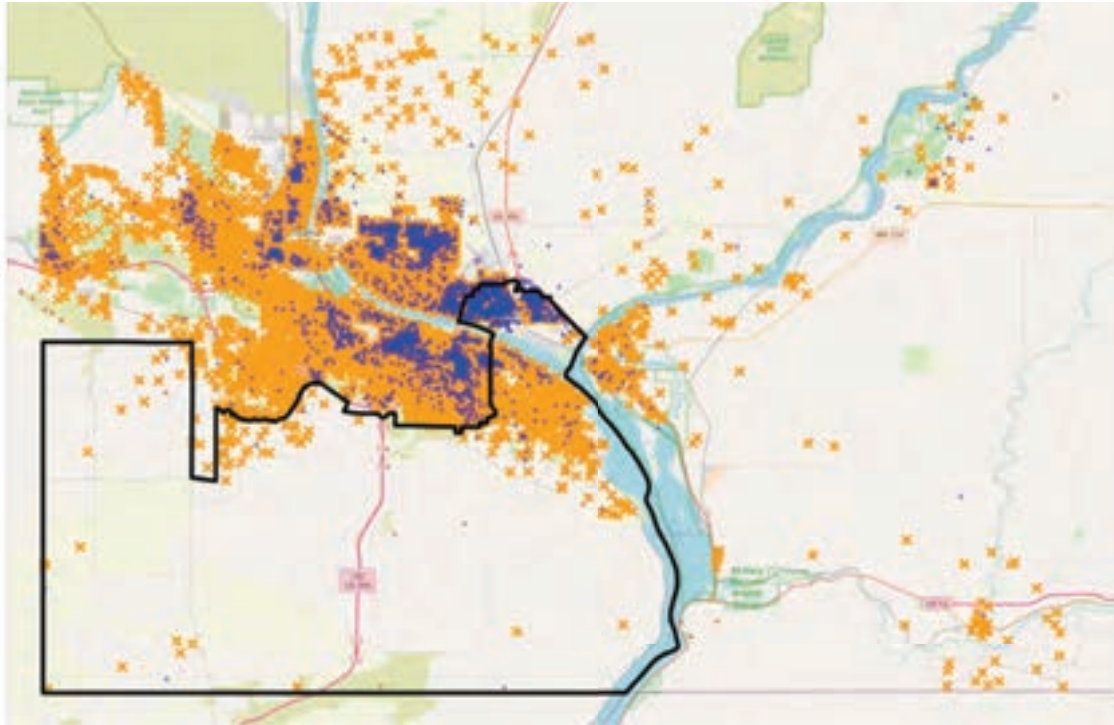


Figure 14: Dot Density Map of Population, Remedial Maps 1 and 2, District 14, in the Yakima area. Here, one blue dot represents 10 Hispanic citizens of voting age, one orange x represents 10 White citizens of voting age, and one purple + represents 10 citizens of voting age of other races.

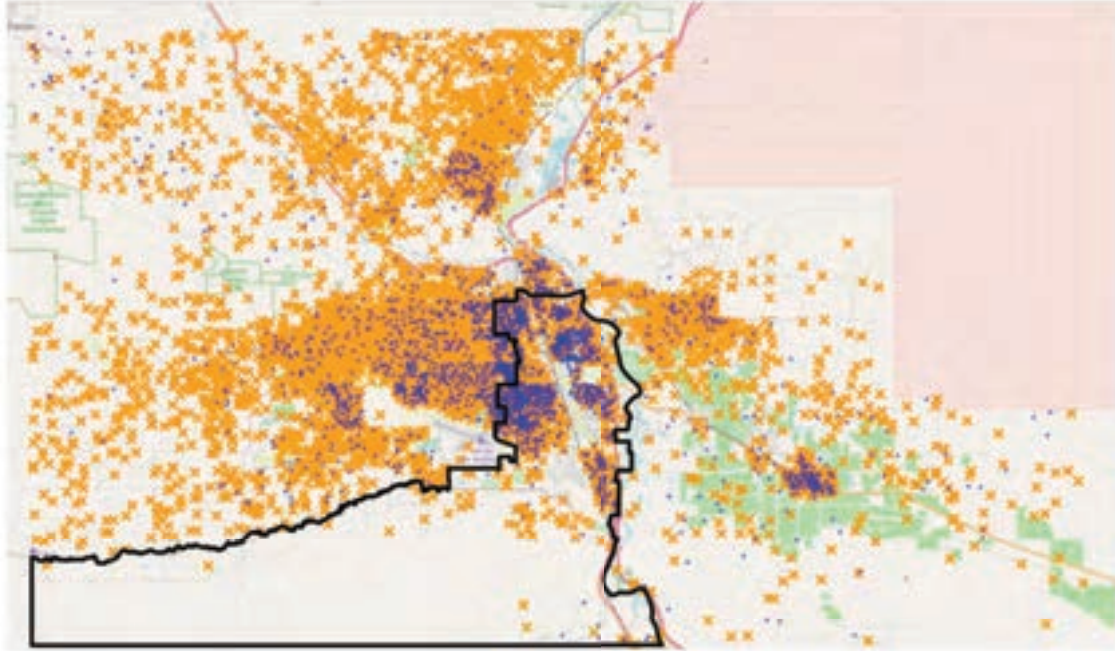
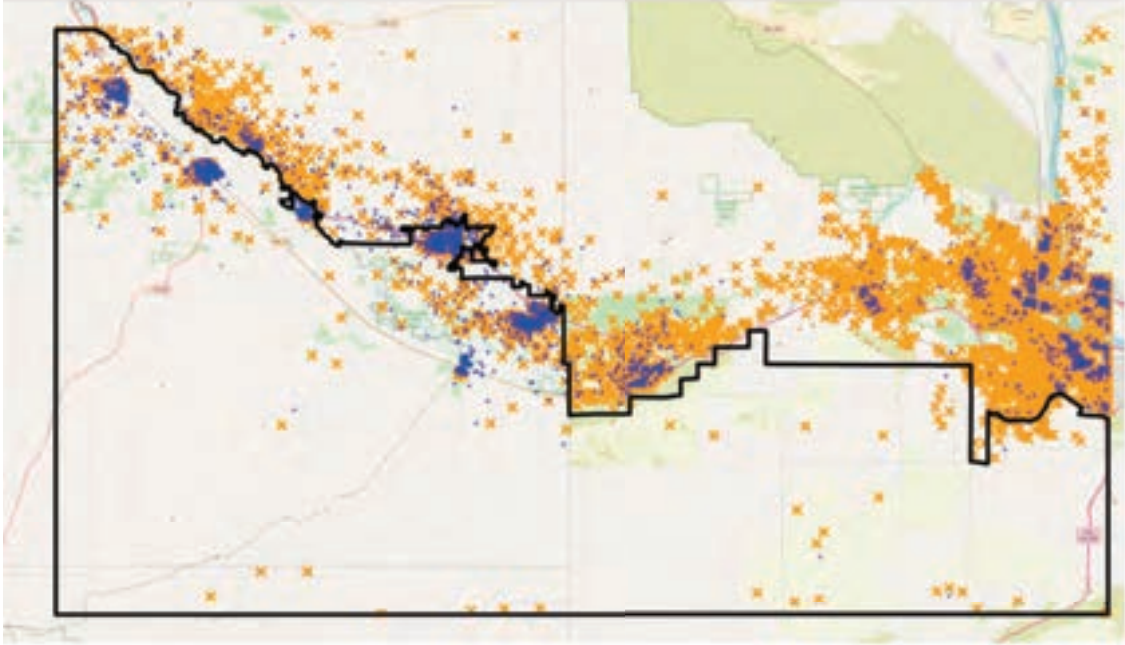


Figure 15: Dot Density Map of Population, Remedial Maps 1 and 2, District 14, in the Yakima River area. Here, one blue dot represents 10 Hispanic citizens of voting age, one orange x represents 10 White citizens of voting age, and one purple + represents 10 citizens of voting age of other races.



3.5 Political Impact

I was also asked to examine the political impact of the maps. Obviously, District 15 is transformed into a Republican-leaning district, while District 14 is made more Democratic. The question is whether other districts were quietly made more Republican or Democratic in meaningful ways.

I've once again examined the districts that were changed in Remedial Map 1, under a variety of specifications. "Total Vote, 2016-2020" examines the vote total for the 2020 Presidential, gubernatorial, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Commissioner of Public Lands and Insurance Commissioner elections, the 2018 Senate election, and the 2016 Presidential, gubernatorial, Lieutenant

Governor, Secretary of State, Treasurer, Auditor, Attorney General, Commissioner of Public Lands and Insurance Commissioner elections. I understand that Dave’s Redistricting App (“DRA”) has been used for some of the Demonstration Maps here. The “Total Vote, DRA” examines the six elections included in the DRA composite score for 2016-2020: the 2020 and 2016 presidential elections, the 2018 and 2020 senate elections, the 2016 gubernatorial election, and the 2020 attorney general election.

The data are displayed as follows: For each race or composite index, the Democratic lead over the Republican in the Enacted District is displayed on the left, while the Democratic lead over the Republican in the Remedial District is displayed on the left. Determining whether a change is electorally meaningful is a tricky endeavor, but in general if a district sees movement in a result within the +/- 10% mark, it is potentially noteworthy.

A larger version of this image is available as a part of Exhibit 2.

Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 1																				
District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-21.1%	-22.8%	-23.7%	-14.7%	-15.7%	-21.2%	-22.2%	-16.2%	-17.0%	-18.9%	-18.6%	-16.0%	-16.8%	-8.1%	-7.9%	-13.9%	-14.3%	-17.0%	-17.7%
5	11.3%	9.4%	14.3%	12.0%	22.9%	20.2%	3.9%	2.4%	13.9%	12.1%	-1.0%	-2.0%	17.1%	14.9%	11.0%	9.7%	8.2%	6.9%	13.9%	11.9%
7	-33.8%	-31.7%	-38.0%	-36.0%	-31.5%	-29.4%	-36.8%	-34.8%	-27.9%	-26.1%	-29.0%	-27.4%	-33.7%	-31.7%	-20.6%	-18.8%	-27.2%	-25.6%	-31.9%	-29.9%
8	-20.4%	-24.2%	-22.2%	-26.2%	-15.8%	-19.7%	-30.0%	-34.0%	-20.4%	-24.2%	-21.8%	-23.6%	-21.7%	-25.4%	-10.5%	-12.5%	-20.0%	-22.9%	-20.3%	-23.9%
9	-20.1%	-18.7%	-21.8%	-20.6%	-16.0%	-14.8%	-26.3%	-25.2%	-14.6%	-13.2%	-20.0%	-18.7%	-19.8%	-18.5%	-11.7%	-10.4%	-17.9%	-16.8%	-18.6%	-17.4%
12	-10.2%	-6.1%	-11.3%	-6.2%	-2.0%	3.4%	-14.1%	-10.4%	-7.2%	-2.8%	-14.8%	-12.1%	-8.1%	-2.8%	-4.2%	-1.3%	-8.4%	-5.1%	-7.9%	-3.4%
13	-29.7%	-28.7%	-34.0%	-33.2%	-26.0%	-24.9%	-34.3%	-33.2%	-29.8%	-28.2%	-29.0%	-28.3%	-30.1%	-28.6%	-21.5%	-20.2%	-25.5%	-24.5%	-29.6%	-28.4%
14	-9.3%	15.2%	-12.1%	10.9%	-6.0%	16.2%	-15.4%	10.2%	-13.3%	9.6%	-10.6%	16.2%	-12.8%	14.0%	-3.5%	24.2%	-9.4%	12.5%	-10.5%	14.1%
15	-1.1%	-24.1%	-5.2%	-26.8%	0.3%	-20.6%	-6.6%	-30.6%	-7.2%	-28.2%	-0.3%	-23.1%	-1.6%	-27.1%	7.7%	-17.0%	-1.8%	-21.8%	-2.2%	-25.1%
16	-23.7%	-20.3%	-26.4%	-22.4%	-20.3%	-16.6%	-32.0%	-27.9%	-20.6%	-17.4%	-22.6%	-22.1%	-25.0%	-21.6%	-10.8%	-9.9%	-21.5%	-19.1%	-22.9%	-19.6%
17	-1.3%	1.2%	-0.0%	2.0%	3.6%	5.8%	-7.6%	-5.3%	2.5%	4.7%	-7.7%	-5.5%	-2.1%	-0.4%	-1.4%	1.5%	-2.6%	-0.6%	-0.9%	1.4%
20	-31.4%	-30.5%	-33.8%	-32.4%	-27.9%	-26.9%	-33.8%	-33.4%	-25.7%	-25.0%	-29.4%	-30.3%	-28.7%	-28.6%	-18.7%	-20.3%	-24.4%	-24.5%	-28.6%	-28.2%
31	-14.3%	-17.4%	-15.4%	-19.0%	-5.7%	-9.0%	-16.1%	-18.6%	-9.5%	-12.4%	-15.4%	-17.7%	-8.5%	-11.6%	-4.8%	-6.9%	-9.1%	-11.5%	-10.3%	-13.3%
49	20.1%	20.1%	20.6%	20.6%	22.4%	22.4%	13.2%	13.2%	24.9%	24.9%	14.9%	14.9%	16.4%	16.4%	21.0%	21.0%	15.9%	15.9%	19.6%	19.6%

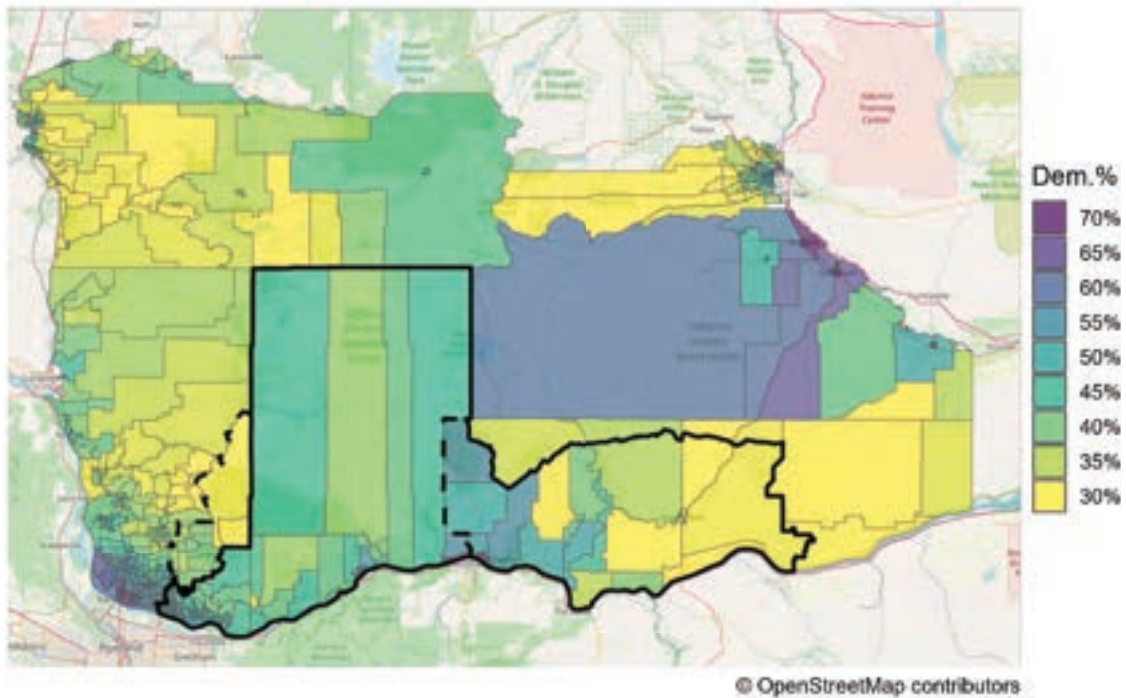
As you can see, the map creates effects beyond simply transforming District 14 into a more Democratic district (and District 15 into a more reliably Republican one). District 12, which always voted for the Republican candidate under the Enacted Map, is transformed into a district where the Republican candidate sometimes loses, and frequently has close calls. The district moves from one where, from 2016-2020, the statewide

candidate has won on average by 8.4 points to one where the candidate wins by 5.1 points. Using the DRA composite, it moves from one the Republican typically wins by 7.9 points to one where the Republican wins by 3.4 points.

More dramatically, District 17 moves from a district where the average statewide Republican candidate has won, on average, by 2.6 points to one where that candidate has won by 0.6% on average. Using the DRA elections, it flips from one where the Republican has won by 0.9% on average to one where the Democrat has won by 1.4% on average.

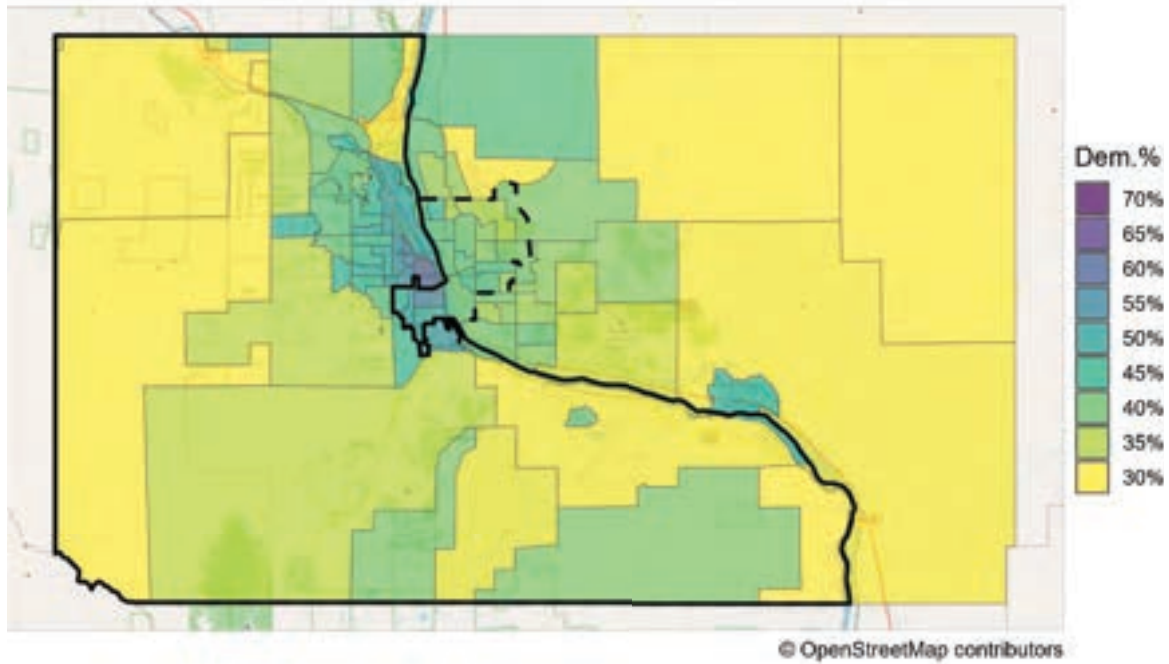
Both of these districts are presently represented by Republicans. There do not appear to be any examples of countervailing shifts that would make a Democratic incumbent appreciably more vulnerable. This could have been avoided rather easily. As you can see from below, District 17 expands into slightly Republican areas of Klickitat County under both Remedial Maps 1 and 2. However, the district gives up heavily Republican areas of Clark County to the already-heavily Republican District 20. Had the mapmaker decided instead to place parts of southeastern Vancouver into District 49, Republican incumbents would not have been endangered.

Figure 16: Democratic Percentage in VTDs, Enacted and Remedial Maps 1 and 2, District 17



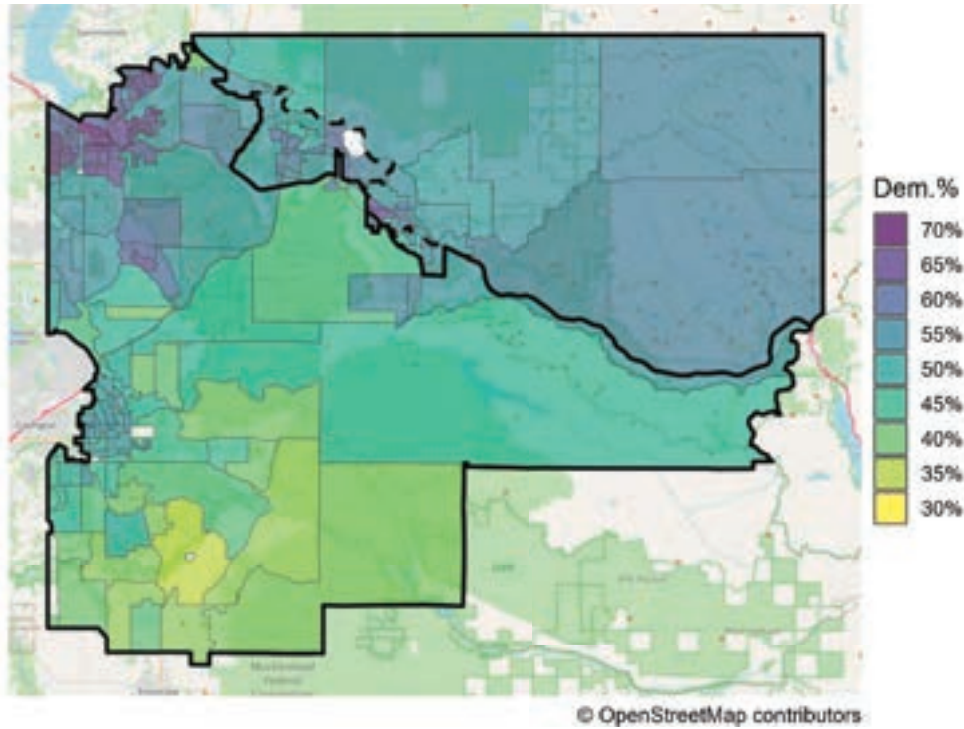
Likewise, District 12 is shifted leftward by excising from District 12 Republican-leaning East Wenatchee (60.4% Republican, using DRA's composite), where incumbent Republican Senator Brad Hawkins lives, along with two marginally Republican precincts and a Democratic precinct from Wenatchee itself; the most heavily Democratic precincts in Wenatchee are left within District 12.

Figure 17: Democratic Percentage in VTDs, Enacted and Remedial Maps 1 and 2, District 12



Likewise, rather than pushing into the eastern portions, more heavily Republican areas of District 5, Remedial Map 1 adds Snoqualmie (61.1% Democratic, using DRA's composite), helping push District 5 leftward.

Figure 18: Democratic Percentage in VTDs, Enacted and Remedial Maps 1 and 2, Districts 12 and 5



Because Remedial Map 2 changes fewer districts, does not alter District 12, and uses the same version of District 17, examining its effects provide no new information.

A larger version of this image is available as a part of Exhibit 2.

Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 2																				
District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-21.1%	-22.8%	-23.7%	-14.7%	-15.7%	-21.2%	-22.2%	-16.2%	-17.0%	-18.9%	-18.6%	-16.0%	-16.8%	-8.1%	-7.9%	-13.9%	-14.3%	-17.0%	-17.7%
8	-20.4%	-24.2%	-22.2%	-26.2%	-15.8%	-19.7%	-30.0%	-34.0%	-20.4%	-24.2%	-21.8%	-23.6%	-21.7%	-25.4%	-10.5%	-12.5%	-20.0%	-22.9%	-20.3%	-23.9%
9	-20.1%	-19.6%	-21.8%	-21.4%	-16.0%	-15.6%	-26.3%	-26.0%	-14.6%	-14.0%	-20.0%	-19.5%	-19.8%	-19.3%	-11.7%	-11.1%	-17.9%	-17.5%	-18.6%	-18.2%
13	-29.7%	-28.8%	-34.0%	-33.3%	-26.0%	-24.5%	-34.3%	-32.9%	-29.8%	-27.7%	-29.0%	-27.7%	-30.1%	-27.8%	-21.5%	-19.5%	-25.5%	-24.1%	-29.6%	-27.9%
14	-9.3%	15.2%	-12.1%	10.9%	-6.0%	16.2%	-15.4%	10.2%	-13.3%	9.6%	-10.6%	16.2%	-12.8%	14.0%	-3.5%	24.2%	-9.4%	12.5%	-10.5%	14.1%
15	-1.1%	-23.3%	-5.2%	-25.9%	0.3%	-19.8%	-6.6%	-30.0%	-7.2%	-27.1%	-0.3%	-22.2%	-1.6%	-25.9%	7.7%	-15.8%	-1.8%	-21.1%	-2.2%	-24.1%
16	-23.7%	-17.5%	-26.4%	-19.8%	-20.3%	-13.9%	-32.0%	-25.2%	-20.6%	-14.8%	-22.6%	-20.3%	-25.0%	-19.2%	-10.8%	-7.9%	-21.5%	-16.9%	-22.9%	-17.1%
17	-1.3%	1.2%	-0.0%	2.0%	3.6%	5.8%	-7.6%	-5.3%	2.5%	4.7%	-7.7%	-5.5%	-2.1%	-0.4%	-1.4%	1.5%	-2.6%	-0.6%	-0.9%	1.4%
20	-31.4%	-30.5%	-33.8%	-32.4%	-27.9%	-26.9%	-33.8%	-33.4%	-25.7%	-25.0%	-29.4%	-30.3%	-28.7%	-28.6%	-18.7%	-20.3%	-24.4%	-24.5%	-28.6%	-28.2%
31	-14.3%	-14.5%	-15.4%	-15.5%	-5.7%	-6.0%	-16.1%	-16.0%	-9.5%	-9.6%	-15.4%	-15.8%	-8.5%	-8.8%	-4.8%	-5.1%	-9.1%	-9.3%	-10.3%	-10.5%
49	20.1%	20.1%	20.6%	20.6%	22.4%	22.4%	13.2%	13.2%	24.9%	24.9%	14.9%	14.9%	16.4%	16.4%	21.0%	21.0%	15.9%	15.9%	19.6%	19.6%

Overall, these maps do not merely create a new, more heavily Democratic district

in southern Washington. They do so by weakening several Republican incumbents in unrelated portions of the map.

3.6 Incumbency

I was also asked to examine the effect of the proposed remedial maps on incumbency. That is to say, I was asked to examine whether the districts pair incumbents together in the same district, or move them into new districts.

Counsel provided me with a spreadsheet containing the names, addresses, and party labels of 147 Washington state legislators. Using R, a statistical programming language commonly used in statistics and the social sciences, I was able to obtain the latitude and longitude coordinates for the addresses for incumbent senators and representatives in districts that were being changed. Using this “geocoded” data, I was able to place the candidates’ addresses in the district in which they reside.

The following table describes incumbents who are paired together under the Enacted Map and under Remedial Maps 1 and 2. Each District should have three members – a senator and two representatives – but these districts have more.

First	Last	Party	Chamber
District 5			
Lisa	Callan	D	House
Bill	Ramos	D	House
Mark	Mullet	D	Senate
Drew	Stokesbary	R	House
Phil	Fortunato	R	Senate
District 7			
Joel	Kretz	R	House
Jacquelin	Maycumber	R	House
Shelly	Short	R	Senate
Brad	Hawkins	R	Senate
District 15			
Chris	Corry	R	House
Curtis	King	R	Senate
Bruce	Chandler	R	House
Bryan	Sandlin	R	House
District 16			
Stephanie	Barnard	R	House
Nikki	Torres	R	Senate
Mark	Klicker	R	House
Skyler	Rude	R	House
Perry	Dozier	R	Senate
District 17			
Gina	Mosbrucker	R	House
Paul	Harris	R	House
Kevin	Waters	R	House
Lynda	Wilson	R	Senate

Under Remedial Map 1, Mark Mullet and Phil Fortunato are paired together in a district that, as described above, is fairly Democratic. House Minority Leader Drew

Stokesbury is drawn into the same district, along with Democratic Representatives Bill Ramos and Lisa Callan. In District 7, two Republican Senators are paired together. In District 15, three Republican House members are paired together. In District 17, three Republican House members are paired together in a district that, as described above, will become appreciably more Democratic.

In District 16, Sen. Nikki Torres is paired with Sen. Perry Dozier. Only 9.9% of the voting age population of her new district would come from her current district.

Remedial Map two will have a similar impact, albeit limited to districts 15, 16 and 17.

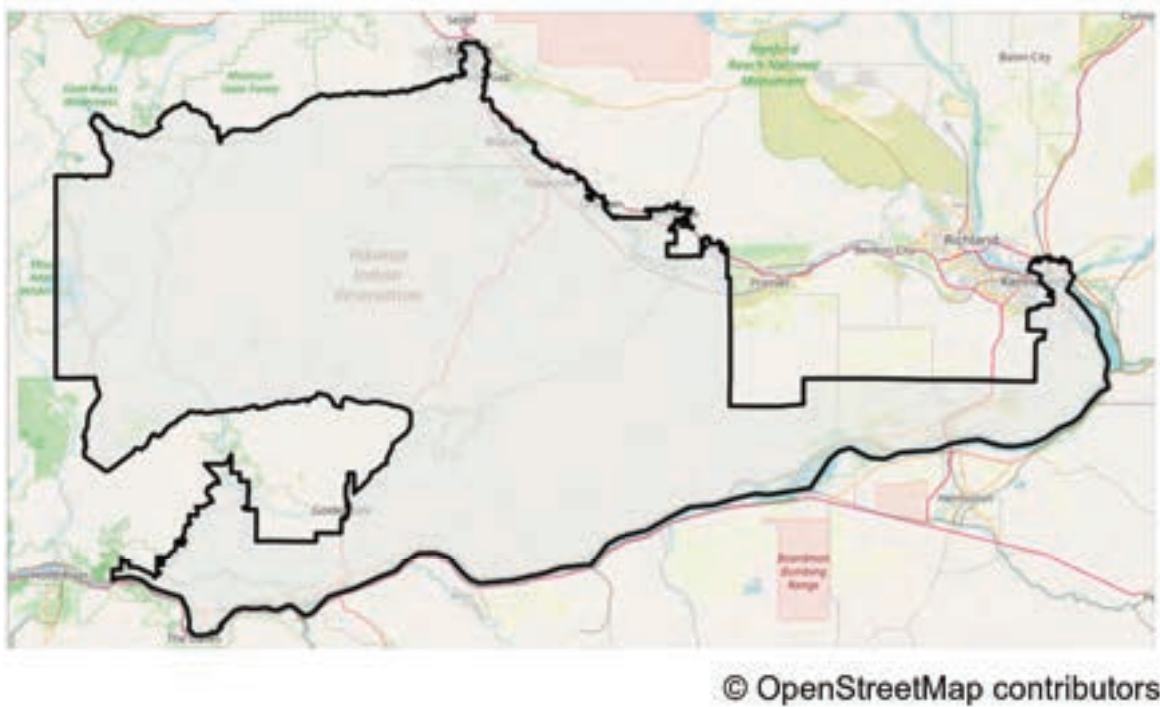
4 Analysis of Remedial Maps 3 and 4

The analysis that follows largely follows the structure of the analysis in the preceding section, and thus assumes reader familiarity with it. Given the length of the report, this section will not repeat the explanations of the maps and figures from the previous section.

4.1 Overview

Maps 3 and 4 both use the following district for as their remedial VRA district:

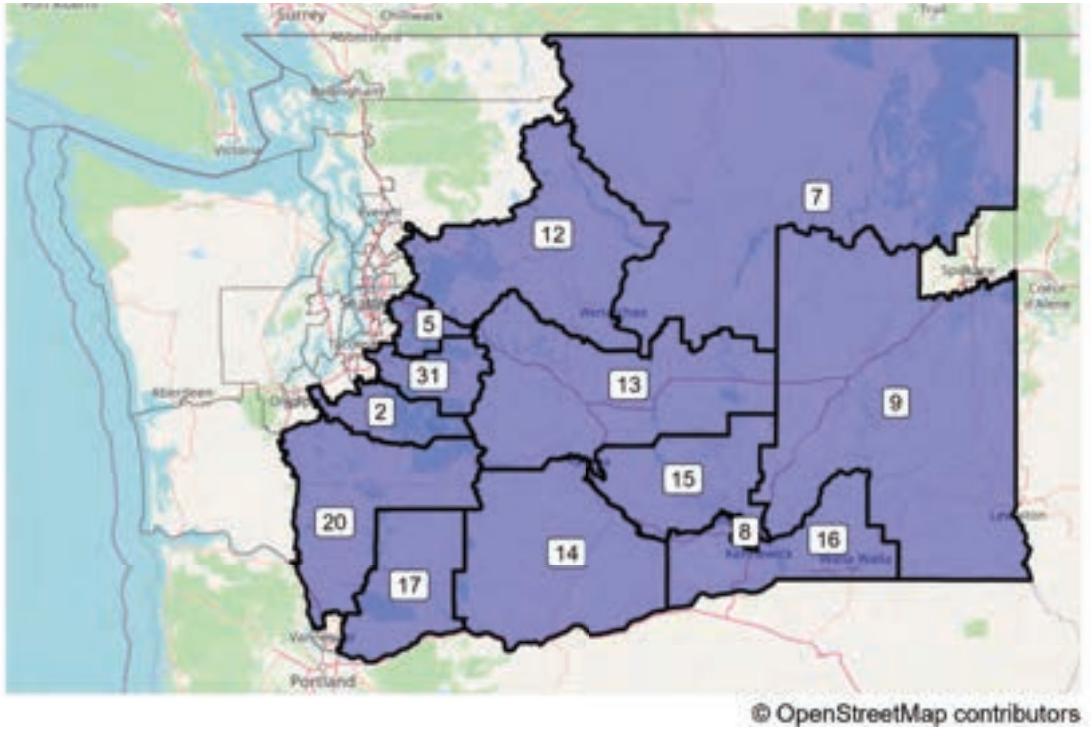
Figure 19: Proposed VRA District in Remedial Maps 3 and 4



Like the remedial district from Remedial Maps 1 and 2, this district combines populations from Yakima, Pasco, and several small towns along the Yakima River. It differs from that configuration in that it drops some of the VTDs between Pasco and Prosser, and adds population to the Southwest, giving the district a shape that somewhat resembles an octopus slithering along the ocean floor.

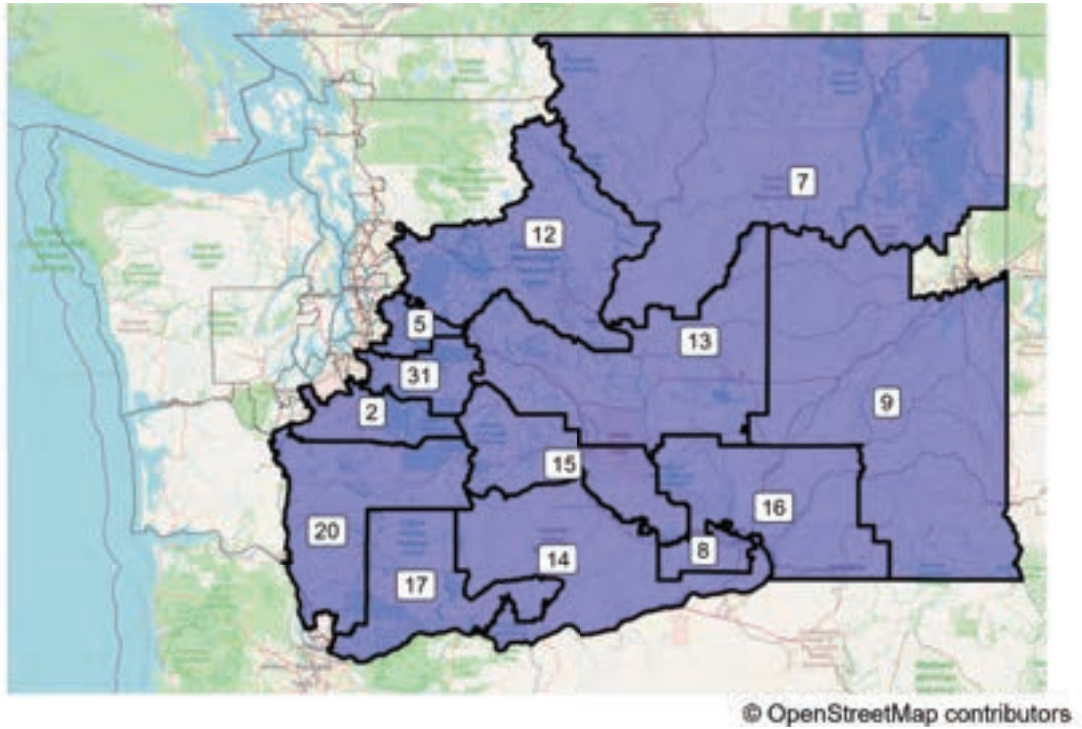
Like Remedial Maps 1 and 2, Map 3, involves second and third-order changes that extend well beyond the scope of District 14. Here, for example, are the Enacted Districts that are changed in Remedial Map 3.

Figure 20: Enacted Map, with Districts Altered in Remedial Map 3 Highlighted



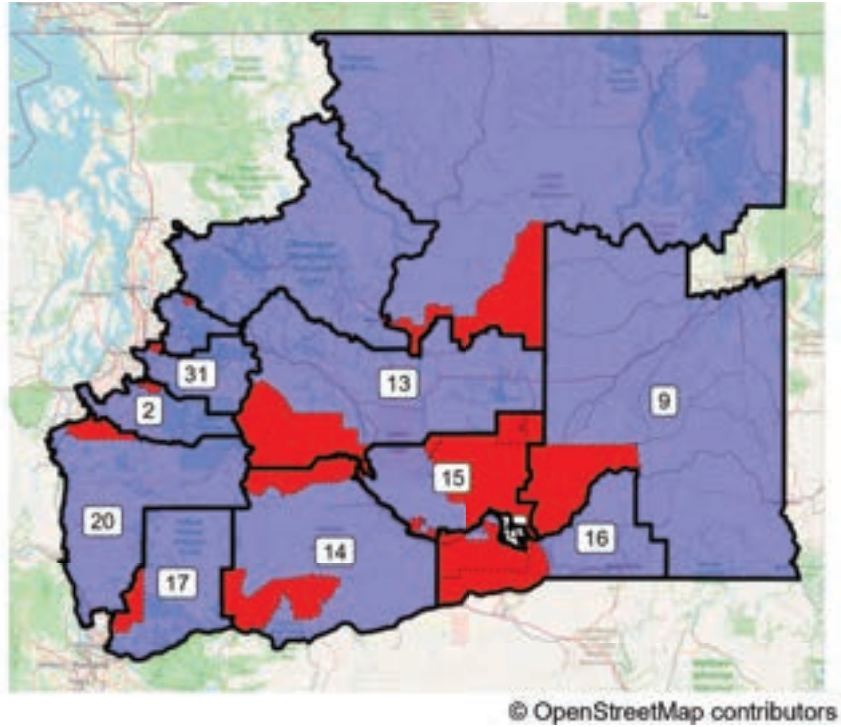
The boundaries of 13 districts are changed, or 26.5% of the districts in the state. The changed districts ultimately look like this:

Figure 21: Remedial Map 3, with Districts Altered from Enacted Map Highlighted



We can see this in the following figure, which highlights the census blocks that were moved from district-to-district by shading them red and placing a dashed line outlining them.

Figure 22: Enacted Map, with Census Blocks Shifted Into Different Districts in Remedial Map 3 Highlighted in Red



The following table summarizes the population movements. It takes all of the census blocks shifted between districts, groups them by the Enacted District and Remedial District in which they are placed, and then summarizes the total population. In other words, 15,545 residents of Enacted District 2 are moved into Remedial District 31; 15,697 residents of Enacted District 5 are moved into Remedial District 12; and so forth.

Movement of Residents, Enacted Plan v. Remedial Plan 3		
Enacted District	Remedial District 3	Total
2	31	15,545
5	12	15,697
7	13	15,543
8	16	64,033
9	16	9,612
12	5	123
12	7	15,600
13	15	30,654
14	15	87,551
14	17	15,726
15	9	9,356
15	13	15,236
15	14	94,742
15	16	12,040
16	8	63,797
16	14	8,379
16	15	11,374
17	20	15,639
20	2	15,508
31	5	15,396

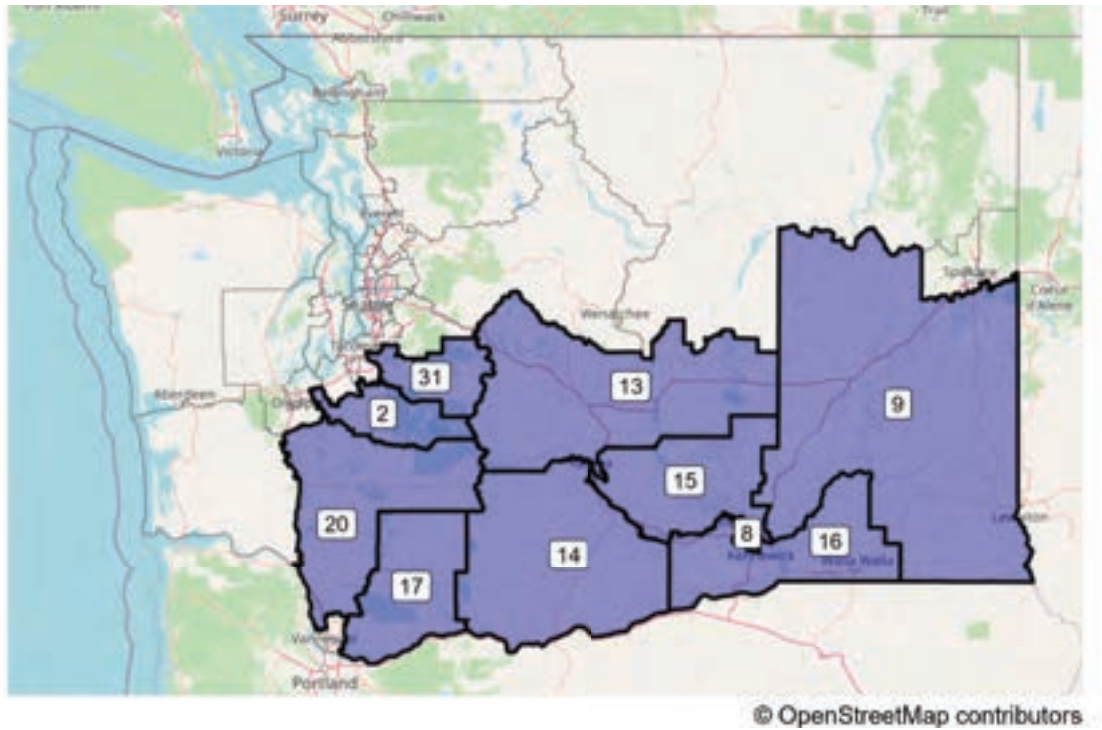
In total, the map moves 531,551 individuals around, including 213,350 residents who do not reside in Enacted Districts 14, 15 or 16 and 113,230 residents who do not reside in either Enacted Districts 14, 15 or 16 or in Remedial Districts 14, 15 or 16.

Finally, the changes take place over much of the state, with blocks being moved in 28 of the state's 39 counties, including several in western Washington. Overall, six districts are moved entirely out of six counties, while six districts are moved into eight counties.

With Remedial Map 4, fewer districts are changed, although the impact is still

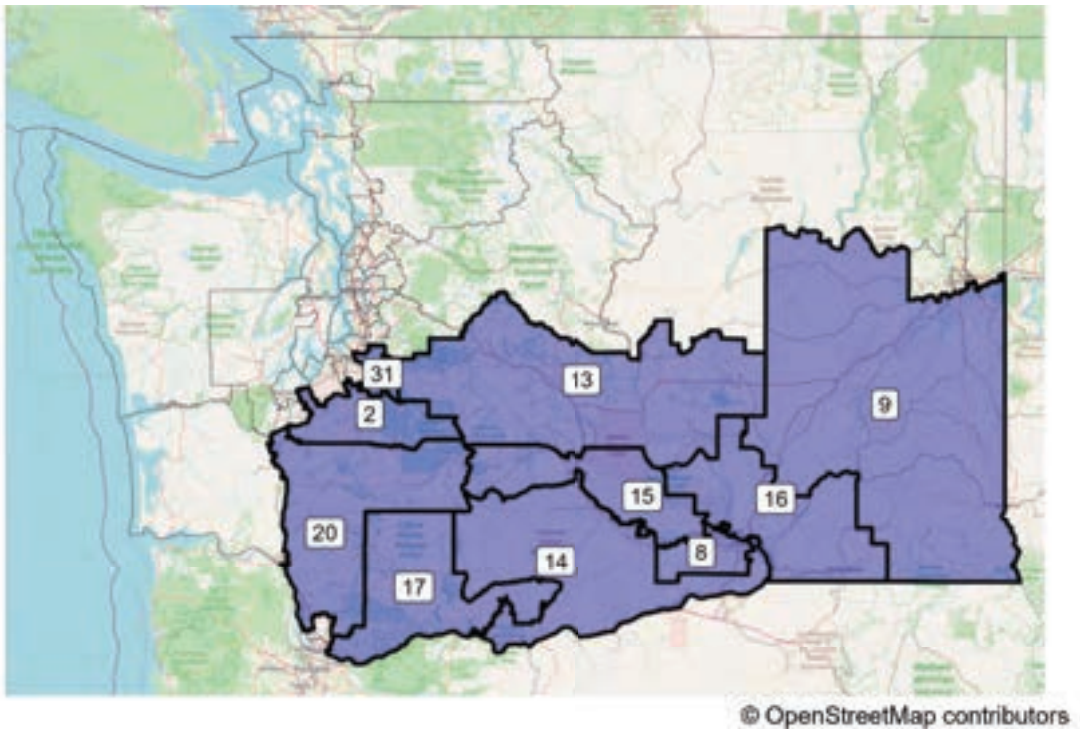
notable. The Enacted Districts that are changed in Remedial Map 4 are highlighted below:

Figure 23: Enacted Map, with Districts Altered in Remedial Map 4 Highlighted



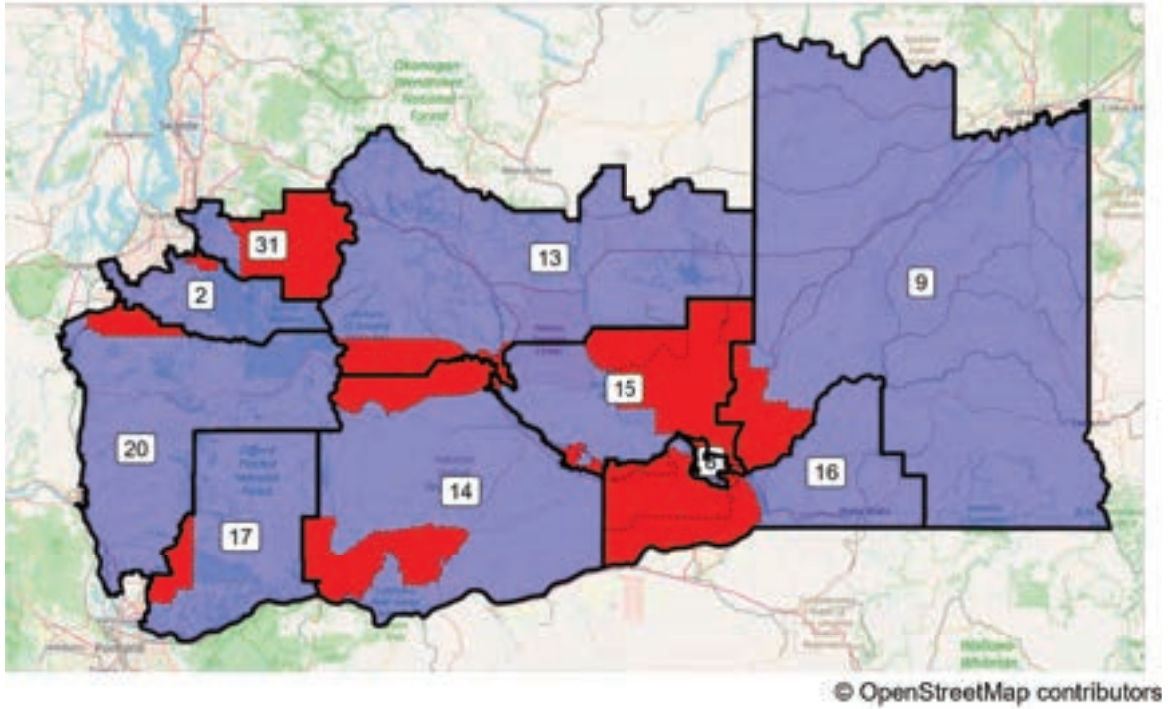
The boundaries of 10 districts are changed, or 20.4% of the districts in the state. The changed districts ultimately look like this:

Figure 24: Remedial Map 4, with Districts Altered from Enacted Map Highlighted



We can see this in the following figure, which highlights the census blocks that were moved from district-to-district by shading them red and placing a dashed line outlining them.

Figure 25: Enacted Map, with Census Blocks Shifted Into Different Districts in Remedial Map 4 Highlighted in Red



Notably, District 13 is substantially reconfigured, as it is pushed over the Cascades, past Mount Rainier, and into the Seattle Metropolitan Area, in both King and Pierce counties, stretching from Ephrata to Enumclaw.

The following table summarizes the population movements.

Movement of Residents, Enacted Plan v. Remedial Plan 4		
Enacted District	Remedial District 4	Total
2	31	15,545
8	16	64,033
9	16	3,261
13	15	23,379
14	15	87,551
14	17	15,726
15	9	3,171
15	13	7,942
15	14	94,742
15	16	24,590
16	8	63,797
16	14	8,379
16	15	17,656
17	20	15,639
20	2	15,508
31	13	15,521

In total, the map moves 476,440 individuals around, including 152,886 residents who do not reside in Enacted Districts 14, 15 or 16 and 66,392 residents who do not reside in either Enacted Districts 14, 15 or 16 or in Remedial Districts 14, 15 or 16.

Finally, the changes take place over much of the state, with blocks being moved in 21 of the state's 39 counties, including in several western Washington counties. Overall, two districts are moved entirely out of three counties, while four districts are moved into six different counties.

Districts Moved Into and Out of Counties, Enacted vs. Remedial 4			
District Moves Out Of		District Moves Into	
District	County	District	County
8	Franklin	13	King
15	Adams	13	Pierce
15	Franklin	14	Benton
15	Grant	14	Franklin
—	—	16	Adams
—	—	17	Klickitat

4.2 HCVAP

I was asked to identify the Hispanic Citizen Voting Age Population in the district with the highest Hispanic Citizen Voting Age Population among the Yakima Valley districts, and to compare it to the HCVAP in the Enacted Plan District 15. The results are reported below:

HCVAP Estimates of VRA Districts in Remedial 3 and 4, and Enacted Map

Year	HCVAP% (Rem. 3 and 4)	HCVAP% (Enacted Map)
2021	50.2%	52.6%
2020	50.1%	51.9%
2019	48.0%	50.0%

4.3 Compactness

I was asked to consider the compactness of the districts in Remedial Maps 3 and 4, compared to the Enacted Map, in the same way as I did above for Remedial Maps 1 and 2.

The following table shows the 10 least compact district districts using the Reock scores for the Enacted Plan, and Remedial Plans 3 and 4. Once again, compactness scores for additional districts could easily be extracted from the accompanying code.

We begin with the Reock Scores. Districts that are changed in either Remedial Plan 3 or Remedial Plan 4 are highlighted.

10 Lowest Reock Scores					
Enacted Map, Remedial 3 and Remedial 4					
Enacted Map		Remedial 3		Remedial 4	
Reock	District	Reock	District	Reock	District
0.133	42	0.133	42	0.133	42
0.180	2	0.186	2	0.162	15
0.222	43	0.221	15	0.186	2
0.243	16	0.222	43	0.222	43
0.258	41	0.223	14	0.223	14
0.279	8	0.249	17	0.231	13
0.291	49	0.258	41	0.249	17
0.295	13	0.272	5	0.258	41
0.304	40	0.291	49	0.276	16
0.308	5	0.298	8	0.291	49

Under all 3 plans, District 42 again remains the least compact district, which is unsurprising given Whatcom County. District 2, located in southern Pierce County and portions of eastern Thurston County, is the second-least compact in both the Enacted Plan and under Remedial Plan 3.

Remedial Map 3 makes Districts 5, 7, 9, 14, 15 and 17 less compact – in some cases, substantially so – while Districts 2, 8, 12, 13, 16, 20 and 31 are made more compact. Of particular note, the proposed remedial district sees its Reock score drop from 0.323 (as District 15 in the Enacted Plan) to 0.223 (As District 14 in the Remedial Plan), making it one of the least compact districts in the map.

Comparison of Reock Scores, Changed Districts, Remedial 3					
Made Less Compact			Made More Compact		
Enacted District	Reock, Enacted	Reock, Rem. 3	District	Reock, Enacted	Reock, Rem. 3
5	0.308	0.272	2	0.180	0.186
7	0.368	0.342	8	0.279	0.298
9	0.498	0.457	12	0.343	0.343
14	0.531	0.223	13	0.295	0.302
15	0.323	0.221	16	0.243	0.312
17	0.455	0.249	20	0.387	0.387
—	—	—	31	0.310	0.312

The same is largely true for Remedial Map 4:

Comparison of Reock Scores, Changed Districts, Remedial 4					
Made Less Compact			Made More Compact		
Enacted District	Reock, Enacted	Reock, Rem. 4	District	Reock, Enacted	Reock, Rem. 4
9	0.498	0.481	2	0.180	0.186
13	0.295	0.231	8	0.279	0.298
14	0.531	0.223	16	0.243	0.276
15	0.323	0.162	20	0.387	0.387
17	0.455	0.249	31	0.310	0.325

For Polsby-Popper, the story is much the same. Under the Enacted Map, only three of the districts that Dr. Oskooii changes are among the 10 least compact districts. Under Remedial Map 3 that number is 6 and under Remedial Map 4 that number is 3. Only one district has a Polsby-Popper score under 0.2 in the Enacted Plan – a district that largely follows the irregular boundaries of Renton and Tukwila. Under the two remedial plans that number grows to three.

10 Lowest Polsby-Popper Scores					
Enacted Map, Remedial 3 and Remedial 4					
Enacted Map		Remedial 3		Remedial 4	
Polsby-Popper	District	Polsby-Popper	District	Polsby-Popper	District
0.141	11	0.141	11	0.141	11
0.203	8	0.145	14	0.145	14
0.217	45	0.190	5	0.171	15
0.222	2	0.203	15	0.208	2
0.223	41	0.208	2	0.217	45
0.226	12	0.217	45	0.223	41
0.227	1	0.219	12	0.226	12
0.242	6	0.223	41	0.227	1
0.245	26	0.227	1	0.242	6
0.245	35	0.238	13	0.245	26

Once again, most of the districts that are redrawn under this map are made less compact. Under Remedial Map 3, 9 districts are made less compact, while just four are made more compact. Districts 14 and 17 stand out as having particularly large decreases in their compactness. Using Polsby-Popper scores, the remedial district is the second-least compact district on the map, save for a district whose compactness is driven by municipal boundaries.

Comparison of Polsby-Popper Scores, Changed Districts, Remedial 3					
Made Less Compact			Made More Compact		
Enacted District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 3	District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 3
2	0.222	0.208	7	0.327	0.344
5	0.249	0.190	8	0.203	0.273
12	0.226	0.219	9	0.351	0.372
13	0.271	0.238	16	0.278	0.356
14	0.478	0.145	—	—	—
15	0.255	0.203	—	—	—
17	0.489	0.258	—	—	—
20	0.290	0.270	—	—	—
31	0.330	0.299	—	—	—

Under Remedial Map 4, seven districts are made less compact, while just three are made more compact, using Polsby-Popper as the metric.

Comparison of Polsby-Popper Scores, Changed Districts, Remedial 4					
Made Less Compact			Made More Compact		
Enacted District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 4	District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 4
2	0.222	0.208	8	0.203	0.273
14	0.478	0.145	9	0.351	0.378
15	0.255	0.171	13	0.271	0.297
16	0.278	0.266	—	—	—
17	0.489	0.258	—	—	—
20	0.290	0.270	—	—	—
31	0.330	0.246	—	—	—

4.4 Population Distribution

The changes in this map occur as a result of removing some precincts between Pasco and Grandview, and then adding some additional precincts in western Klickitat County. The maps in Pasco, Yakima, and the area between Grandview and Yakima, are only changed by a few precincts. Therefore, the same analysis from Maps 1 and 2 applies here.

4.5 Political Impact

I was also asked to examine the political impact of the maps. Once again, District 15 is transformed into a Democratic-leaning district, while District 14 is made more Republican. The question is whether other districts were quietly made more Republican or Democratic in meaningful ways.

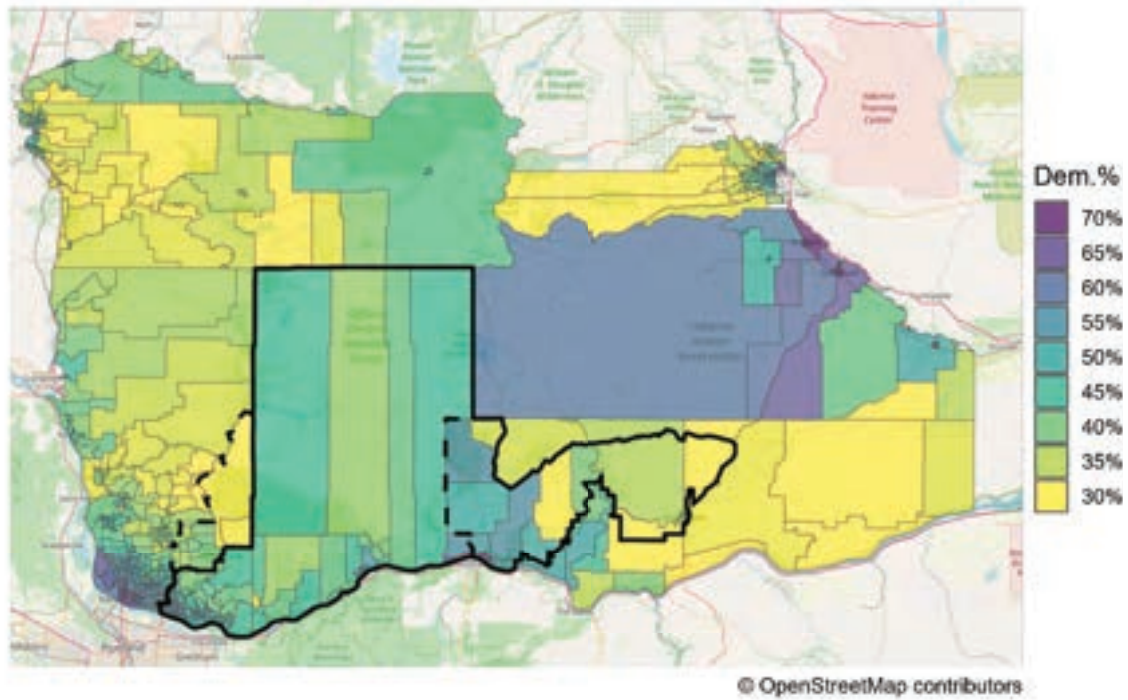
I've once again examined the districts that were changed in Remedial Map 3, under a variety of specifications.

A larger version of this image is available as a part of Exhibit 2.

Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 3																				
District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-20.0%	-22.8%	-22.6%	-14.7%	-14.6%	-21.2%	-21.0%	-16.2%	-15.9%	-18.9%	-17.8%	-16.0%	-15.7%	-8.1%	-7.1%	-13.9%	-13.4%	-17.0%	-16.6%
5	11.3%	9.7%	14.3%	12.3%	22.9%	20.6%	3.9%	2.7%	13.9%	12.5%	-1.0%	-1.5%	17.1%	15.3%	11.0%	10.4%	8.2%	7.3%	13.9%	12.3%
7	-33.8%	-32.3%	-38.0%	-36.6%	-31.5%	-30.0%	-36.8%	-35.5%	-27.9%	-26.7%	-29.0%	-28.0%	-33.7%	-32.3%	-20.6%	-19.4%	-27.2%	-26.1%	-31.9%	-30.5%
8	-20.4%	-25.7%	-22.2%	-27.7%	-15.8%	-21.1%	-30.0%	-35.1%	-20.4%	-25.5%	-21.8%	-24.7%	-21.7%	-26.6%	-10.5%	-13.8%	-20.0%	-24.0%	-20.3%	-25.2%
9	-20.1%	-18.7%	-21.8%	-20.6%	-16.0%	-14.8%	-26.3%	-25.2%	-14.6%	-13.2%	-20.0%	-18.7%	-19.8%	-18.5%	-11.7%	-10.4%	-17.9%	-16.8%	-18.6%	-17.4%
12	-10.2%	-6.6%	-11.3%	-6.8%	-2.0%	2.7%	-14.1%	-10.8%	-7.2%	-3.6%	-14.8%	-12.5%	-8.1%	-3.7%	-4.2%	-2.0%	-8.4%	-5.6%	-7.9%	-4.1%
13	-29.7%	-28.5%	-34.0%	-32.9%	-26.0%	-24.7%	-34.3%	-32.9%	-29.8%	-28.1%	-29.0%	-28.0%	-30.1%	-28.3%	-21.5%	-19.9%	-25.5%	-24.3%	-29.6%	-28.1%
14	-9.3%	14.6%	-12.1%	10.3%	-6.0%	15.5%	-15.4%	9.5%	-13.3%	9.4%	-10.6%	15.4%	-12.8%	13.1%	-3.5%	23.6%	-9.4%	12.0%	-10.5%	13.5%
15	-1.1%	-24.0%	-5.2%	-26.8%	0.3%	-20.6%	-6.6%	-30.5%	-7.2%	-28.1%	-0.3%	-23.1%	-1.6%	-27.0%	7.7%	-16.9%	-1.8%	-21.7%	-2.2%	-25.0%
16	-23.7%	-19.7%	-26.4%	-21.8%	-20.3%	-16.0%	-32.0%	-27.5%	-20.6%	-16.8%	-22.6%	-21.6%	-25.0%	-21.1%	-10.8%	-9.3%	-21.5%	-18.6%	-22.9%	-19.1%
17	-1.3%	1.8%	-0.0%	2.8%	3.6%	6.6%	-7.6%	-4.7%	2.5%	5.3%	-7.7%	-5.1%	-2.1%	0.3%	-1.4%	1.7%	-2.6%	-0.1%	-0.9%	2.0%
20	-31.4%	-31.3%	-33.8%	-33.3%	-27.9%	-27.7%	-33.8%	-34.1%	-25.7%	-25.7%	-29.4%	-30.7%	-28.7%	-29.2%	-18.7%	-20.5%	-24.4%	-25.0%	-28.6%	-28.9%
31	-14.3%	-17.1%	-15.4%	-18.6%	-5.7%	-8.7%	-16.1%	-18.6%	-9.5%	-11.9%	-15.4%	-17.5%	-8.5%	-11.1%	-4.8%	-6.8%	-9.1%	-11.3%	-10.3%	-13.0%

Once again, beyond the changes to Districts 14 and 15, District 12 is made more Democratic, and is turned from a district carried by former President Donald Trump into one carried by President Joe Biden. Because District 17 is not pushed as far into red areas of Klickitat County as it is in its configuration for Maps 1 and 2, it is made even more Democratic.

Figure 26: Democratic Percentage in VTDs, Enacted and Remedial Maps 3 and 4, District 17



District 12 once again gives up Republican-leaning East Wenatchee, and once again takes in bluer areas of District 5.

Figure 27: Democratic Percentage in VTDs, Enacted and Remedial Maps 3, District 12

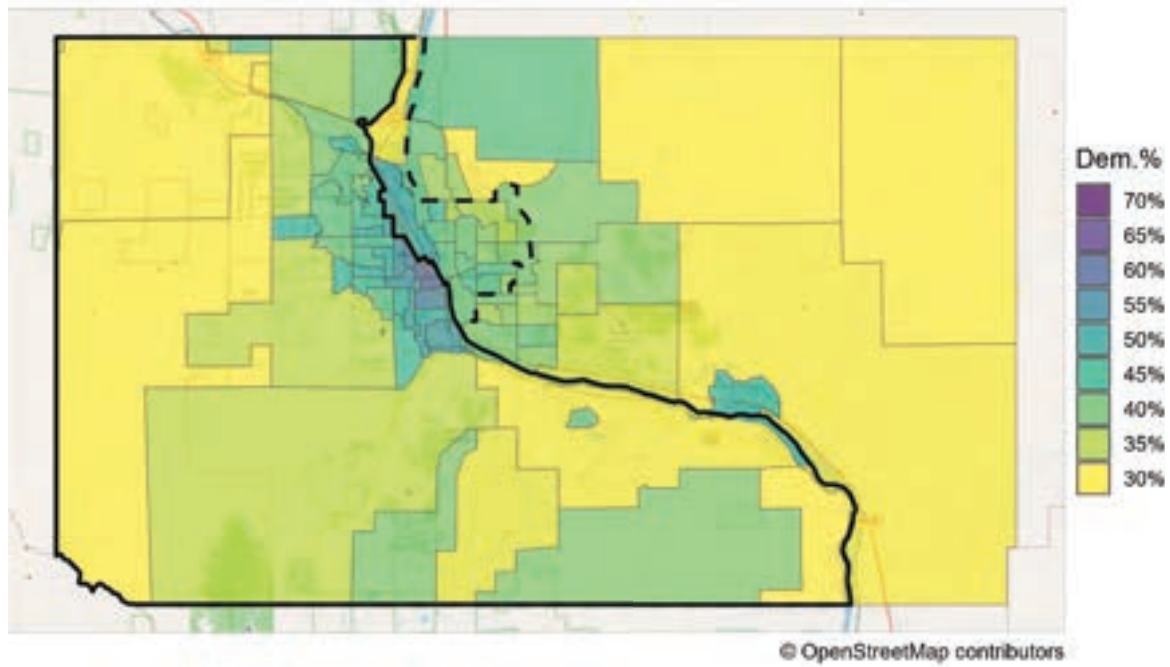
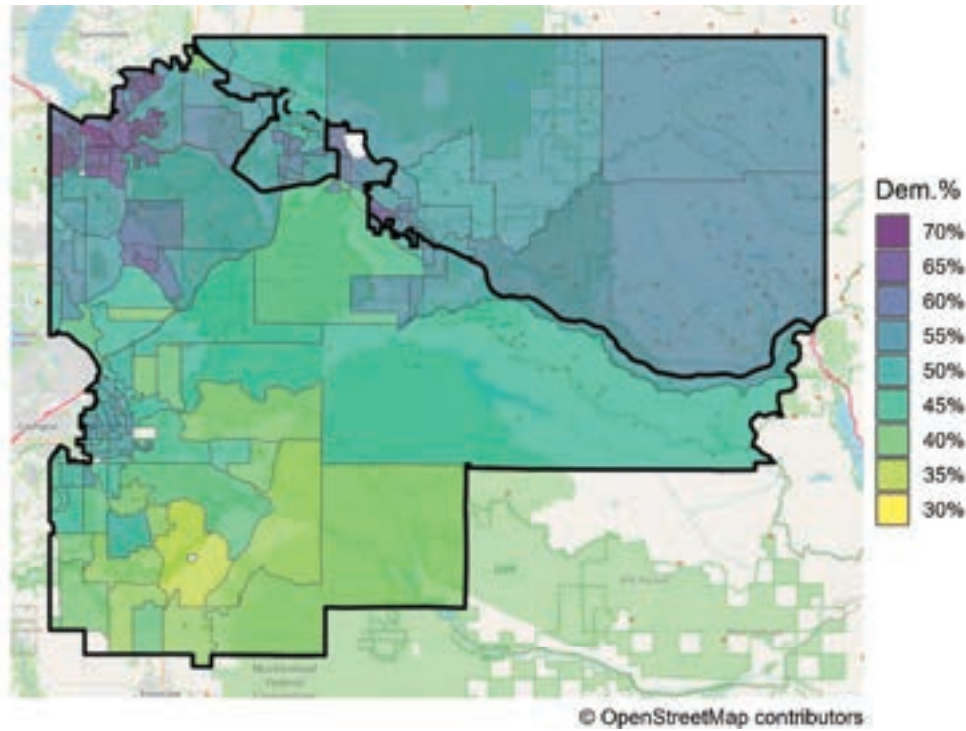


Figure 28: Democratic Percentage in VTDs, Enacted and Remedial Maps 3, District 12



Because Remedial Map 4 changes fewer districts, does not alter District 12, and uses the same version of District 17, examining its effects provide no new information.

A larger version of this image is available as a part of Exhibit 2.

Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 4																				
District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-20.0%	-22.8%	-22.6%	-14.7%	-14.6%	-21.2%	-21.0%	-16.2%	-15.9%	-18.9%	-17.8%	-16.0%	-15.7%	-8.1%	-7.1%	-13.9%	-13.4%	-17.0%	-16.6%
8	-20.4%	-25.7%	-22.2%	-27.7%	-15.8%	-21.1%	-30.0%	-35.1%	-20.4%	-25.5%	-21.8%	-24.7%	-21.7%	-26.6%	-10.5%	-13.8%	-20.0%	-24.0%	-20.3%	-25.2%
9	-20.1%	-19.6%	-21.8%	-21.4%	-16.0%	-15.6%	-26.3%	-26.0%	-14.6%	-14.0%	-20.0%	-19.5%	-19.8%	-19.3%	-11.7%	-11.1%	-17.9%	-17.5%	-18.6%	-18.2%
13	-29.7%	-27.2%	-34.0%	-31.7%	-26.0%	-23.0%	-34.3%	-31.6%	-29.8%	-26.9%	-29.0%	-26.8%	-30.1%	-26.6%	-21.5%	-18.6%	-25.5%	-23.0%	-29.6%	-26.7%
14	-9.3%	14.6%	-12.1%	10.3%	-6.0%	15.5%	-15.4%	9.5%	-13.3%	9.4%	-10.6%	15.4%	-12.8%	13.1%	-3.5%	23.6%	-9.4%	12.0%	-10.5%	13.5%
15	-1.1%	-23.4%	-5.2%	-26.2%	0.3%	-20.1%	-6.6%	-30.0%	-7.2%	-27.4%	-0.3%	-22.3%	-1.6%	-26.2%	7.7%	-16.0%	-1.8%	-21.2%	-2.2%	-24.3%
16	-23.7%	-17.8%	-26.4%	-20.0%	-20.3%	-14.1%	-32.0%	-25.8%	-20.6%	-14.9%	-22.6%	-20.3%	-25.0%	-19.3%	-10.8%	-7.8%	-21.5%	-17.2%	-22.9%	-17.3%
17	-1.3%	1.8%	-0.0%	2.8%	3.6%	6.6%	-7.6%	-4.7%	2.5%	5.3%	-7.7%	-5.1%	-2.1%	0.3%	-1.4%	1.7%	-2.6%	-0.1%	-0.9%	2.0%
20	-31.4%	-31.3%	-33.8%	-33.3%	-27.9%	-27.7%	-33.8%	-34.1%	-25.7%	-25.7%	-29.4%	-30.7%	-28.7%	-29.2%	-18.7%	-20.5%	-24.4%	-25.0%	-28.6%	-28.9%
31	-14.3%	-15.8%	-15.4%	-16.9%	-5.7%	-7.3%	-16.1%	-17.3%	-9.5%	-10.7%	-15.4%	-16.5%	-8.5%	-9.8%	-4.8%	-5.8%	-9.1%	-10.2%	-10.3%	-11.6%

4.6 Incumbency

Like the earlier maps, the changes here pit multiple Republican incumbents against each other or places them in unfavorable districts. In particular, Senator Torres is placed in a district based in Walla Walla where just 7.4% of the VAP is drawn from her previous district. District 7 also pairs two Senators, while Districts 15, 16, and 17 involve three Republican House incumbents being placed in the same district. Map 4, which avoids disrupting as many districts, confines the changes to districts 15, 16 and 17.

First	Last	Party	Chamber
District 5			
Lisa	Callan	D	House
Bill	Ramos	D	House
Mark	Mullet	D	Senate
Phil	Fortunato	R	Senate
District 7			
Joel	Kretz	R	House
Jacquelin	Maycumber	R	House
Shelly	Short	R	Senate
Brad	Hawkins	R	Senate
District 15			
Chris	Corry	R	House
Curtis	King	R	Senate
Bruce	Chandler	R	House
Bryan	Sandlin	R	House
District 16			
Stephanie	Barnard	R	House
Nikki	Torres	R	Senate
Mark	Klicker	R	House
Skyler	Rude	R	House
Perry	Dozier	R	Senate
District 17			
Gina	Mosbrucker	R	House
Paul	Harris	R	House
Kevin	Waters	R	House
Lynda	Wilson	R	Senate

5 Analysis of Remedial Map 5

Map 5 is the least disruptive map. Only four districts are changed, all within the Yakima Valley: Districts 13, 14, 15 and 16. This allows for a relatively truncated analysis. The catch, however, is that the district reduces the HCVAP of District 14 below 47%.

HCVAP Estimates of VRA Districts in Remedial 3 and 4, and Enacted Map

Year	HCVAP% (Rem. 5)	HCVAP% (Enacted Map)
2021	46.9%	52.6%
2020	45.9%	51.9%
2019	44.7%	50.0%

We can view our now-familiar introductory maps here:

Figure 29: Proposed VRA District in Remedial Maps 5

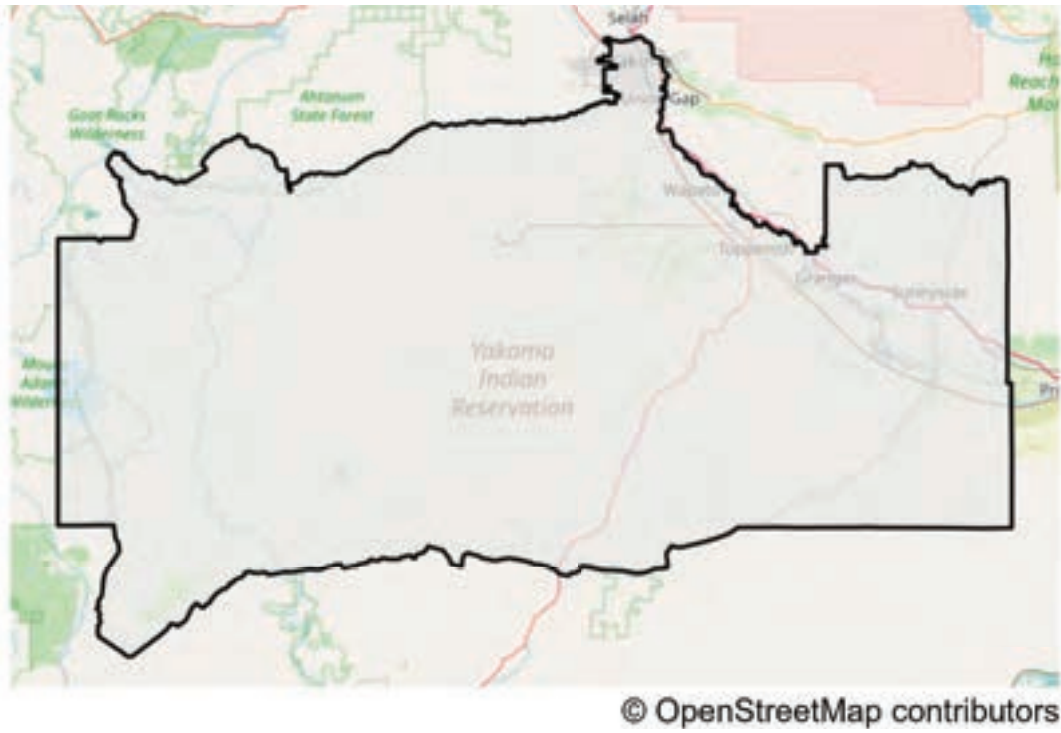


Figure 30: Enacted Map, with Districts Altered in Remedial Map 5 Highlighted

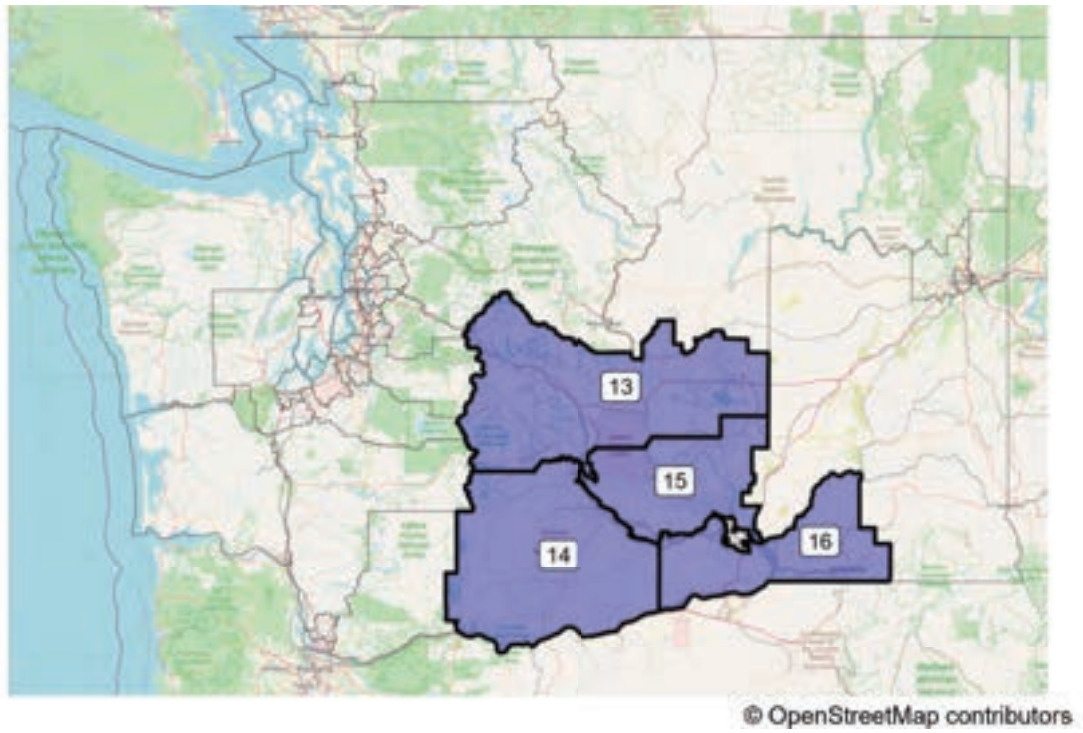
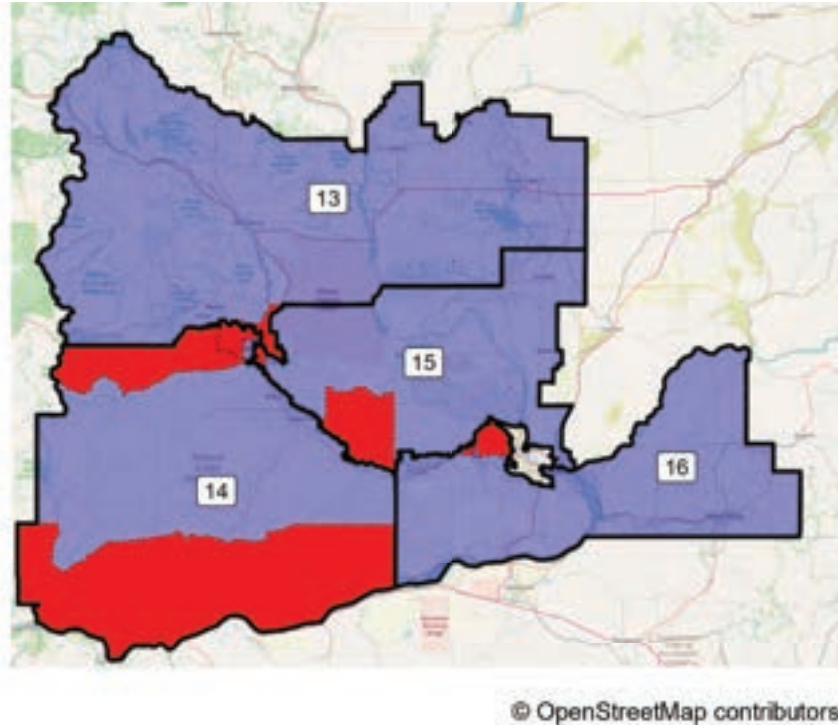


Figure 31: Remedial Map 5, with Districts Altered from Enacted Map Highlighted



Figure 32: Enacted Map, with Census Blocks Shifted Into Different Districts in Remedial Map 5 Highlighted in Red



The map moves 190,745 people around, including just 15,673 who were not in districts 14, 15 or 16. No new counties are impacted.

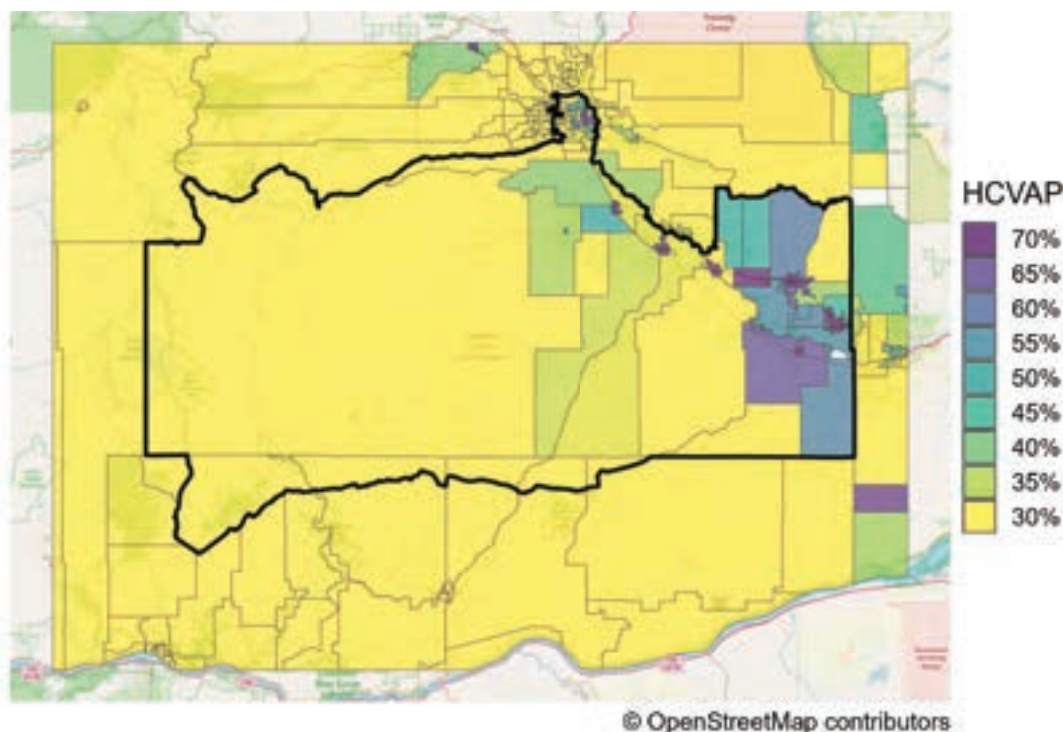
The districts that are changed do become appreciably less compact using this approach. District 16 in particular becomes the least compact district on the map, using either the Polsby-Popper or Reock score.

Comparison of Reock Scores, Changed Districts, Remedial 5					
Made Less Compact			Made More Compact		
Enacted District	Reock, Enacted	Reock, Rem. 5	District	Reock, Enacted	Reock, Rem. 5
14	0.531	0.347	13	0.295	0.307
15	0.323	0.263	—	—	—
16	0.243	0.114	—	—	—

Comparison of Polsby-Popper Scores, Changed Districts, Remedial 5					
Made Less Compact			Made More Compact		
Enacted District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 5	District	Polsby-Popper, Enacted	Polsby-Popper, Rem. 5
13	0.271	0.264	—	—	—
14	0.476	0.156	—	—	—
15	0.255	0.194	—	—	—
16	0.278	0.178	—	—	—

In terms of politics, there are few changes to district partisanship. The Hispanic population is concentrated in Yakima.

Figure 33: District 14 in Remedial Map 5



Finally, the map does not pair any Senate incumbents. In the House, Representatives Mosbrucker, Klicker and Rude, all Republicans, are placed together in District 16, while Representatives Dent, Ybarra and Corry are placed together in District 13. Sen. Torres is left in District 15, however a majority of the Voting Age Population in the district (51.4%) will be new to her. Just 25% of the CVAP in her district is Hispanic.

6 Conclusion

The following table summarizes the HCVAPs of the various proposed remedial maps.

Summary HCVAP Estimates of VRA Districts in Remedial and Enacted Maps

Year	Maps 1 and 2	Maps 3 and 4	Map 5	Enacted Map
2021	51.7%	50.2%	46.9%	52.6%
2020	51.3%	50.1%	45.9%	51.9%
2019	49.8%	48.0%	44.7%	50.0%

Overall, Maps 1-4 disrupt the districts of several Republican incumbents, improve the opportunities for Democrats in districts well beyond the opportunity district that the law demands, and make several districts significantly less compact. They create a chain reaction in districts that stretches across much of the state. Map 5 mitigates some (but not all) of these problems, but does so at the expense of lowering the HCVAP substantially.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge and belief. Executed on 22 December 2023 in Delaware, Ohio.

Sean Trends

Sean P. Trende

7 Exhibit 1

SEAN P. TRENDE

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Delaware, OH 43015
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EDUCATION

Ph.D., The Ohio State University, Political Science, 2023. Dissertation titled *Application of Spatial Analysis to Contemporary Problems in Political Science*, September 2023.

M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

PROFESSIONAL EXPERIENCE

Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

Associate, Hunton & Williams, LLP, Richmond, Virginia, 2005-09.

Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10.

Senior Elections Analyst, RealClearPolitics, 2010-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS AND BOOK CHAPTERS

Larry J. Sabato, ed., *The Red Ripple*, Ch. 15 (2023).

Larry J. Sabato, ed., *A Return to Normalcy?: The 2020 Election that (Almost) Broke America* Ch. 13 (2021).

Larry J. Sabato, ed., *The Blue Wave*, Ch. 14 (2019).

Larry J. Sabato, ed., *Trumped: The 2016 Election that Broke all the Rules* (2017).

Larry J. Sabato, ed., *The Surge: 2014's Big GOP Win and What It Means for the Next Presidential Election*, Ch. 12 (2015).

Larry J. Sabato, ed., *Barack Obama and the New America*, Ch. 12 (2013).

Barone, Kraushaar, McCutcheon & Trende, *The Almanac of American Politics* 2014 (2013).

The Lost Majority: Why the Future of Government is up for Grabs – And Who Will Take It (2012).

PREVIOUS EXPERT TESTIMONY AND/OR DEPOSITIONS

Dickson v. Rucho, No. 11-CVS-16896 (N.C. Super. Ct., Wake County) (racial gerrymandering).

Covington v. North Carolina, No. 1:15-CV-00399 (M.D.N.C.) (racial gerrymandering).

NAACP v. McCrory, No. 1:13CV658 (M.D.N.C.) (early voting).

NAACP v. Husted, No. 2:14-cv-404 (S.D. Ohio) (early voting).

Ohio Democratic Party v. Husted, Case 15-cv-01802 (S.D. Ohio) (early voting).

Lee v. Virginia Bd. of Elections, No. 3:15-cv-357 (E.D. Va.) (early voting).

Feldman v. Arizona, No. CV-16-1065-PHX-DLR (D. Ariz.) (absentee voting).

A. Philip Randolph Institute v. Smith, No. 1:18-cv-00357-TSB (S.D. Ohio) (political gerrymandering).

Whitford v. Nichol, No. 15-cv-421-bbc (W.D. Wisc.) (political gerrymandering).

Common Cause v. Rucho, No. 1:16-CV-1026-WO-JEP (M.D.N.C.) (political gerrymandering).

Mecinas v. Hobbs, No. CV-19-05547-PHX-DJH (D. Ariz.) (ballot order effect).

Fair Fight Action v. Raffensperger, No. 1:18-cv-05391-SCJ (N.D. Ga.) (statistical analysis).

Pascua Yaqui Tribe v. Rodriguez, No. 4:20-CV-00432-TUC-JAS (D. Ariz.) (early voting).

Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al, No. 2021-1210 (Ohio) (political gerrymandering).

NCLCV v. Hall, No. 21-CVS-15426 (N.C. Sup. Ct.) (political gerrymandering).

Szeliga v. Lamone, Case No. C-02-CV-21-001816 (Md. Cir. Ct.) (political gerrymandering).

Montana Democratic Party v. Jacobsen, DV-56-2021-451 (Mont. Dist. Ct.) (early voting; ballot collection).

Carter v. Chapman, No. 464 M.D. 2021 (Pa.) (map drawing; amicus).

NAACP v. McMaster, No. 3:21-cv-03302 (D.S.C.) (racial gerrymandering).

Graham v. Adams, No. 22-CI-00047 (Ky. Cir. Ct.) (political gerrymandering).

Harkenrider v. Hochul, No. E2022-0116CV (N.Y. Sup. Ct.) (political gerrymandering).

LULAC v. Abbott, Case No. 3:21-cv-00259 (W.D. Tex.) (racial/political gerrymandering/VRA).

Moore et al., v. Lee, et al., (Tenn. 20th Dist.) (state constitutional compliance).

Agee et al. v. Benson, et al., (W.D. Mich.) (racial gerrymandering/VRA).

Faatz, et al. v. Ashcroft, et al., (Cir. Ct. Mo.) (state constitutional compliance).

Coca, et al. v. City of Dodge City, et al., Case No. 6:22-cv-01274-EFM-RES (D. Kan.) (VRA).

Milligan v. Allen, Case No. 2:21-cv-01530-AMM (N.D. Ala.) (VRA).

Nairne v. Ardoin, NO. 22-178-SDD-SDJ (M.D. La.) (VRA).

Robinson v. Ardoin, NO. 22-211-SDD-SDJ (M.D. La.) (VRA).

Republican Party v. Oliver, No. D-506-CV-2022-00041 (N.M. Cir. Ct. (Lea County)) (political gerrymandering).

COURT APPOINTMENTS

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission (2020)

Appointed Special Master by the Supreme Court of Virginia to redraw maps for the Virginia House of Delegates, the Senate of Virginia, and for Virginia's delegation to the United States Congress for the 2022 election cycle.

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, Likely Outcomes of 2012 American Elections.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumns 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Springs 2020, 2021, 2022, 2023.

Survey Methodology, Fall 2022, Spring 2024.

PUBLICATIONS

James G. Gimpel, Andrew Reeves, & Sean Trende, “Reconsidering Bellwether Locations in U.S. Presidential Elections,” *Pres. Stud. Q.* (2022) (forthcoming, available online at <http://doi.org/10.1111/psq.12793>).

REAL CLEAR POLITICS COLUMNS

Full archives available at http://www.realclearpolitics.com/authors/sean_trende/

8 Exhibit 2

Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 1

District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-21.1%	-22.8%	-23.7%	-14.7%	-15.7%	-21.2%	-22.2%	-16.2%	-17.0%	-18.9%	-18.6%	-16.0%	-16.8%	-8.1%	-7.9%	-13.9%	-14.3%	-17.0%	-17.7%
5	11.3%	9.4%	14.3%	12.0%	22.9%	20.2%	3.9%	2.4%	13.9%	12.1%	-1.0%	-2.0%	17.1%	14.9%	11.0%	9.7%	8.2%	6.9%	13.9%	11.9%
7	-33.8%	-31.7%	-38.0%	-36.0%	-31.5%	-29.4%	-36.8%	-34.8%	-27.9%	-26.1%	-29.0%	-27.4%	-33.7%	-31.7%	-20.6%	-18.8%	-27.2%	-25.6%	-31.9%	-29.9%
8	-20.4%	-24.2%	-22.2%	-26.2%	-15.8%	-19.7%	-30.0%	-34.0%	-20.4%	-24.2%	-21.8%	-23.6%	-21.7%	-25.4%	-10.5%	-12.5%	-20.0%	-22.9%	-20.3%	-23.9%
9	-20.1%	-18.7%	-21.8%	-20.6%	-16.0%	-14.8%	-26.3%	-25.2%	-14.6%	-13.2%	-20.0%	-18.7%	-19.8%	-18.5%	-11.7%	-10.4%	-17.9%	-16.8%	-18.6%	-17.4%
12	-10.2%	-6.1%	-11.3%	-6.2%	-2.0%	3.4%	-14.1%	-10.4%	-7.2%	-2.8%	-14.8%	-12.1%	-8.1%	-2.8%	-4.2%	-1.3%	-8.4%	-5.1%	-7.9%	-3.4%
13	-29.7%	-28.7%	-34.0%	-33.2%	-26.0%	-24.9%	-34.3%	-33.2%	-29.8%	-28.2%	-29.0%	-28.3%	-30.1%	-28.6%	-21.5%	-20.2%	-25.5%	-24.5%	-29.6%	-28.4%
14	-9.3%	15.2%	-12.1%	10.9%	-6.0%	16.2%	-15.4%	10.2%	-13.3%	9.6%	-10.6%	16.2%	-12.8%	14.0%	-3.5%	24.2%	-9.4%	12.5%	-10.5%	14.1%
15	-1.1%	-24.1%	-5.2%	-26.8%	0.3%	-20.6%	-6.6%	-30.6%	-7.2%	-28.2%	-0.3%	-23.1%	-1.6%	-27.1%	7.7%	-17.0%	-1.8%	-21.8%	-2.2%	-25.1%
16	-23.7%	-20.3%	-26.4%	-22.4%	-20.3%	-16.6%	-32.0%	-27.9%	-20.6%	-17.4%	-22.6%	-22.1%	-25.0%	-21.6%	-10.8%	-9.9%	-21.5%	-19.1%	-22.9%	-19.6%
17	-1.3%	1.2%	-0.0%	2.0%	3.6%	5.8%	-7.6%	-5.3%	2.5%	4.7%	-7.7%	-5.5%	-2.1%	-0.4%	-1.4%	1.5%	-2.6%	-0.6%	-0.9%	1.4%
20	-31.4%	-30.5%	-33.8%	-32.4%	-27.9%	-26.9%	-33.8%	-33.4%	-25.7%	-25.0%	-29.4%	-30.3%	-28.7%	-28.6%	-18.7%	-20.3%	-24.4%	-24.5%	-28.6%	-28.2%
31	-14.3%	-17.4%	-15.4%	-19.0%	-5.7%	-9.0%	-16.1%	-18.6%	-9.5%	-12.4%	-15.4%	-17.7%	-8.5%	-11.6%	-4.8%	-6.9%	-9.1%	-11.5%	-10.3%	-13.3%
49	20.1%	20.1%	20.6%	20.6%	22.4%	22.4%	13.2%	13.2%	24.9%	24.9%	14.9%	14.9%	16.4%	16.4%	21.0%	21.0%	15.9%	15.9%	19.6%	19.6%

Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 2

District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-21.1%	-22.8%	-23.7%	-14.7%	-15.7%	-21.2%	-22.2%	-16.2%	-17.0%	-18.9%	-18.6%	-16.0%	-16.8%	-8.1%	-7.9%	-13.9%	-14.3%	-17.0%	-17.7%
8	-20.4%	-24.2%	-22.2%	-26.2%	-15.8%	-19.7%	-30.0%	-34.0%	-20.4%	-24.2%	-21.8%	-23.6%	-21.7%	-25.4%	-10.5%	-12.5%	-20.0%	-22.9%	-20.3%	-23.9%
9	-20.1%	-19.6%	-21.8%	-21.4%	-16.0%	-15.6%	-26.3%	-26.0%	-14.6%	-14.0%	-20.0%	-19.5%	-19.8%	-19.3%	-11.7%	-11.1%	-17.9%	-17.5%	-18.6%	-18.2%
13	-29.7%	-28.8%	-34.0%	-33.3%	-26.0%	-24.5%	-34.3%	-32.9%	-29.8%	-27.7%	-29.0%	-27.7%	-30.1%	-27.8%	-21.5%	-19.5%	-25.5%	-24.1%	-29.6%	-27.9%
14	-9.3%	15.2%	-12.1%	10.9%	-6.0%	16.2%	-15.4%	10.2%	-13.3%	9.6%	-10.6%	16.2%	-12.8%	14.0%	-3.5%	24.2%	-9.4%	12.5%	-10.5%	14.1%
15	-1.1%	-23.3%	-5.2%	-25.9%	0.3%	-19.8%	-6.6%	-30.0%	-7.2%	-27.1%	-0.3%	-22.2%	-1.6%	-25.9%	7.7%	-15.8%	-1.8%	-21.1%	-2.2%	-24.1%
16	-23.7%	-17.5%	-26.4%	-19.8%	-20.3%	-13.9%	-32.0%	-25.2%	-20.6%	-14.8%	-22.6%	-20.3%	-25.0%	-19.2%	-10.8%	-7.9%	-21.5%	-16.9%	-22.9%	-17.1%
17	-1.3%	1.2%	-0.0%	2.0%	3.6%	5.8%	-7.6%	-5.3%	2.5%	4.7%	-7.7%	-5.5%	-2.1%	-0.4%	-1.4%	1.5%	-2.6%	-0.6%	-0.9%	1.4%
20	-31.4%	-30.5%	-33.8%	-32.4%	-27.9%	-26.9%	-33.8%	-33.4%	-25.7%	-25.0%	-29.4%	-30.3%	-28.7%	-28.6%	-18.7%	-20.3%	-24.4%	-24.5%	-28.6%	-28.2%
31	-14.3%	-14.5%	-15.4%	-15.5%	-5.7%	-6.0%	-16.1%	-16.0%	-9.5%	-9.6%	-15.4%	-15.8%	-8.5%	-8.8%	-4.8%	-5.1%	-9.1%	-9.3%	-10.3%	-10.5%
49	20.1%	20.1%	20.6%	20.6%	22.4%	22.4%	13.2%	13.2%	24.9%	24.9%	14.9%	14.9%	16.4%	16.4%	21.0%	21.0%	15.9%	15.9%	19.6%	19.6%

Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 3

District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-20.0%	-22.8%	-22.6%	-14.7%	-14.6%	-21.2%	-21.0%	-16.2%	-15.9%	-18.9%	-17.8%	-16.0%	-15.7%	-8.1%	-7.1%	-13.9%	-13.4%	-17.0%	-16.6%
5	11.3%	9.7%	14.3%	12.3%	22.9%	20.6%	3.9%	2.7%	13.9%	12.5%	-1.0%	-1.5%	17.1%	15.3%	11.0%	10.4%	8.2%	7.3%	13.9%	12.3%
7	-33.8%	-32.3%	-38.0%	-36.6%	-31.5%	-30.0%	-36.8%	-35.5%	-27.9%	-26.7%	-29.0%	-28.0%	-33.7%	-32.3%	-20.6%	-19.4%	-27.2%	-26.1%	-31.9%	-30.5%
8	-20.4%	-25.7%	-22.2%	-27.7%	-15.8%	-21.1%	-30.0%	-35.1%	-20.4%	-25.5%	-21.8%	-24.7%	-21.7%	-26.6%	-10.5%	-13.8%	-20.0%	-24.0%	-20.3%	-25.2%
9	-20.1%	-18.7%	-21.8%	-20.6%	-16.0%	-14.8%	-26.3%	-25.2%	-14.6%	-13.2%	-20.0%	-18.7%	-19.8%	-18.5%	-11.7%	-10.4%	-17.9%	-16.8%	-18.6%	-17.4%
12	-10.2%	-6.6%	-11.3%	-6.8%	-2.0%	2.7%	-14.1%	-10.8%	-7.2%	-3.6%	-14.8%	-12.5%	-8.1%	-3.7%	-4.2%	-2.0%	-8.4%	-5.6%	-7.9%	-4.1%
13	-29.7%	-28.5%	-34.0%	-32.9%	-26.0%	-24.7%	-34.3%	-32.9%	-29.8%	-28.1%	-29.0%	-28.0%	-30.1%	-28.3%	-21.5%	-19.9%	-25.5%	-24.3%	-29.6%	-28.1%
14	-9.3%	14.6%	-12.1%	10.3%	-6.0%	15.5%	-15.4%	9.5%	-13.3%	9.4%	-10.6%	15.4%	-12.8%	13.1%	-3.5%	23.6%	-9.4%	12.0%	-10.5%	13.5%
15	-1.1%	-24.0%	-5.2%	-26.8%	0.3%	-20.6%	-6.6%	-30.5%	-7.2%	-28.1%	-0.3%	-23.1%	-1.6%	-27.0%	7.7%	-16.9%	-1.8%	-21.7%	-2.2%	-25.0%
16	-23.7%	-19.7%	-26.4%	-21.8%	-20.3%	-16.0%	-32.0%	-27.5%	-20.6%	-16.8%	-22.6%	-21.6%	-25.0%	-21.1%	-10.8%	-9.3%	-21.5%	-18.6%	-22.9%	-19.1%
17	-1.3%	1.8%	-0.0%	2.8%	3.6%	6.6%	-7.6%	-4.7%	2.5%	5.3%	-7.7%	-5.1%	-2.1%	0.3%	-1.4%	1.7%	-2.6%	-0.1%	-0.9%	2.0%
20	-31.4%	-31.3%	-33.8%	-33.3%	-27.9%	-27.7%	-33.8%	-34.1%	-25.7%	-25.7%	-29.4%	-30.7%	-28.7%	-29.2%	-18.7%	-20.5%	-24.4%	-25.0%	-28.6%	-28.9%
31	-14.3%	-17.1%	-15.4%	-18.6%	-5.7%	-8.7%	-16.1%	-18.6%	-9.5%	-11.9%	-15.4%	-17.5%	-8.5%	-11.1%	-4.8%	-6.8%	-9.1%	-11.3%	-10.3%	-13.0%

Democratic (Dis)Advantage, Enacted Map vs. Remedial Map 4

District	A.G. 2020		Governor 2020		President 2020		Treasurer 2020		Senate 2018		Governor 2016		President 2016		Senate 2016		Total Vote, 2016-2020		Total Vote, DRA	
	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial	Enacted	Remedial
2	-20.3%	-20.0%	-22.8%	-22.6%	-14.7%	-14.6%	-21.2%	-21.0%	-16.2%	-15.9%	-18.9%	-17.8%	-16.0%	-15.7%	-8.1%	-7.1%	-13.9%	-13.4%	-17.0%	-16.6%
8	-20.4%	-25.7%	-22.2%	-27.7%	-15.8%	-21.1%	-30.0%	-35.1%	-20.4%	-25.5%	-21.8%	-24.7%	-21.7%	-26.6%	-10.5%	-13.8%	-20.0%	-24.0%	-20.3%	-25.2%
9	-20.1%	-19.6%	-21.8%	-21.4%	-16.0%	-15.6%	-26.3%	-26.0%	-14.6%	-14.0%	-20.0%	-19.5%	-19.8%	-19.3%	-11.7%	-11.1%	-17.9%	-17.5%	-18.6%	-18.2%
13	-29.7%	-27.2%	-34.0%	-31.7%	-26.0%	-23.0%	-34.3%	-31.6%	-29.8%	-26.9%	-29.0%	-26.8%	-30.1%	-26.6%	-21.5%	-18.6%	-25.5%	-23.0%	-29.6%	-26.7%
14	-9.3%	14.6%	-12.1%	10.3%	-6.0%	15.5%	-15.4%	9.5%	-13.3%	9.4%	-10.6%	15.4%	-12.8%	13.1%	-3.5%	23.6%	-9.4%	12.0%	-10.5%	13.5%
15	-11.1%	-23.4%	-5.2%	-26.2%	0.3%	-20.1%	-6.6%	-30.0%	-7.2%	-27.4%	-0.3%	-22.3%	-1.6%	-26.2%	7.7%	-16.0%	-1.8%	-21.2%	-2.2%	-24.3%
16	-23.7%	-17.8%	-26.4%	-20.0%	-20.3%	-14.1%	-32.0%	-25.8%	-20.6%	-14.9%	-22.6%	-20.3%	-25.0%	-19.3%	-10.8%	-7.8%	-21.5%	-17.2%	-22.9%	-17.3%
17	-1.3%	1.8%	-0.0%	2.8%	3.6%	6.6%	-7.6%	-4.7%	2.5%	5.3%	-7.7%	-5.1%	-2.1%	0.3%	-1.4%	1.7%	-2.6%	-0.1%	-0.9%	2.0%
20	-31.4%	-31.3%	-33.8%	-33.3%	-27.9%	-27.7%	-33.8%	-34.1%	-25.7%	-25.7%	-29.4%	-30.7%	-28.7%	-29.2%	-18.7%	-20.5%	-24.4%	-25.0%	-28.6%	-28.9%
31	-14.3%	-15.8%	-15.4%	-16.9%	-5.7%	-7.3%	-16.1%	-17.3%	-9.5%	-10.7%	-15.4%	-16.5%	-8.5%	-9.8%	-4.8%	-5.8%	-9.1%	-10.2%	-10.3%	-11.6%

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity
as Secretary of State of Washington, and
the STATE OF WASHINGTON,

Defendants,

and

JOSE TREVINO, et al.,

Intervenor-Defendants.

NO. 3:22-cv-5035-RSL

STATE OF WASHINGTON’S
RESPONSE TO PLAINTIFFS’
REMEDIAL PROPOSALS

Pursuant to this Court’s October 4, 2023 Order (Dkt. # 230), the State of Washington submits the following response to the proposed remedial maps submitted by Plaintiffs.

The State does not dispute Plaintiffs’ assertion that each map “is a complete and comprehensive remedy to Plaintiffs’ Section 2 harms” Dkt. # 245 at p. 2. The State defers to the Court on which remedial map best provides Latino voters with an equal opportunity to elect candidates of their choice while also balancing traditional redistricting criteria and federal law.

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 22nd day of December 2023, at Seattle, Washington.

/s/ Andrew R.W. Hughes
ANDREW R.W. HUGHES, WSBA #49515
Assistant Attorney General

Plaintiffs' Remedial Proposal 1

1
2 Plaintiffs' first remedial proposal would affect 13 counties: Adams, Benton, Chelan,
3 Clark, Douglas, Franklin, Grant, King, Klickitat, Lewis, Pierce, Thurston, and Yakima. Pharris
4 Decl., ¶ 5.

5 Plaintiffs' first remedial proposal would displace 8 incumbents in the following
6 positions, Pharris Decl., ¶ 7:

7 LD 8 Representative, Position 1

8 LD 12 Senator

9 LD 14 Representative, Position 1

10 LD 14 Representative, Position 2

11 LD 14 Senator

12 LD 15 Senator

13 LD 31 Representative, Position 1

14 LD 31 Senator

15
16 ***Plaintiffs' Remedial Proposal 2***

17 Plaintiffs' second remedial proposal would affect 11 counties: Adams, Benton, Clark,
18 Franklin, Grant, King, Klickitat, Lewis, Pierce, Thurston, and Yakima. Pharris Decl., ¶ 5.

19 Plaintiffs' second remedial proposal would displace 5 incumbents in the following
20 positions, Pharris Decl., ¶ 8:

21 LD 8 Representative, Position 1

22 LD 14 Representative, Position 1

23 LD 14 Representative, Position 2

24 LD 14 Senator

25 LD 15 Senator

Plaintiffs' Remedial Proposal 3

1
2 Plaintiffs' third remedial proposal would affect 12 counties: Adams, Benton, Chelan,
3 Clark, Douglas, Franklin, Grant, King, Klickitat, Pierce, Thurston, and Yakima. Pharris
4 Decl., ¶ 5.

5 Plaintiffs' third remedial proposal would displace 7 incumbents in the following
6 positions, Pharris Decl., ¶ 9:

7 LD 8 Representative, Position 1

8 LD 12 Senator

9 LD 14 Representative, Position 1

10 LD 14 Representative, Position 2

11 LD 14 Senator

12 LD 15 Senator

13 LD 31 Senator

14
15 ***Plaintiffs' Remedial Proposal 4***

16 Plaintiffs' fourth remedial proposal would affect 10 counties: Adams, Benton, Clark,
17 Franklin, Grant, King, Klickitat, Pierce, Thurston, and Yakima. Pharris Decl., ¶ 5.

18 Plaintiffs' fourth remedial proposal would displace 5 incumbents in the following
19 positions, Pharris Decl., ¶ 10:

20 LD 8 Representative, Position 1

21 LD 14 Representative, Position 1

22 LD 14 Representative, Position 2

23 LD 14 Senator

24 LD 15 Senator

Plaintiffs’ Remedial Proposal 5

Plaintiffs’ fifth remedial proposal would affect 3 counties: Benton, Klickitat, and Yakima. Pharris Decl., ¶ 5.

Plaintiffs’ fifth remedial proposal would displace 4 incumbents in the following positions, Pharris Decl., ¶ 11:

LD 14 Representative, Position 1

LD 14 Representative, Position 2

LD 15 Representative, Position 1

LD 15 Representative, Position 2

RESPECTFULLY SUBMITTED this 22nd day of December, 2023.

ROBERT W. FERGUSON
Attorney General

s/ Karl D. Smith
KARL D. SMITH, WSBA 41988
Deputy Solicitor General
KATE S. WORTHINGTON, WSBA 47556
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PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200
Karl.Smith@atg.wa.gov
Kate.Worthington@atg.wa.gov

Attorneys for Defendant Steven Hobbs

DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 22nd day of December 2023, at Olympia, Washington.

s/ Leena Vanderwood
Leena Vanderwood
Paralegal
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200
Leena.Vanderwood@atg.wa.gov

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 21 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SUSAN SOTO PALMER; et al.,

Plaintiffs-Appellees,

v.

STEVEN HOBBS, in his official capacity as
Secretary of State of Washington; STATE
OF WASHINGTON, in his official capacity
as Secretary of State of Washington,

Defendants-Appellees,

JOSE A. TREVINO; et al.,

Intervenor-Defendants-
Appellants.

No. 23-35595

D.C. No. 3:22-cv-05035-RSL
Western District of Washington,
Tacoma

ORDER

Before: RAWLINSON and HURWITZ, Circuit Judges.

The motion to stay the district court’s challenged order and to stay further proceedings in the district court (Docket Entry No. 34) is denied. *See Nken v. Holder*, 556 U.S. 418, 434 (2009) (defining standard for stay pending appeal). The request to stay proceedings in this appeal is also denied.

The existing briefing schedule remains in effect.

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6 UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SUSAN SOTO PALMER, *et al.*,

9 Plaintiffs,

10 v.

11 STEVEN HOBBS, *et al.*,

12 Defendants,

13 and

14 JOSE TREVINO, *et al.*,

15 Intervenor-Defendants.

CASE NO. 3:22-cv-05035-RSL

ORDER REGARDING RETENTION
OF KARIN MAC DONALD

16
17 This matter comes before the Court on the “Parties’ Joint Submission of Proposed
18 Special Master Candidates.” Dkt. # 244. The parties have been unable to reach an
19 agreement on a remedial legislative district map proposal, and the Court finds that the
20 assistance of an election administration and redistricting expert in assessing proposed
21 remedial plans and making modifications to those plans will be helpful. The Court further
22 finds that Karin Mac Donald, with her background in assisting government entities and
23 independent commissions with redistricting matters, her emphasis on public service, and
24 her commitment to non-partisanship, is the best candidate for this position.
25
26

ORDER REGARDING RETENTION OF KARIN MAC DONALD - 1

ER179

1 The Court has confirmed Ms. Mac Donald's ability and willingness to assist in this
2 litigation and will send her the constitutional and statutory provisions regarding
3 redistricting considerations in Washington State, the testimony and reports of the experts
4 who appeared at trial, the Memorandum of Decision, the Order establishing the schedule
5 for the parties' submissions of proposed remedial plans, plaintiff's December 1, 2023,
6 filing, a copy of this Order, and any other materials she may need from the docket.
7

8 Plaintiffs are directed to send Ms. Mac Donald the block assignment and geojson files used
9 to view their proposed remedial maps (as emailed to the Court on December 1, 2023),
10 along with the Dropbox link where the html files can be downloaded and viewed in a
11 browser window. Ms. Mac Donald's preferred email address is
12 karinmacdonald.q2@gmail.com. All subsequent submissions in opposition to or support of
13
14 plaintiffs' proposed remedial plans shall be sent directly to Ms. Mac Donald on or before
15 the date they are filed with the Court.
16

17 Ms. Mac Donald is hereby retained to assist the Court in evaluating the remedial
18 maps proposed by the parties. As is her normal procedure, she will be working with two
19 other individuals on this matter. The goal of the remedial mapping process is to provide
20 equal electoral opportunities for both white and Latino voters in the Yakima Valley region,
21 keeping in mind the social, economic, and historical conditions discussed in the
22 Memorandum of Decision and traditional redistricting principles, such as population
23 equality, compactness, contiguity, respect for political subdivisions, and preservation of
24 communities of interest. If modifications to the proposed maps are necessary in order to
25
26

ORDER REGARDING RETENTION OF KARIN MAC DONALD - 2

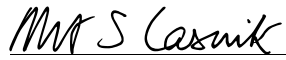
ER180

1 meet that goal, Ms. Mac Donald shall further assist in suggesting options and making the
2 modifications.

3
4 In light of the limited time between the submission of the reply memoranda and the
5 deadline for transmitting the revised maps to the Secretary of State, the Court anticipates a
6 collaborative process between itself and Ms. Mac Donald. No formal report will be
7 generated. The Court will, however, schedule a hearing in the beginning of March to
8 discuss the Court's preferred remedial option and will make clear in its decision the extent
9 to which Ms. Mac Donald's input and analysis impacted the choice of remedy.
10

11 Because redistricting is the State's responsibility, the State of Washington shall pay
12 the hourly rates of Ms. Mac Donald and her two collaborators for their services in this
13 matter. Ms. Mac Donald's hourly rate is \$275. The State's attorney is directed to contact
14 her regarding the details of billing and payment.
15

16
17 Dated this 20th day of December, 2023.

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19 Robert S. Lasnik

20 United States District Judge
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The Honorable Robert S. Lasnik

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

SUSAN SOTO PALMER, et. al.,
Plaintiffs,
v.
STEVEN HOBBS, et. al.,
Defendants,
and
JOSE TREVINO, ISMAEL CAMPOS, and
ALEX YBARRA,
Intervenor-Defendants.

Case No.: 3:22-cv-05035-RSL
Judge: Robert S. Lasnik
**PLAINTIFFS’ BRIEF IN
SUPPORT OF REMEDIAL
PROPOSALS**

I. INTRODUCTION

On October 4, 2023, this Court ordered the parties to “meet and confer with the goal of reaching a consensus on a legislative district map” that would remedy the dilution of Latino voting strength under Section 2 of the Voting Rights Act (VRA) arising from the configuration of LD 15. Order at 2, Dkt. #230. The parties met on November 16, 2023, but failed to reach a consensus on a remedial map. Plaintiffs now respectfully submit five proposed maps that remedy the VRA violation for Latino voters in the Yakima Valley region and provide all voters in the region equal

1 electoral opportunity. Each proposal is a complete and comprehensive remedy to Plaintiffs’
2 Section 2 harms that aligns with both traditional redistricting principles and federal law.

3 II. LEGAL STANDARD

4 To remedy the Section 2 violation in the Yakima Valley region, the Court must order the
5 adoption of a remedial plan in which Latino voters possess “real electoral opportunity.” *See, e.g.,*
6 *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 428 (2006). The Court should
7 “exercise its traditional equitable powers to fashion the relief so that it *completely* remedies the
8 prior dilution of minority voting strength and *fully* provides equal opportunity for minority citizens
9 to participate and to elect candidates of their choice.” *Ketchum v. Byrne*, 740 F.2d 1398, 1412 (7th
10 Cir. 1984) (quoting S. Rep. No. 97-417, at 31) (emphasis added); *see also Gomez v. City of*
11 *Watsonville*, 863 F.2d 1407, 1419 (9th Cir. 1988) (“the district court has broad equitable powers
12 to fashion relief which will remedy the Section 2 violation completely”); *McGhee v. Granville*
13 *Cnty., N.C.*, 860 F.2d 110, 118 (4th Cir. 1988) (“If a vote dilution violation is established, the
14 appropriate remedy is to restructure the districting system to eradicate, to the maximum extent
15 possible *by that means*, the dilution proximately caused by that system.”) (emphasis in original);
16 *U.S. v. Dallas Cnty. Comm’n*, 850 F.2d 1433, 1438 (11th Cir. 1988).

17
18
19 The Court ought to conduct a fact-based analysis of the district’s demographics, racial
20 polarization, and past electoral performance to ensure the remedial district configuration will, in
21 fact, provide the minority community with an equal opportunity to elect candidates of its choice.
22 *See League of United Latin Am. Citizens*, 548 U.S. at 428–29 (considering whether a district was
23 “an effective opportunity district” by assessing a district’s Latino citizen voting age population
24 and past electoral performance); *Milligan v. Merrill*, 582 F. Supp. 3d 924, 936 (N.D. Ala. 2022),
25 *aff’d sub nom. Allen v. Milligan*, 599 U.S. 1 (2023) (ordering that a remedial plan create “either an
26

1 additional majority-Black congressional district, or an additional district in which Black voters
2 otherwise have an opportunity to elect a representative of their choice.”). Plaintiffs demonstrated
3 that it is possible to draw a district with over 50% Latino Citizen Voting Age Population (“CVAP”)
4 to prove *liability*, but once a violation has been shown, a remedial map imposed by a Court need
5 not include “majority-minority” districts to achieve Section 2 compliance. Instead, as noted above,
6 the remedial inquiry turns on a functional analysis of a district’s electoral performance for Latino
7 voters, not an arbitrary demographic threshold. *See Bartlett v. Strickland*, 556 U.S. 1, 23 (2009)
8 (stating that “§ 2 allows States to choose their own method of complying with the Voting Rights
9 Act, and we have said that may include drawing crossover districts”) (internal citations omitted);
10 *Cooper v. Harris*, 137 S. Ct. 1455, 1472 (2017).

11
12 When adopting a remedial district, this Court must consider traditional redistricting
13 principles as well as the policies underlying the current redistricting plan, but those considerations
14 ultimately must subordinate to compliance with the Constitution and the Voting Rights Act. *See*
15 *Arizona v. Inter Tribal Council of Ariz. Inc.*, 133 S. Ct. 2247, 2256 (2013) (“[Federal legislation]
16 so far as it extends and conflicts with the regulations of the State, necessarily supersedes them.”
17 (citation omitted)); *Large v. Fremont County*, 670 F.3d 1133, 1145 (10th Cir. 2012) (“In remedial
18 situations under Section 2 where state laws are necessarily abrogated, the Supremacy Clause
19 appropriately works to suspend those laws because they are an unavoidable obstacle to the
20 vindication of the federal right.” (emphasis in original)).

21 22 23 **III. PLAINTIFFS’ REMEDIAL PROPOSALS**

24 Plaintiffs present five proposed remedial plans, each of which comply with traditional
25 redistricting principles including population equality, compactness, contiguity, respect for political
26 subdivisions, and preservation of communities of interest. Ex. 1, Oskooii Decl. at 4-11; RCW

1 29A.76.010(4). Each of the remedial proposals was drafted by Plaintiffs’ remedial mapping expert,
2 Dr. Kassra Oskooii, without consideration of the racial or partisan composition of the districts. *Id.*
3 at 4. Each plan would remedy the dilution of Latino voting strength in the Yakima Valley region
4 by creating a district in which Latino voters have an equal opportunity to elect candidates of their
5 choice to the state legislature despite high degrees of racially polarized voting. Ex. 2, Collingwood
6 Decl. at 1. Consistent with the Court’s instruction to “keep[] in mind the social, economic, and
7 historical conditions discussed in the Memorandum of Decision,” Order at 2, Dkt. #230, Plaintiffs’
8 proposed remedial districts are each labeled as LD 14 wherein elections for state senate align with
9 the higher turnout gubernatorial and presidential elections. In doing so, none of Plaintiffs’ proposed
10 plans pair any Senators who would be up for election in the off-year of 2026. Because Latino voter
11 turnout is less depressed in presidential elections than in off-year elections, Mem. of Decision at
12 17, Dkt. #218, the creation of the remedial district as LD 14 will significantly contribute to
13 ensuring the region’s Latinos will have “real electoral opportunity” as required by Section 2.
14 *League of United Latin Am. Citizens*, 548 U.S. at 428.

15
16
17 While any of Plaintiffs’ proposed plans would remedy the VRA violation, Plaintiffs’
18 preference is for the Court to adopt a proposed remedial district configuration which unites
19 populations in Yakima, Pasco, and various smaller population centers bridging them, which “form
20 a community of interest based on more than just race.” Mem. of Decision at 10, Dkt. #218.

21
22 ***Plaintiffs’ Remedial Proposal 1***

23 As Dr. Oskooii explains in his attached declaration, Remedial Proposal 1 contains a
24 configuration of LD 14 that unites the community of interest in the Yakima Valley region,
25 including both the East Yakima and Pasco community centers and smaller communities in the
26 Lower Yakima Valley like Wapato, Toppenish, Sunnyside, and Grandview. Plaintiffs’ Remedial

1 Proposal 1, like all of Plaintiffs’ remedial proposals, keeps the Yakama Nation Reservation intact
2 in one legislative district. LD 14 in Plaintiffs’ Remedial Proposal 1 also contains some of the
3 Yakama Nation trust lands.

4 Dr. Collingwood separately assessed whether Plaintiffs’ Remedial Proposal 1 would
5 perform to allow Latino voters an equal opportunity to elect their candidates of choice. LD 14 in
6 Remedial Proposal 1 has a Latino CVAP of 51.65%. Ex. 2, Collingwood Decl. at 3. Importantly,
7 Remedial Proposal 1 provides Latino voters in the Yakima Valley region with an equal opportunity
8 to elect candidates of choice to the state legislature across a range of electoral conditions. The
9 performance analysis conducted by Dr. Collingwood shows that in nine of the nine elections
10 considered, the Latino-preferred candidate would win in LD14 in Remedial Proposal 1. Ex. 2,
11 Collingwood Decl. at 4.
12

13 ***Plaintiffs’ Remedial Proposal 2***

14 LD 14 in Remedial Proposal 2 has an identical configuration to LD 14 in Plaintiffs’
15 Remedial Proposal 1 but offers an alternative configuration of the legislative districts *surrounding*
16 LD 14.
17

18 ***Plaintiffs’ Remedial Proposal 3***

19 Plaintiffs’ Remedial Proposal 3, like 1 and 2, contains a configuration of LD 14 which joins
20 communities of interest in the Yakima Valley region, including both East Yakima and Pasco
21 community centers as well as communities in the Lower Yakima Valley like Wapato, Toppenish,
22 Sunnyside, and Grandview. Plaintiffs’ Remedial Proposal 3 also combines the Yakama Nation
23 Reservation and all of the Yakama Nation trust lands and fishing villages in LD 14.
24

25 Dr. Collingwood separately assessed whether Plaintiffs’ Remedial Proposal 3 would
26 perform to allow Latino voters an equal opportunity to elect their candidates of choice. LD 14 in

1 Remedial Proposal 3 has a Latino CVAP of 50.14%. Ex. 2, Collingwood Decl. at 3. Remedial
2 Proposal 3 provides Latino voters in the Yakima Valley region with an equal opportunity to elect
3 candidates of their choice to the state legislature across a range of electoral conditions. The
4 performance analysis conducted by Dr. Collingwood shows that in nine of the nine elections
5 considered, the Latino-preferred candidate would win in LD 14 in Remedial Proposal 3. Ex. 2,
6 Collingwood Decl. at 4.
7

8 ***Plaintiffs' Remedial Proposal 4***

9 LD 14 in Remedial Proposal 4 has an identical configuration to LD 14 in Plaintiffs'
10 Remedial Proposal 3 but offers an alternative configuration of the legislative districts *surrounding*
11 LD 14.

12 ***Plaintiffs' Remedial Proposal 5***

13 Remedial Proposal 5 contains a configuration of LD 14 which does not include Pasco in
14 LD 14. Remedial Proposal 5 includes all of the Yakama Nation Reservation in LD 14 but not the
15 off-reservation trust lands or fishing villages. While Remedial Proposal 5 is not preferred by
16 Plaintiffs, it would nonetheless remedy the Section 2 violation by creating an effective opportunity
17 district for Latino voters, should this Court choose to do so without uniting the full Yakima Valley
18 region community of interest, including both Yakima and Pasco Latinos, in one legislative district.
19

20 Dr. Collingwood separately assessed whether Plaintiffs' Remedial Proposal 5 would
21 perform to allow Latino voters an equal opportunity to elect their candidates of choice. LD 14 in
22 Remedial Proposal 5 has a Latino CVAP of 47%. Ex. 2, Collingwood Decl. at 3. Remedial
23 Proposal 5 provides Latino voters in the Yakima Valley region with an equal opportunity to elect
24 candidates of their choice to the state legislature across a range of electoral conditions. The
25 performance analysis conducted by Dr. Collingwood shows that in nine of the nine elections
26

1 considered, the Latino-preferred candidate would win in LD 14 in Remedial Proposal 5. Ex. 2,
2 Collingwood Decl. at 4.

3 **IV. CONCLUSION**

4 Plaintiffs respectfully urge this Court to adopt one of Plaintiffs’ five proposed remedial
5 plans, which fully and effectively remedy the Section 2 violation in the region, with a preference
6 for Remedial Plans 1-4.
7

8
9 Dated: December 1, 2023

Respectfully submitted,

10
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CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 1st day of December 2023, via the Court’s CM/ECF system.

/s/ Annabelle E. Harless
Annabelle E. Harless
Counsel for Plaintiffs

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EXHIBIT 1

December 1, 2023 Declaration of Dr. Oskooii

Expert Report Submitted on Behalf of Plaintiffs

in *Soto Palmer, et al. v. Hobbs, et al.*

Kassra AR Oskooii, Ph.D.

University of Delaware

December 1, 2023

A. Background and Qualifications

1. I, Kassra AR Oskooii, am over 18 years of age and am competent to testify.
2. I am a tenured, Associate Professor and Provost Teaching Fellow in the department of Political Science and International Relations at the University of Delaware (“UD”), having joined the faculty in 2016 as an Assistant Professor. I am also an affiliated faculty member at UD’s Data Science Institute, Master of Science in Data Science, Center for Political Communication, and Center for the Study of Diversity. My research and teaching focuses on American political behavior, political methodology, political psychology, political representation, voting rights, and redistricting. My research has appeared in numerous leading peer-reviewed, social science journals, including *Sociological Methods and Research*, *Political Behavior*, *Public Opinion Quarterly*, *Political Psychology*, *British Journal of Political Science*, *Electoral Studies*, *Perspectives on Politics*, *Urban Affairs Review*, *State Politics and Policy Quarterly*, and *Journal of Public Policy*.
3. I received my Ph.D. in Political Science, specializing in American politics, minority and race politics, and political methodology, from the University of Washington in Seattle, Washington in 2016. Prior to that, I received my Master’s Degree in Political Science at the University of Washington and received a political methodology field certificate from the Center for Statistics & the Social Sciences in 2013. I received my Bachelor of Arts in Political Science in 2008 at the University of Washington, with minors in Human Rights and Law, Societies, and Justice.
4. Of relevance to this report, I have taught courses at the University of Delaware related to demographic data collection and analysis, evaluation of redistricting plans for compliance with the Voting Rights Act of 1965 (“VRA”), and the drawing of redistricting plans using traditional redistricting criteria. Relatedly, I have been retained as an expert in redistricting and voting rights cases, including *Dickinson Bay Area Branch NAACP v. Galveston County, Texas*, No. 3:22-cv-117-JVB (S.D. Tex. 2023) (deposed and testified), *Baltimore County Branch of the NAACP v. Baltimore County, Maryland*, No. 1:21-cv-03232-LKG (D. Md. 2022), *Common Cause Florida v. Lee*, No. 4:22-cv-00109-AW-MAF (N.D. Fla. 2022), *Common Cause Florida v. Byrd*, No. 4:22-cv-00109-AW-MAF (N.D. Fla. 2022) (deposed), *Reyes v. Chilton*, No. 4:21-cv-05075-MKD (E.D. Wash. 2021) (deposed), *Finn et al. v. Cobb County Board of Elections and Registration*, No. 1:22-cv-02300-ELR (N.D. Ga. 2022), *Caroline County Branch of the NAACP v. Town of Federalsburg*, Civ. Action No. 23-SAG-00484 (D. Md. 2023), and *Coca v. City of Dodge City, et al.*, Case No. 6:22-cv-01274 (D. Kan. 2022) (deposed).
5. As an expert consultant, I have also advised the State of Maryland on its 2021 Congressional and Legislative redistricting plans. I have also examined and redrawn the 2022 school board district boundaries of the Roswell Independent School District in the state of New Mexico. More information about my qualifications and expert witness and consulting background can be found on my Curriculum Vitae, appended to this declaration as **Exhibit A**.

6. I am being compensated by the plaintiffs at a rate of \$350 an hour for my work on this on this matter. My compensation is not in any way contingent on the content of my opinions or the outcome of this matter.

B. Scope of Work

7. I was asked to prepare legislative redistricting plans for the Washington Legislature (i) that respect traditional redistricting criteria and the redistricting criteria set forth in Washington law, and (ii) that include a legislative district numbered 14 (“LD 14”) in the Yakima Valley region uniting communities of interest in the region and remedying the Section 2 violation found by the district court. With respect to the second requirement, I was asked to draw maps that include an LD 14 that, to the extent possible, unifies the population centers from East Yakima to Pasco that form a community of interest, including cities in the Lower Yakima Valley like Wapato, Toppenish, Granger, Sunnyside, Mabton, and Grandview.
8. I prepared four remedial plans that satisfy all of the above requirements (Plaintiffs’ Remedial Maps 1-4). At the request of Counsel for Plaintiffs, I prepared one additional remedial option that respects traditional redistricting criteria and the redistricting criteria set forth in Washington law, and that unites East Yakima with the Lower Yakima Valley cities listed above but does not include Pasco in LD 14 (Plaintiffs’ Remedial Map 5).
9. Attached to this report, I include district shapes for all five remedial maps in GeoJSON format, as well as block assignment files and pdf images of each remedial maps. I also include the remedial maps in an interactive html format that displays important roadways, geographical markers, and voting precinct boundaries. The maps in html format can be downloaded to a computer and opened on any internet browser.

C. Approach

10. I relied on the applicable redistricting criteria to draw the five remedial maps.
11. In drawing districts, I considered the criteria found in Washington Constitution Article 2, Section 43 and in statute at RCW 44.05.090. I drew districts to have a population as nearly equal as is practicable, consistent with the constitutional one-person-one-vote requirement. I drew districts to follow boundaries of political subdivisions and communities of interest. I minimized the number of counties, municipalities, and precincts split into multiple districts. And I endeavored to draw districts with convenient, contiguous, and compact territory, ensuring that areas of each district are connected and can be readily traversed by road.
12. I also considered other traditional redistricting principles in drawing the remedial plans. To the extent practicable, I sought to minimize changes to districts outside the Yakima Valley region. I also avoided pairing incumbents to the extent practicable, based on publicly available data.

13. I did not consider race or racial demographics in drawing the remedial plans. I did not make visible, view, or otherwise consult any racial demographic data while drawing districts. I did not assess the districts for performance to elect minority candidates of choice.
14. I did not consider election results or any partisan performance metrics in drawing the remedial plans, and I did not make visible, view, or otherwise consult any such data while drawing districts.
15. As indicated in further detail below, I conclude that all five remedial maps herein abide by Washington's redistricting criteria and other traditional redistricting criteria.

D. Plaintiffs' Remedial Map 1

16. Figure 1 below provides a visual depiction of Plaintiffs' Remedial Map 1. Remedial Map 1 includes an LD 14 that unites the population centers forming a community of interest between East Yakima and Pasco. The map also keeps the Yakama Nation Reservation whole in LD 14, along with some off-reservation trust lands and fishing villages.

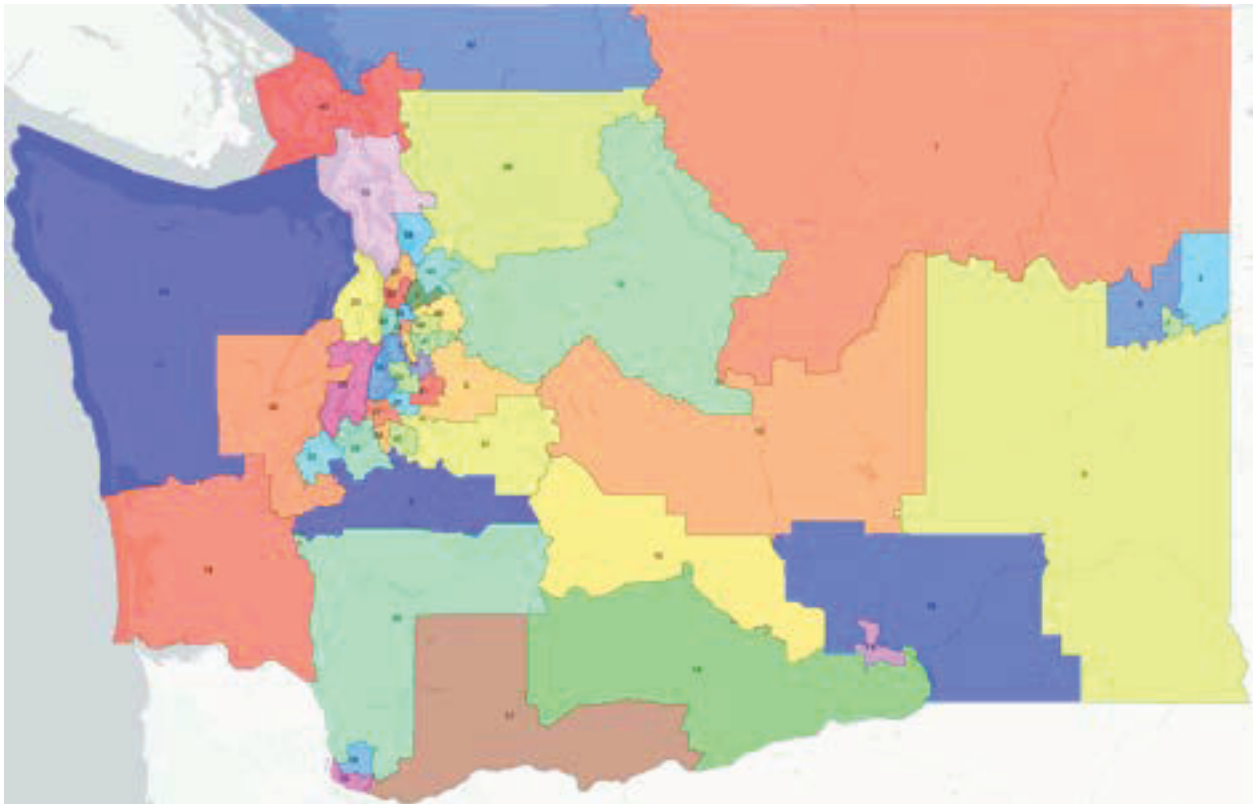


Figure 1: Remedial Map 1

17. **Appendix Table 1**, located at the end of this document provides, for each district in Remedial Map 1, the total population based on Washington's adjusted 2020 U.S. Census data and the population deviation from the target population (157,251). According to Table

1, Remedial Map 1 has a negligible total population deviation¹ of 0.23%, which is less than the Enacted Plan and well below the 10% population deviation threshold for state legislative plans accepted by courts.

18. Remedial Map 1's districts are reasonably shaped and compact, particularly given the often oddly shaped precinct and municipal boundaries and variable topography in Washington. **Appendix Table 2** provides the Reock and Polsby-Popper compactness scores for Remedial Map 1, which are largely on par with the compactness scores for the Enacted Plan.²
19. Remedial Map 1's districts are comprised of convenient, contiguous territory and are traversable.
20. Remedial Map 1 respects communities of interest and minimizes splitting counties, cities, and precincts. **Appendix Table 3** provides statistics regarding county splits for Remedial Map 1, including county-district splits and district-county splits.³ Remedial Map 1 performs about the same on county split metrics as compared to the Enacted Plan. With respect to precinct and city splits, I used the updated 2022 precinct boundaries and avoided any precinct or city splits unless such splits were necessary for the purposes of maintaining population equality and/or contiguity (including road connectivity).
21. To the extent practicable after complying with the above criteria, I endeavored to minimize changes to districts outside the Yakima Valley region and avoid pairing incumbents.
22. In summary, Remedial Map 1 is compliant with all relevant redistricting criteria.

E. Plaintiffs' Remedial Map 2

23. Figure 2 below provides a visual depiction of Plaintiffs' Remedial Map 2. Remedial Map 2 contains an LD 14 that is identical to the LD 14 in Remedial Map 1, but offers an alternative configuration of surrounding districts.

¹ Total population deviation for a redistricting plan is calculated by taking the difference between the population deviation in the least and most populous districts.

² Reock score is calculated by taking the ratio of the area of a district to the area of its minimum bounding circle. Polsby-Popper score is calculated by taking the ratio of the area of a district to the area of a circle whose circumference matches the perimeter of the district. Both scores range from 0 to 1. Scores closer to 0 indicate a less compact jurisdiction and scores closer to 1 indicate a more compact jurisdiction.

³ The county-district split metric measures the extent to which the plan splits counties across districts. The district-county split metric measures the extent to which districts are split across counties.

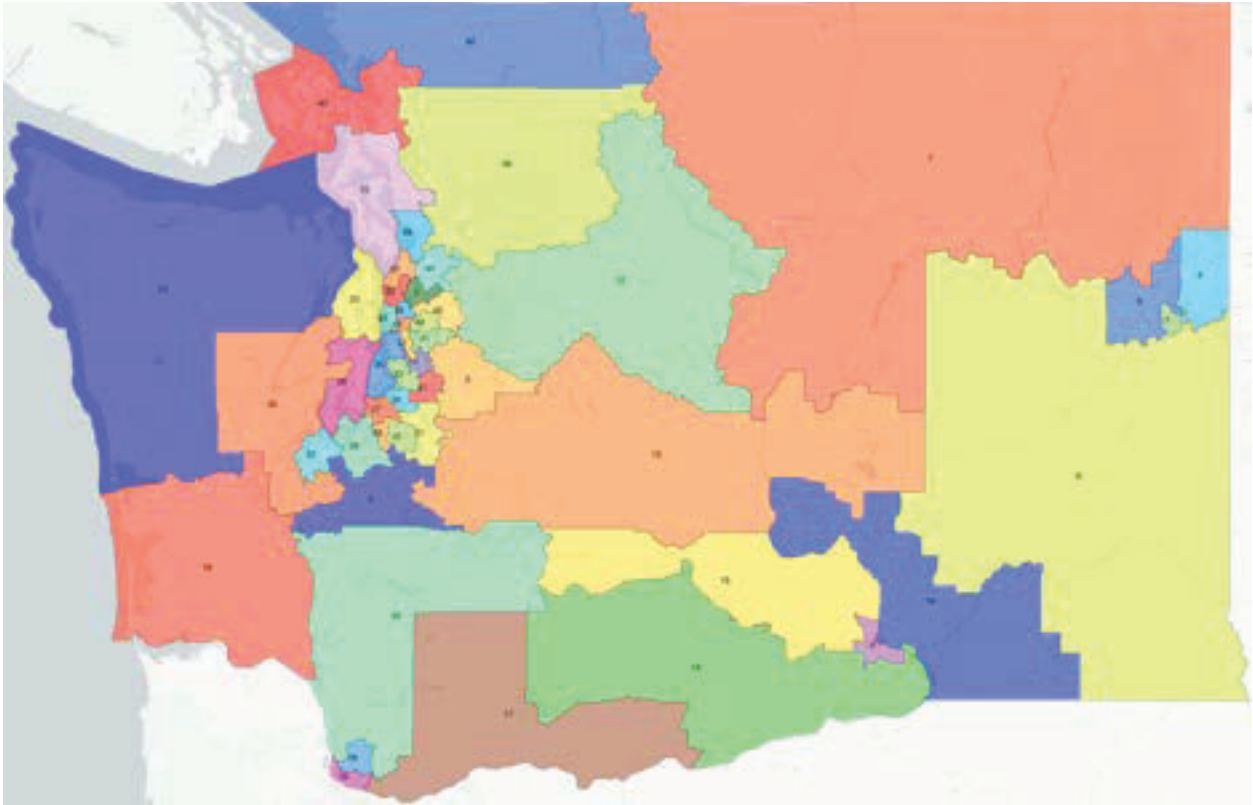


Figure 2: Remedial Map 2

24. **Appendix Table 1** provides, for each district in Remedial Map 2, the total population based on Washington's adjusted 2020 U.S. Census data and the population deviation from the target population (157,251). According to Table 1, Remedial Map 2 has a negligible total population deviation of 0.22%, which is less than the Enacted Plan and well below the 10% population deviation threshold for state legislative plans accepted by courts.
25. Remedial Map 2's districts are reasonably shaped and compact, particularly given the often oddly shaped precinct and municipal boundaries and variable topography in Washington. **Appendix Table 2** provides the Reock and Polsby-Popper compactness scores for Remedial Map 2, which are largely on par with the compactness scores for the Enacted Plan
26. Remedial Map 2's districts are comprised of convenient, contiguous territory and are traversable.
27. Remedial Map 2 respects communities of interest and minimizes splitting counties, cities, and precincts. **Appendix Table 3** provides statistics regarding county splits for Remedial Map 2, which performs about the same on metrics of county splits as compared to the Enacted Plan. Cities and precincts were only split when necessary for the purposes of population deviation and/or contiguity (including road connectivity).
28. To the extent practicable after complying with the above criteria, I endeavored to minimize changes to districts outside the Yakima Valley region and avoid pairing incumbents.

29. In summary, Remedial Map 2 is compliant with all relevant redistricting criteria.

F. Plaintiffs' Remedial Map 3

30. Figure 3 below provides a visual depiction of Plaintiffs' Remedial Map 3. Remedial Map 3 includes an LD 14 that unites the population centers forming a community of interest between East Yakima to Pasco. In addition to keeping the Yakama Nation Reservation whole in LD 14, Remedial Map 3 also incorporates into LD 14 all of the Yakama Nation's off-reservation trust lands and fishing villages.

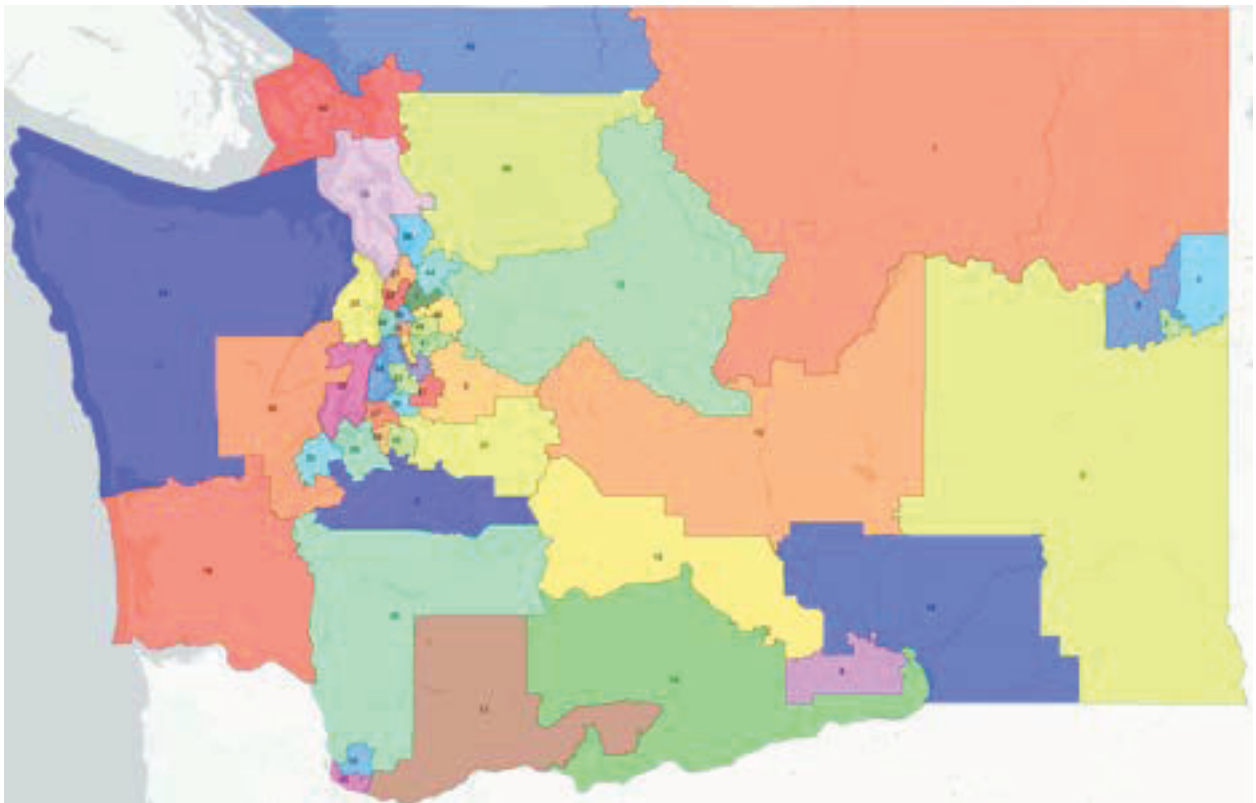


Figure 3: Remedial Map 3

31. **Appendix Table 1** provides, for each district in Remedial Map 3, the total population based on Washington's adjusted 2020 U.S. Census data and the population deviation from the target population (157,251). According to Table 1, Remedial Map 3 has a negligible total population deviation of 0.24%, which is less than the Enacted Plan and well below the 10% population deviation threshold for state legislative plans accepted by courts.
32. Remedial Map 3's districts are reasonably shaped and compact, particularly given the often oddly shaped precinct and municipal boundaries and variable topography in Washington. **Appendix Table 2** provides the Reock and Polsby-Popper compactness scores for Remedial Map 3, which are largely on par with the compactness scores for the Enacted Plan.

33. Remedial Map 3's districts are comprised of convenient, contiguous territory and are traversable.
34. Remedial Map 3 respects communities of interest and minimizes splitting counties, cities, and precincts. **Appendix Table 3** provides statistics regarding county splits for Remedial Map 3, which performs the same or better on metrics of county splits as compared to the Enacted Plan. Cities and precincts were only split when necessary for the purposes of population deviation and/or contiguity (including road connectivity).
35. To the extent practicable after complying with the above criteria, I endeavored to minimize changes to districts outside the Yakima Valley region and avoid pairing incumbents.
36. In summary, Remedial Map 3 is compliant with all relevant redistricting criteria.

G. Plaintiffs' Remedial Map 4

37. Figure 4 below provides a visual depiction of Plaintiffs' Remedial Map 4. Remedial Map 4 includes an LD 14 that is identical to LD 14 in Remedial Map 3, but offers an alternative configuration of surrounding districts.

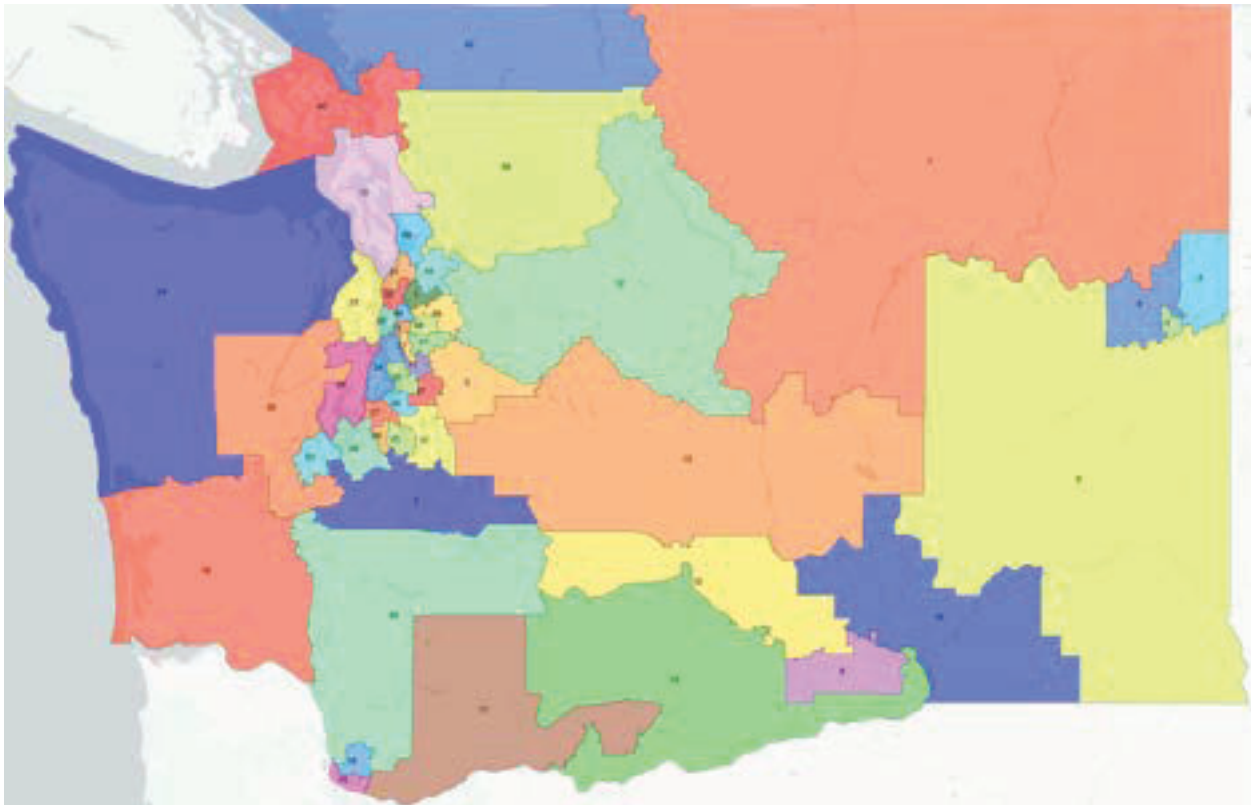


Figure 4: Remedial Map 4

38. **Appendix Table 1** below provides, for each district in Remedial Map 4, the total population based on Washington's adjusted 2020 U.S. Census data and the population deviation from the target population (157,251). According to Table 1, Remedial Map 4 has

a negligible total population deviation of 0.24%, which is less than the Enacted Plan and well below the 10% population deviation threshold for state legislative plans accepted by courts.

39. Remedial Map 4's districts are reasonably shaped and compact, particularly given the often oddly shaped precinct and municipal boundaries and variable topography in Washington. **Appendix Table 2** below provides the Reock and Polsby-Popper compactness scores for Remedial Map 4, which are largely on par with the compactness scores for the Enacted Plan.
40. Remedial Map 4's districts are comprised of convenient, contiguous territory and are traversable.
41. Remedial Map 4 respects communities of interest and minimizes splitting counties, cities, and precincts. **Appendix Table 3** below provides statistics regarding county splits for Remedial Map 4, which performs about the same on metrics of county splits as compared to the Enacted Plan. Cities and precincts were only split when necessary for the purposes of population deviation and/or contiguity (including road connectivity).
42. To the extent practicable after complying with the above criteria, I endeavored to minimize changes to districts outside the Yakima Valley region and avoid pairing incumbents.
43. In summary, Remedial Map 4 is compliant with all relevant redistricting criteria.

H. Plaintiffs' Remedial Map 5

44. Figure 5 below provides a visual depiction of Plaintiffs' Remedial Map 5. Remedial Map 5 includes an LD 14 that unites the population centers in Yakima County that form a community of interest, including East Yakima and cities in the Lower Yakima Valley like Wapato, Toppenish, Granger, Sunnyside, Mabton, and Grandview. The map also keeps the Yakama Nation Reservation whole in LD 14 and keeps nearly the entire district wholly within Yakima County.

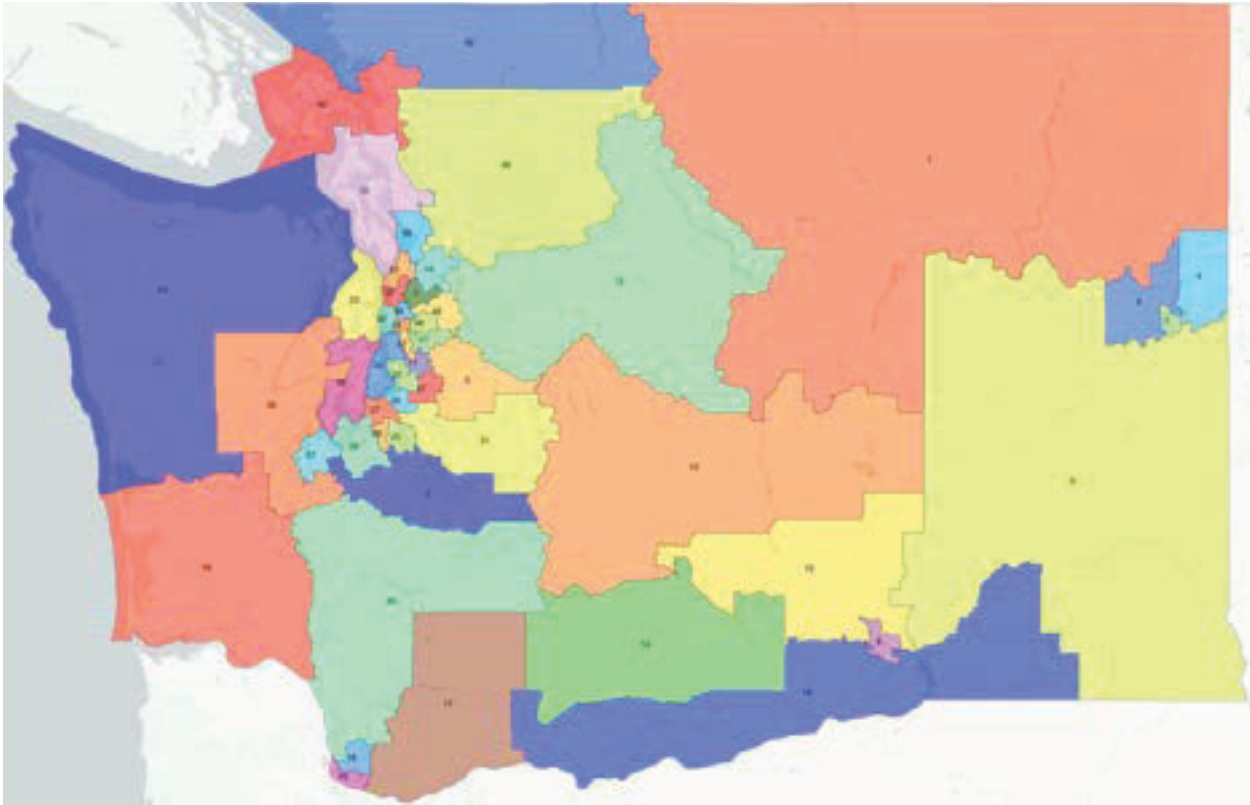


Figure 5: Remedial Map 5

45. **Appendix Table 1** in the Appendix provides, for each district in Remedial Map 5, the total population based on Washington's adjusted 2020 U.S. Census data and the population deviation from the target population (157,251). According to Table 1, Remedial Map 4 has a negligible total population deviation of 0.25%, which is the same as the Enacted Plan and well below the 10% population deviation threshold for state legislative plans accepted by courts.
46. Remedial Map 5's districts are reasonably shaped and compact, particularly given the often oddly shaped precinct and municipal boundaries and variable topography in Washington. **Appendix Table 2** provides the Reock and Polsby-Popper compactness scores for Remedial Map 5, which are largely on par with the compactness scores for the Enacted Plan.
47. Remedial Map 5's districts are comprised of convenient, contiguous territory and are traversable.
48. Remedial Map 5 respects communities of interest and minimizes splitting counties, cities, and precincts. **Appendix Table 3** provides statistics regarding county splits for Remedial Map 5, which performs about the same on metrics of county splits as compared to the Enacted Plan. Cities and precincts were only split when necessary for the purposes of population deviation and/or contiguity (including road connectivity).

49. To the extent practicable after complying with the above criteria, I endeavored to minimize changes to districts outside the Yakima Valley region and avoid pairing incumbents.
50. In summary, Remedial Map 5 is compliant with all relevant redistricting criteria.

I. Conclusion

51. I reserve the right to modify, update, or supplement my report as additional information is made available to me.
52. Pursuant to 28 U.S.C. § 1746, I, Kassra AR Oskooii, declare under penalty of perjury that the foregoing is true and correct.

Executed by:



Dr. Kassra AR Oskooii

Dated: December 1, 2023

Appendix

Table 1 – Population Deviation

District	Enacted Map			Remedial Map 1			Remedial Map 2			Remedial Map 3			Remedial Map 4			Remedial Map 5		
	Total Pop	Deviation	%	Total Pop	Deviation	%	Total Pop	Deviation	%	Total Pop	Deviation	%	Total Pop	Deviation	%	Total Pop	Deviation	%
1	157284	33	0.021%	157284	33	0.021%	157284	33	0.021%	157284	33	0.021%	157284	33	0.021%	157284	33	0.021%
2	157441	190	0.121%	157371	120	0.076%	157244	-7	-0.004%	157429	178	0.113%	157429	178	0.113%	157441	190	0.121%
3	157244	-7	-0.004%	157244	-7	-0.004%	157244	-7	-0.004%	157244	-7	-0.004%	157244	-7	-0.004%	157244	-7	-0.004%
4	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%
5	157289	38	0.024%	157287	36	0.023%	157289	38	0.024%	157237	-14	-0.009%	157289	38	0.024%	157289	38	0.024%
6	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%
7	157250	-1	-0.001%	157248	-3	-0.002%	157250	-1	-0.001%	157313	62	0.039%	157250	-1	-0.001%	157250	-1	-0.001%
8	157266	15	0.010%	157198	-53	-0.034%	157198	-53	-0.034%	157110	-141	-0.090%	157110	-141	-0.090%	157266	15	0.010%
9	157247	-4	-0.003%	157125	-126	-0.080%	157156	-95	-0.060%	157125	-126	-0.080%	157156	-95	-0.060%	157247	-4	-0.003%
10	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%
11	157228	-23	-0.015%	157228	-23	-0.015%	157228	-23	-0.015%	157228	-23	-0.015%	157228	-23	-0.015%	157228	-23	-0.015%
12	157247	-4	-0.003%	157175	-76	-0.048%	157247	-4	-0.003%	157096	-155	-0.099%	157247	-4	-0.003%	157247	-4	-0.003%
13	157248	-3	-0.002%	157145	-106	-0.067%	157250	-1	-0.001%	157360	109	0.069%	157312	61	0.039%	157283	32	0.020%
14	157253	2	0.001%	157166	-85	-0.054%	157166	-85	-0.054%	157318	67	0.043%	157318	67	0.043%	157377	126	0.080%
15	157231	-20	-0.013%	157409	158	0.100%	157203	-48	-0.031%	157122	-129	-0.082%	157070	-181	-0.115%	157084	-167	-0.106%
16	157254	3	0.002%	157081	-170	-0.108%	157318	67	0.043%	157270	19	0.012%	157309	58	0.037%	157242	-9	-0.006%
17	157239	-12	-0.008%	157405	154	0.098%	157405	154	0.098%	157346	95	0.060%	157346	95	0.060%	157239	-12	-0.008%
18	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%
19	157236	-15	-0.010%	157236	-15	-0.010%	157236	-15	-0.010%	157236	-15	-0.010%	157236	-15	-0.010%	157236	-15	-0.010%
20	157243	-8	-0.005%	157401	150	0.095%	157401	150	0.095%	157353	102	0.065%	157353	102	0.065%	157243	-8	-0.005%
21	157212	-39	-0.025%	157212	-39	-0.025%	157212	-39	-0.025%	157212	-39	-0.025%	157212	-39	-0.025%	157212	-39	-0.025%
22	157257	6	0.004%	157257	6	0.004%	157257	6	0.004%	157257	6	0.004%	157257	6	0.004%	157257	6	0.004%
23	157258	7	0.004%	157258	7	0.004%	157258	7	0.004%	157258	7	0.004%	157258	7	0.004%	157258	7	0.004%
24	157233	-18	-0.011%	157233	-18	-0.011%	157233	-18	-0.011%	157233	-18	-0.011%	157233	-18	-0.011%	157233	-18	-0.011%
25	157268	17	0.011%	157268	17	0.011%	157268	17	0.011%	157268	17	0.011%	157268	17	0.011%	157268	17	0.011%
26	157227	-24	-0.015%	157227	-24	-0.015%	157227	-24	-0.015%	157227	-24	-0.015%	157227	-24	-0.015%	157227	-24	-0.015%
27	157239	-12	-0.008%	157239	-12	-0.008%	157239	-12	-0.008%	157239	-12	-0.008%	157239	-12	-0.008%	157239	-12	-0.008%
28	157289	38	0.024%	157289	38	0.024%	157289	38	0.024%	157289	38	0.024%	157289	38	0.024%	157289	38	0.024%
29	157054	-197	-0.125%	157054	-197	-0.125%	157054	-197	-0.125%	157054	-197	-0.125%	157054	-197	-0.125%	157054	-197	-0.125%
30	157277	26	0.017%	157277	26	0.017%	157277	26	0.017%	157277	26	0.017%	157277	26	0.017%	157277	26	0.017%
31	157223	-28	-0.018%	157420	169	0.107%	157304	53	0.034%	157352	101	0.064%	157242	-9	-0.006%	157223	-28	-0.018%
32	157211	-40	-0.025%	157211	-40	-0.025%	157211	-40	-0.025%	157211	-40	-0.025%	157211	-40	-0.025%	157211	-40	-0.025%
33	157256	5	0.003%	157256	5	0.003%	157256	5	0.003%	157256	5	0.003%	157256	5	0.003%	157256	5	0.003%
34	157234	-17	-0.011%	157234	-17	-0.011%	157234	-17	-0.011%	157234	-17	-0.011%	157234	-17	-0.011%	157234	-17	-0.011%
35	157268	17	0.011%	157268	17	0.011%	157268	17	0.011%	157268	17	0.011%	157268	17	0.011%	157268	17	0.011%
36	157250	-1	-0.001%	157250	-1	-0.001%	157250	-1	-0.001%	157250	-1	-0.001%	157250	-1	-0.001%	157250	-1	-0.001%
37	157247	-4	-0.003%	157247	-4	-0.003%	157247	-4	-0.003%	157247	-4	-0.003%	157247	-4	-0.003%	157247	-4	-0.003%
38	157215	-36	-0.023%	157215	-36	-0.023%	157215	-36	-0.023%	157215	-36	-0.023%	157215	-36	-0.023%	157215	-36	-0.023%
39	157306	55	0.035%	157306	55	0.035%	157306	55	0.035%	157306	55	0.035%	157306	55	0.035%	157306	55	0.035%
40	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%	157261	10	0.006%
41	157234	-17	-0.011%	157234	-17	-0.011%	157234	-17	-0.011%	157234	-17	-0.011%	157234	-17	-0.011%	157234	-17	-0.011%
42	157263	12	0.008%	157263	12	0.008%	157263	12	0.008%	157263	12	0.008%	157263	12	0.008%	157263	12	0.008%
43	157247	-4	-0.003%	157247	-4	-0.003%	157247	-4	-0.003%	157247	-4	-0.003%	157247	-4	-0.003%	157247	-4	-0.003%
44	157248	-3	-0.002%	157248	-3	-0.002%	157248	-3	-0.002%	157248	-3	-0.002%	157248	-3	-0.002%	157248	-3	-0.002%
45	157270	19	0.012%	157270	19	0.012%	157270	19	0.012%	157270	19	0.012%	157270	19	0.012%	157270	19	0.012%
46	157255	4	0.003%	157255	4	0.003%	157255	4	0.003%	157255	4	0.003%	157255	4	0.003%	157255	4	0.003%
47	157240	-11	-0.007%	157240	-11	-0.007%	157240	-11	-0.007%	157240	-11	-0.007%	157240	-11	-0.007%	157240	-11	-0.007%
48	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%
49	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%	157252	1	0.001%
Total Deviation	-	-	0.25%	-	-	0.23%	-	-	0.22%	-	-	0.24%	-	-	0.24%	-	-	0.25%





Table 2 – Compactness Scores

	Enacted Map	Remedial Map 1	Remedial Map 2	Remedial Map 3	Remedial Map 4	Remedial Map 5
Reock	0.44	0.42	0.42	0.43	0.42	0.43
Polsby-Popper	0.33	0.32	0.31	0.32	0.32	0.32

Table 3 – County Split Metrics

	Enacted Map	Remedial Map 1	Remedial Map 2	Remedial Map 3	Remedial Map 4	Remedial Map 5
Number of Counties Split	18	20	19	20	19	19
County-District Splitting	1.61	1.68	1.64	1.61	1.63	1.62
District-County Splitting	1.25	1.25	1.26	1.24	1.25	1.26

Kassra A.R. Oskooii

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Academic Appointments	University of Delaware Political Science & International Relations Associate Professor 2021-Present Assistant Professor 2016-2021 Provost Teaching Fellow 2022-Present <i>Current Faculty Affiliations:</i> Data Science Institute (DSI) 2023-Present Master of Science in Data Science (MSDS) 2023-Present Center for Political Communication (CPC) 2016-Present Center for the Study of Diversity (CSD) 2016-Present <i>Former Faculty Affiliations:</i> Race, Justice, Policy Research Initiative (RJPRI) 2017-2023
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Education	University of Washington Ph.D., 2016 Department of Political Science General Fields: American Politics & Political Methodology Specialized Field: Minority and Race Politics University of Washington M.A., 2013 Department of Political Science Center for Statistics & the Social Sciences (CSSS) Political Methodology Field Certificate (2013) University of Washington B.A., 2008 Major: Political Science Minors: Human Rights and Law, Societies, & Justice
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Peer-Reviewed Journal Publications	“In the Shadow of September 11: The Roots and Ramifications of Anti-Muslim Attitudes in the United States.” <i>Advances in Political Psychology</i> . w/ Lajevardi, N., Saleem, M., and Docherty, M. (Forthcoming) “Social Mobility Through Immigrant Resentment: Explaining Latinx Support for Restrictive Immigration Policies and Anti-Immigrant Candidates.” <i>Public Opinion Quarterly</i> . w/ Hickel, F., and Collingwood, L. (Forthcoming)
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- “The Participatory Implications of Racialized Policy Feedback.” 2023. **Perspectives on Politics**, 21(3): 932-950. w/ Garcia-Rios, S., Lajevardi, N. and Walker, H.
- “Undermining Sanctuary? When Local and National Partisan Cues Diverge.” 2023. **Urban Affairs Review**, 59(1): 133-169. w/ Collingwood, L. & Martinez, G.
- “Fight Not Flight: The Effects of Explicit Racism on Minority Political Engagement.” 2022. **Electoral Studies**, 80: 102515. w/ Besco, R., Garcia-Rios, S., Lagodny, J., Lajevardi, N., Tolley, E.
- “Hate, Amplified? Social Media News Consumption and Anti-Muslim Policy Support.” 2022. **Journal of Public Policy**, 42: 656-683. w/ Lajevardi, N. and Walker, H. (FirstView)
- “Estimating Candidate Support in Voting Rights Act Cases: Comparing Iterative EI and EI-RxC Methods.” 2022. **Sociological Methods and Research**, 51(1): 271-304. w/ Barreto, M., Collingwood & Garcia-Rios, S.
- “Beyond Generalized Ethnocentrism: Islam-Specific Beliefs and Prejudice toward Muslim Americans.” 2021. **Politics, Groups, and Identities**, 9(3): 538-565. w/ Dana, K. & Barreto, M.
- “Opinion Shift and Stability: The Information Environment and Long-Lasting Opposition to Trump’s Muslim Ban.” 2021. **Political Behavior**, 43: 301–337. w/Lajevardi, N. & Collingwood, L.
Covered in: *The Washington Post (Monkey Cage)*
- “The Role of Identity Prioritization: Why Some Latinx Support Restrictionist Immigration Policies and Candidates.” 2020. **Public Opinion Quarterly**, 84: 860–891. w/ Hickel, F., Alamillo, R. & Collingwood, L.
- “Perceived Discrimination and Political Behavior.” 2020. **British Journal of Political Science**, 50(3): 867-892.
- “The Paradox Between Integration and Perceived Discrimination Among American Muslims.” 2020. **Political Psychology**, 41(3): 587-606. w/ Lajevardi, N., Walker, H. & Westfall, A.
Winner of the 2019 American Political Science Association Race, Ethnicity, and Politics Section Best Paper Award.
- “Veiled Politics: Experiences with Discrimination among Muslim Americans.” 2019. **Politics and Religion**, 12(2): 629-677. w/ Dana, K., Lajevardi, N., & Walker, H.

“Partisan Attitudes toward Sanctuary Cities: The Asymmetrical Effects of Political Knowledge.” 2018. *Politics and Policy*, 46 (6): 951-984. w/ Dreier, S. & Collingwood, L.

“A Change of Heart? Why Individual-Level Public Opinion Shifted against Trump’s Muslim Ban.” 2018. *Political Behavior*, 40: 1035-1072. w/ Collingwood, L. & Lajevardi, N.

Covered in: *The Washington Post (Monkey Cage)*, *Vox*, *ThinkProgress*, *NPR*, *Al Jazeera*, *Middle East Eye*, *Psychology Today*, & *Social Psych Online*

“Old-Fashioned Racism, Contemporary Islamophobia, and the Political Isolation of Muslim Americans in the Age of Trump.” 2018. *Journal of Race, Ethnicity, and Politics*, 3(1): 112-152. w/ Lajevardi, N.

“The Politics of Choice Reconsidered: Partisanship, Ideology, and Minority Politics in Washington’s Charter School Initiative.” 2018. *State Politics and Policy Quarterly*, 18(1): 61-92. w/ Collingwood, L. & Jochim, A.

“Muslims in Great Britain: The Impact of Mosque Attendance on Political Behaviour and Civic Engagement.” 2018. *Journal of Ethnic and Migration Studies*, 44(9): 1479-1505. w/ Dana, K.

“eiCompare: Comparing Ecological Inference Estimates across EI and EI: RxC.” 2016. *R Journal*, 8(2): 92-101. w/ Collingwood, L., Barreto, M. & Garcia-Rios, S.

“How Discrimination Impacts Sociopolitical Behavior: A Multidimensional Perspective.” 2016. *Political Psychology*, 37(5): 613-640.

“Mosques as American Institutions: Mosque Attendance, Religiosity and Integration into the Political System among American Muslims.” 2011. *Religions*, 2(4): 504-524. w/ Dana, K. & Barreto, M.

Book Chapters
Encyclopedic
Entries

“Discrimination.” In *Edward Elgar Encyclopedia of Political Sociology* edited by Maria Grasso and Marco Giugni. (Forthcoming)

“Race and Racism in U.S. Campaigns.” 2020. In *Oxford Handbook on Electoral Persuasion* edited by Liz Suhay, Bernie Grofman, and Alex Trechsel, 15:278–295. w/ Christopher Parker, Christopher Towler, and Loren Collingwood.

Book Reviews

“Understanding Muslim Political Life in America: Contested Citizenship in the Twenty-First Century.” Edited by Brian R. Calfano and Nazita Lajevardi. Philadelphia: Temple University Press, 2019. 248p. *Perspectives on Politics*.

Public Writing	<p>“Biden reverses Trump’s ‘Muslim Ban.’ Americans support the decision.” The Washington Post (<i>Monkey Cage</i>) (27 January, 2021). w/ Lajevardi, N. and Collingwood, L.</p> <p>“Targeted: Veiled Women Experience Significantly More Discrimination in the U.S.” Religion in Public (21 January, 2020). w/ Dana, K., Lajevardi, N., and Walker, H.</p> <p>“Here’s what the Democrats need to do to get the DREAM Act through Congress.” LSE American Politics and Policy Blog (29 January, 2018). Also covered by Newsweek U.S. Edition. w/ Walker, H. and Garcia-Rios, S.</p> <p>“Why Individual-Level Opinion Rapidly Shifted Against Trump’s ‘Muslim Ban’ Executive Order.” Religion in Public (17 January, 2018). w/ Collingwood, L. and Lajevardi, N.</p> <p>“Allies in name only? Latino-only leadership on DACA may trigger implicit racial biases among White liberals.” LSE American Politics and Policy Blog (28 September, 2017). w/ Garcia-Rios, S. and Walker, H.</p> <p>“Protests against Trump’s immigration executive order may have helped shift public opinion against it” LSE American Politics and Policy Blog (12 February, 2017). w/ Collingwood, L. and Lajevardi, N.</p>								
Select Works In Progress	<p>“The Influence of American Identity on Anti-Muslim Policy Preferences Across Partisans.” w/ Lajevardi, N. (Invited for R&R)</p> <p>“Neighboring Identities: Psychological and Political Reactions to Xenophobic Campaign Attacks.” w/ Basco, R., Fisher, S., Garcia-Rios, S., Lagodny, J., Lajevardi, N., and Tolley, E. (In Progress)</p> <p>“Partisan Winners and Losers: Testing Alternative Frames of Congressional Election Results Among White and Latino Voters.” w/ Valenzuela, A. and Collingwood, L. (In Progress)</p> <p>“Polarizing Cues Revisited: The Role of Partisan Benchmarking.” w/ Kipp, S., Medenica, V., and Walker, H. (In Progress)</p> <p>“Voting for Violence? Tracing Ethno-Racial and Partisan Differences in Support for Anti-Democratic Violence Before and After the 2020 Presidential Election.” w/ Valenzuela, A. and Collingwood, L. (In Progress)</p> <p>“White Candidates and Latino Voters: The Significance of Symbolic vs Substantive Ethnic Cues.” w/ Collingwood, L. and Alamillo, R. (In Progress)</p>								
Grants, Fellowships, & Awards	<table border="0" style="width: 100%;"> <tr> <td>Nominee of UD’s Excellence in Teaching Award</td> <td style="text-align: right;">(2023)</td> </tr> <tr> <td>UD Provost Teaching Fellow</td> <td style="text-align: right;">(2022-)</td> </tr> <tr> <td>APSA Race, Ethnicity, and Politics Best Paper Award w/ Nazita Lajevardi, Hannah Walker and Aubrey Westfall</td> <td style="text-align: right;">(2019)</td> </tr> <tr> <td>AAPOR Student-Faculty Diversity Pipeline Award</td> <td style="text-align: right;">(2019)</td> </tr> </table>	Nominee of UD’s Excellence in Teaching Award	(2023)	UD Provost Teaching Fellow	(2022-)	APSA Race, Ethnicity, and Politics Best Paper Award w/ Nazita Lajevardi, Hannah Walker and Aubrey Westfall	(2019)	AAPOR Student-Faculty Diversity Pipeline Award	(2019)
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AAPOR Student-Faculty Diversity Pipeline Award	(2019)								

2021.

“Shocks to the System: Capturing Opinion Shift and Stability Toward Trump’s Muslim Ban.” Keynote Speaker at the Democracy and Diversity Triannual Conference at the **Center for the Study of Democratic Citizenship** in Montreal, Canada. April 24-25, 2020. [Cancelled Due to COVID-19]

“The New American Electorate.” Panelist. **Princeton University**. Event sponsored by the Center for the Study of Democratic Politics. April 3, 2020. [Cancelled Due to COVID-19]

“Neighboring Identities: Psychological and Political Reactions to Generalized and Particularized Anti-Immigrant Appeals.” w/Sergio Garcia-Rios. **University of Toronto**. Talk Sponsored by the Department of Political Science. March 6, 2020.

“History, Institutions, and Theory Research Coordination Network on Racial and Ethnic Politics.” Panelist. **University of Pennsylvania**. Event sponsored by the American Political Science Association’s Special Projects Fund and the Center for the Study of Ethnicity, Race and Immigration at Penn. February 28-29, 2020.

“Using Observational and Experimental Data to Examine the Sociopolitical Consequences of Perceived Discrimination.” **Rutgers University**. Talk sponsored by the Emerging Trends Lecture Series & the Center for the Experimental Study of Politics and Psychology. April 27, 2018.

“A Change of Heart? Using Panel Designs to Establish Causality with Real Events.” w/Loren Collingwood. **Princeton University**. Talk sponsored by the Center for the Study of Democratic Politics. April 26, 2018.

“Using Observational and Experimental Data to Examine the Sociopolitical Consequences of Perceived Discrimination.” **University of California Los Angeles**. Talk sponsored by the Race, Ethnicity and Politics Workshop. March 5, 2018.

“Muslim-American Attitudes, Sociopolitical Behavior, and Identity.” Panelist/Section Presenter. **University of California Los Angeles**. Event sponsored by the Luskin School of Public Affairs & the National Science Foundation. December 15, 2017.

“Muslim-American Political Behavior.” Panelist/Section Presenter. **Menlo College**. Event sponsored by Menlo College & the National Science Foundation. December 16, 2016.

Internal or
Public
Invited
Talks/Panels

“How Democratic is the U.S. Constitution, and to What Extent did the Founding Fathers Oppose Majority Rule?” Speaker. University Day Public Lecture. March 18, 2023.

“Race, Ethnicity, and Gender in the 2020 Election.” Speaker. Panel sponsored by the the University of Delaware POSCIR. December 14, 2020.

“Building Community: Scholarship and Connection among Faculty of Color.” Speaker. Panel sponsored by the Center for the Study of Diversity (CSD) at the University of Delaware. February 24, 2020.

“Executive Power and the U.S. Democracy.” Talk sponsored by the 2019 YALI Mandela Washington Fellows Program at the University of Delaware. July 2, 2019.

“Opinion Shift and Stability: Long-Lasting Opposition toward Trump’s Muslim Ban.” Talk sponsored by the Department of Sociology and Criminal Justice Colloquium Speaker Series at the University of Delaware. April 24, 2019.

“Old-Fashioned Racism and the Roots of Contemporary Islamophobia.” Talk sponsored by the Center for the Study of Diversity (CSD) Colloquium Speaker Series at the University of Delaware. December 6, 2018.

“Understanding Executive Power in the United States.” Talk sponsored by the 2018 YALI Mandela Washington Fellows Program at the University of Delaware. July 2, 2018.

“The Inclusion and Exclusion of Minority Groups in the United States.” Talk sponsored by the 2017 YALI Mandela Washington Fellows Program at the University of Delaware. July 11, 2017.

“Inclusion and Exclusion: Perceptions of Discrimination in the Workplace.” Diversity Summit Presenter. Talk sponsored by the Office of Equity and Inclusion at the University of Delaware. June 20, 2017.

“What Happens Now Part II? A Forum to Discuss Bigotry & Closed Borders in the Trump Era.” Speaker. Panel sponsored by the Department of Women and Gender Studies, Sociology and Criminal Justice, Political Science and International Relations, & the College of Arts and Sciences at the University of Delaware. February 13, 2017.

“Forum on the Travel Ban Executive Order.” Speaker. Panel sponsored by the University of Delaware Provost Office. February 7, 2017.

“What Happens Now Part I? Fear, Diversity, and Inclusion in Post-U.S. Election.” Speaker. Panel sponsored by Women and Gender Studies, Sociology and Criminal Justice, Political Science and International Relations, History, & the College of Arts and Sciences at the University of Delaware. November

30, 2016.

“Race, Religion, and Gender.” Election Central Panelist. Event sponsored by the Center for Political Communication at the University of Delaware. November 8, 2016.

Select Conference Presentations 2021

“Partisan Winners and Losers: Testing Alternative Frames of Congressional Election Results Among White and Latino Voters.” Online Paper Presentation at the Annual American Political Science Association Conference (APSA).

“Kissing Up and Kicking Down: How Immigrant Resentment Impacts Latinx Support for Donald Trump and Restrictive Immigration Policies.” Online Paper Presentation at the Annual American Political Science Association Conference (APSA).

“How do Political Attacks Affect Racial and Ethnic Self-Identities?” Online Paper Presentation at the Annual Midwest Political Science Association Conference (MPSA).

“Kissing Up and Kicking Down: How Immigrant Resentment Impacts Latinx Support for Donald Trump and Restrictive Immigration Policies.” Online Paper Presentation at the Annual Midwest Political Science Association Conference (MPSA).

2019

“The Significance of Politicized Group Identities: Re-examining the Relationship between Contact with Punitive Political Institutions and Political Participation.” Paper Presentation at the Annual American Political Science Association Conference (APSA) in Washington DC.

“Threat or Reassurance? Framing Midterm results among Latinos and Whites.” Paper Presentation at the Annual American Political Science Association Conference (APSA) in Washington DC.

“When American Identity Trumps Latinx Identity: Explaining Support for Restrictive Immigration Policies.” Paper Presentation at the Annual American Political Science Association Conference (APSA) in Washington DC.

“Anti-Minority Politics and Political Participation: Evidence from Four Countries.” Paper Presentation at the Annual American Political Science Association Conference (APSA) in Washington DC.

2018

“Assessing the Link between Interactions with Punitive Political Institutions and Political Behavior.” Paper Presentation at the 2018 Symposium on the Politics of Immigration, Race, and Ethnicity (SPIRE) Meeting in Philadelphia, PA (University of Pennsylvania).

“Are Integrated Muslim Americans More Likely to Perceive Discrimination?” Paper Presentation at the Annual American Political Science Association Conference (APSA) in Boston, MA.

“Opinion Shift and Stability: Enduring Individual-Level Opposition to Trump’s Muslim Ban.” Paper Presentation at the Annual American Political Science Association Conference (APSA) in Boston, MA.

“Assessing the Link between Interactions with Punitive Political Institutions and Political Behavior.” Paper Presentation at the 2018 Collaborative Multiracial Post-Election Study (CMPS) Meeting in Los Angeles, CA (UCLA).

2017

“A Change of Heart? Why Individual-Level Public Opinion Shifted against Trump’s Muslim Ban.” Paper Presentation at the Annual American Political Science Association Conference (APSA) in San Francisco, CA.

“Veiled Politics: Experiences with Discrimination among American Muslims.” Paper Presentation at the Annual American Political Science Association Conference (APSA) in San Francisco, CA.

“The Racial Shield as Racism Exoneration: Explaining White Racist Support for Conservative Minority Candidates.” Paper Presentation at the Annual Western Political Science Association Conference (WPSA) in Vancouver BC, Canada.

2016

“Assessing the Mechanism Linking Discrimination to Democratic Engagement.” Paper Presentation at the Annual American Political Science Association Conference (APSA) in Philadelphia, PA.

“Estimating Candidate Support: Comparing EI and EI-RxC.” Paper Presentation at the Annual Midwest Political Science Association Conference (MPSA) in Chicago, Illinois.

Student
Supervision

Sadie Ellington, Dissertation Committee Member (POSC)
Enes Aksu, Dissertation Committee Member (POSC)

Enes Tuzgen, Dissertation Committee Member (POSC)
Olga Gerasimenko, Dissertation Committee Member (POSC)
Furkan Karakayan, Dissertation Committee Member (POSC)
Richard Takyi Amoah, Dissertation Committee Member (ECON)
Sheila Afrakomah, Dissertation Committee Member (ECON)
Ahmet Ates, Dissertation Committee Member (POSC)
Charles Mays, Long Paper and Dissertation Chair (POSC)
Ian Mumma, Long Paper Committee Member (POSC)
Clark Shanahan, Long Paper Committee Member (POSC)

Rachel Spruill, Undergraduate Honors Thesis Chair
Jessica Sack, Undergraduate Honors Thesis Chair
Jordan Spencer, Undergraduate Faculty Mentor for the McNair Program
Lauren Turenchalk, Undergraduate Research Supervisor

Professional
Service

Editorial Board Member

Politics and Religion (6/2018 - 12/2021)

Discipline Service

American Political Science Association (APSA) REP Section Chair (2021-2022)

Western Political Science Association (WPSA) Task Force on Equity, Inclusion, and Access in the Discipline (2020-2021)

APSA Race, Ethnicity, and Politics Best Paper Award Committee Member (2020)

University Service

2019 Summer Educational and Cultural Experience Program (SECEP)
Lecturer of Politics and Justice in the United States. (July 27 - August 20, 2019)

Manuscript Reviewer/Referee

American Journal of Political Science, American Political Science Review, American Politics Research, British Journal of Political Science, Belgian Federal office for Science Policy, Behavioral Sciences of Terrorism and Political Aggression, Cambridge University Press, Electoral Studies, European Political Science Review, International Journal of Public Opinion, Journal of Elections, Public Opinion & Parties, Journal of Ethnic and Migration Studies, Journal of Politics, Journal of Race, Ethnicity and Politics, Migration Studies, Perspectives on Politics, Political Behavior, Politics, Groups, and Identities, Political Psychology, Political Research Quarterly, Politics and Religion, Public Opinion Quarterly, Social Science Quarterly, Time-Sharing Experiments for the Social Sciences

Conference Coordination

Politics of Race, Immigration, and Ethnicity Consortium (PRIEC) at the University of Delaware. (2020)

Politics of Race, Immigration, and Ethnicity Consortium (PRIEC) at the University of Washington. (2013)

Latinos and the Voting Rights Act. Center for Democracy and Voting Rights Research at the University of Washington Law School. (2013)

Islam in the Public Sphere Conference. Washington Institute for the Study of Race & Ethnicity (WISER). (2011)

Expert
Consulting
Experience

State of Maryland Attorney General's Office; 2021 MD Redistricting

Baltimore County Branch of the NAACP v. Baltimore County, Maryland, No. 1:21-cv-03232-LKG (D. Md. 2022)

Common Cause Florida v. Lee, 4:22-cv-109-AW-MAF (N.D. Fla.)

Common Cause Florida v. Byrd, No. 4:22-cv-00109-AW-MAF (N.D. Fla. 2022) [Deposed]

Dickinson Bay Area NAACP Branch v. Galveston County, Texas, No. 3:22-cv-117-JVB (S.D. Tex. 2023) [Deposed & Testified]

Reyes v. Chilton, 4:21-cv-05075-MKD (E.D. Wash. 2021) [Deposed]

Roswell Independent School District (RISD); 2022 Redistricting

Caroline County Branch of the NAACP v. Town of Federalsburg, Civ. Action No. 23-SAG-00484 (D.Md. 2023)

Cobb County Board of Elections and Registration, No. 1:22-cv-02300-ELR (N.D. Ga. 2022)

Coca v. City of Dodge City, et al. Case no. 6:22-cv-01274 (D Kan. 2022) [Deposed]

Previous Research Positions **Senior Researcher, Washington Poll** 2010-2014
Public Opinion Survey Design, Programming, and Analysis.

Researcher, Center for Democracy & Voting Rights Research 2013-2014
Racially Polarized Voting (RPV) Analysis of jurisdictions in states such as: California, Florida, Texas, and Washington.

Investigator, Washington State Charter School Initiative 2013
Precinct and school district level data collection and analysis of the I-1240 Vote for S360 Polling Firm and Melinda & Gates Foundation.

Skills & Additional Information **Software:** R, STATA, \LaTeX , ESRI, DRA
Languages: Farsi (Persian)–Native Speaker
R Packages: eiCompare (contributor), eiExpand (contributor)

EXHIBIT 2

December 1, 2023 Declaration of Dr. Collingwood

Expert Report of Dr. Loren Collingwood

Loren Collingwood

2023-12-01

Executive Summary

I have been retained by plaintiffs as an expert, and have been asked to analyze whether five plaintiff proposed remedial maps will perform electorally for Latino voters in Legislative District 14 in the Yakima Valley region– the area comprising Central Washington’s large Latino community.

To assess electoral performance, as in my prior reports, I examine whether the minority-preferred candidate wins in contests featuring racially polarized voting in nine statewide elections subset to LD-14 in each of plaintiffs’ five remedial plans.¹

An electoral performance analysis reconstructs previous election results based on new district boundaries to assess whether a minority or white preferred candidate is most likely to win in a given jurisdiction under consideration (i.e., a newly adopted legislative district).

Based on my analysis, I conclude that all five of plaintiffs’ proposed maps provide Latino voters in the Yakima Valley region with an equal opportunity to elect candidates of choice to the state legislature in LD-14.

My opinions are based on the following data sources: Washington State general election precinct/vtd returns from 2016-2020; 2020 US Census block data, 2021 5-Year American Community Survey (ACS) data, and remedial map geojson files provided by plaintiffs’ counsel.

I am being compensated at a rate of \$400/hour. My compensation is not contingent on the opinions expressed in this report, on my testimony, or on the outcome of this case.

Background and Qualifications

I am an associate professor of political science at the University of New Mexico. Previously, I was an associate professor of political science and co-director of civic engagement at the Center for Social Innovation at the University of California, Riverside. I have published two

¹ My prior reports submitted to the court as Trial Exhibits 1-2 and my testimony at trial demonstrate which candidates are majority (white) and minority (Latino) preferred.

books with *Oxford University Press*, 42 peer-reviewed journal articles, and nearly a dozen book chapters focusing on sanctuary cities, race/ethnic politics, election administration, and RPV. I received a Ph.D. in political science with a concentration in political methodology and applied statistics from the University of Washington in 2012 and a B.A. in psychology from the California State University, Chico, in 2002.

In between my B.A. and Ph.D., I spent 3-4 years working in private consulting for the survey research firm Greenberg Quinlan Rosner Research in Washington, D.C. I also founded the research firm Collingwood Research, which focuses primarily on the statistical and demographic analysis of political data for a wide array of clients, and lead redistricting and map-drawing and demographic analysis for the Inland Empire Funding Alliance in Southern California. I was the redistricting consultant for the West Contra Costa Unified School District, CA, independent redistricting commission in which I was charged with drawing court-ordered single member districts. I am contracted with Roswell, NM, Independent School District to draw single member districts.

I served as a testifying expert for the plaintiff in the Voting Rights Act Section 2 case *NAACP v. East Ramapo Central School District*, No. 17 Civ. 8943 (S.D.N.Y. 2020), on which I worked from 2018 to 2020. In that case, I used the statistical software eiCompare and WRU to implement Bayesian Improved Surname Geocoding (BISG) to identify the racial/ethnic demographics of voters and estimate candidate preference by race using ecological data. I am the quantitative expert in *LULAC vs. Pate (Iowa 2021)*, and have filed an expert report in that case. I am the BISG expert in *LULAC Texas et al. v. John Scott et al.*, 1:21-cv-0786-XR (W.D. Tex. 2022). I filed two reports and have been deposed in that case. I was the RPV expert for the plaintiff in *East St. Louis Branch NAACP, et al. vs. Illinois State Board of Elections, et al.*, (N.D. Ill. 2021), having filed two reports in that case. I am the Senate Factors expert for plaintiff in *Pendergrass v. Raffensperger (N.D. Ga. 2021)*, where I filed two reports, was deposed, and testified at trial. I was the RPV expert for plaintiff in *Johnson, et al., v. WEC, et al.*, No. 2021AP1450-OA (Wis. 2022), having filed three reports in that case. I was the RPV expert for plaintiff in *Faith Rivera, et al. v. Scott Schwab and Michael Abbott* (Kan. 2022). I filed a report, was deposed, and testified at trial. I served as the RPV expert for the intervenor in *Walen and Henderson v. Burgum and Jaeger*, No 1:22-cv-00031-PDW-CRH (D.N.D. 2023), where I filed a report and testified at trial. I was the RPV expert in *Lower Brule Sioux Tribe v. Lyman County* (D.S.D. 2022), where I filed a report. In this case, I was the RPV expert for plaintiffs, where I filed two reports, was deposed, and testified at trial. I was the RPV expert for plaintiff in *IE United et al. v. Riverside County*, CVRI2202423 (Cal. Super. Ct. 2022), where I filed a report and was deposed. I was the RPV expert for plaintiff in *Paige Dixon v. Lewisville Independent School District, et al.*, Civil Action No. 4:22-cv-00304 (E.D. Tex. 2022), where I filed two expert reports. I was the RPV expert for plaintiff in *Turtle Mountain Band of Chippewa Indians v. Jaeger*, No. 3:22-cv-00022-PDW-ARS (D.N.D. 2023), where I filed two reports, was deposed, and testified at trial.

My curriculum vitae was submitted to the Court as Trial Exhibit 531.

Proposed Maps

Plaintiffs’ counsel provided me with the geojson files for five remedial maps. Each map’s 2021 ACS Citizen Voting Age Population (CVAP) demographic estimates are presented in Table 1 below.

Table 1. Demographics 2021 CVAP.

Demographic	Map.1	Map.2	Map.3	Map.4	Map.5
Percent Hispanic CVAP 2021	51.65	51.65	50.14	50.14	47
Percent White CVAP 2021	37.14	37.14	38.86	38.86	42.34
Percent Black CVAP 2021	1.37	1.37	1.34	1.34	1.51
Percent Native CVAP 2021	7.08	7.08	7.04	7.04	6.91
Percent AAPI CVAP 2021	1.95	1.95	1.96	1.96	1.75

In terms of electoral performance, I previously analyzed the performance of LD-15 in the Enacted Plan. An electoral performance analysis tests whether different plans would provide a more equal ability for minority voters to participate in the electoral process and to elect candidates of choice. For the performance analysis, I gathered precinct results for the following nine statewide elections: 2016 U.S. Senate, 2016 President, 2016 Governor, 2018 U.S. Senate, 2020 Treasurer, 2020 State Supreme Court Position 3, 2020 President, 2020 Governor, 2020 Attorney General. To examine how a candidate performs in plaintiffs’ remedial versions of LD-14, I then subset the precincts to only those falling within the new LD-14 boundary. I did not use district-based elections for the performance analysis because by nature they do not allow for a full reconstruction of previous elections in the new proposed district boundaries. For this reason, in addition to the low turnout and other unusual circumstances outlined in my prior reports, the LD-15 2022 election is not a probative gauge of performance in remedial districts, and I did not utilize it to analyze the performance of remedial districts in this report.

Assessing electoral performance in the proposed maps, LD-14 performs well – and similarly – for Latino voters in all five of plaintiffs’ remedial maps. It should be noted that maps 1 and 2, then 3 and 4 are the same LD-14 so produce identical numbers. The average margin of victory in Maps 1 and 2 in my analysis is 14.3% for the Latino-preferred candidate. The average margin of victory in Maps 3 and 4 in my analysis is 14.1% for the Latino-preferred candidate. Finally, the average margin of victory in Map 5 is 13.6%. Thus, all maps produce similar electoral outcomes. Notably, Latino-preferred state legislative candidates will frequently receive a lower percentage than statewide candidates, and that is especially the case where the candidate is also Latino. As a result, these performance results are sufficient to provide Latino voters with an equal opportunity to elect candidates to the state legislature. The results of my analysis are reported below in Figure 1 and Table 2 in the Appendix.

Figure 1. Electoral Performance analysis, Legislative District 14, 2016-2020 statewide general elections, paneled by map alternative.



Conclusion

Overall, each of the five proposed maps perform well for Latino voters' preferred candidates in LD-14. Therefore, Latino voters have a strong possibility of being able to elect their preferred candidate if any of plaintiffs remedial maps 1-5 is selected.

Pursuant to 28 U.S.C. § 1746, I, Loren Collingwood, declare the foregoing is true and correct.

Dr. Loren Collingwood

Dated: December 1, 2023

Appendix

Table 2. Electoral Performance Analysis, LD-14 in Maps 1-5, 2016-2020 contests.

Candidate	Preferred_Candidate	Map	Year	Contest	Vote
Trump	White	Map 1	2020	President	0.407
Biden	Latino	Map 1	2020	President	0.569
Culp	White	Map 1	2020	Governor	0.444
Inslee	Latino	Map 1	2020	Governor	0.554
Larkin	White	Map 1	2020	Attorney General	0.423
Ferguson	Latino	Map 1	2020	Attorney General	0.576
Davidson	White	Map 1	2020	Treasurer	0.449
Pellicciotti	Latino	Map 1	2020	Treasurer	0.551
Larson	White	Map 1	2020	State Sup. Ct. 3	0.424
Montoya	Latino	Map 1	2020	State Sup. Ct. 3	0.574
Trump	White	Map 2	2020	President	0.407
Biden	Latino	Map 2	2020	President	0.569
Culp	White	Map 2	2020	Governor	0.444
Inslee	Latino	Map 2	2020	Governor	0.554
Larkin	White	Map 2	2020	Attorney General	0.423
Ferguson	Latino	Map 2	2020	Attorney General	0.576
Davidson	White	Map 2	2020	Treasurer	0.449
Pellicciotti	Latino	Map 2	2020	Treasurer	0.551
Larson	White	Map 2	2020	State Sup. Ct. 3	0.424
Montoya	Latino	Map 2	2020	State Sup. Ct. 3	0.574
Trump	White	Map 3	2020	President	0.410
Biden	Latino	Map 3	2020	President	0.566
Culp	White	Map 3	2020	Governor	0.448
Inslee	Latino	Map 3	2020	Governor	0.550
Larkin	White	Map 3	2020	Attorney General	0.426
Ferguson	Latino	Map 3	2020	Attorney General	0.573
Davidson	White	Map 3	2020	Treasurer	0.452
Pellicciotti	Latino	Map 3	2020	Treasurer	0.547
Larson	White	Map 3	2020	State Sup. Ct. 3	0.409
Montoya	Latino	Map 3	2020	State Sup. Ct. 3	0.588
Trump	White	Map 4	2020	President	0.410
Biden	Latino	Map 4	2020	President	0.566

Candidate	Preferred_Candidate	Map	Year	Contest	Vote
Culp	White	Map 4	2020	Governor	0.448
Inslee	Latino	Map 4	2020	Governor	0.550
Larkin	White	Map 4	2020	Attorney General	0.426
Ferguson	Latino	Map 4	2020	Attorney General	0.573
Davidson	White	Map 4	2020	Treasurer	0.452
Pellicciotti	Latino	Map 4	2020	Treasurer	0.547
Larson	White	Map 4	2020	State Sup. Ct. 3	0.409
Montoya	Latino	Map 4	2020	State Sup. Ct. 3	0.588
Trump	White	Map 5	2020	President	0.403
Biden	Latino	Map 5	2020	President	0.571
Culp	White	Map 5	2020	Governor	0.443
Inslee	Latino	Map 5	2020	Governor	0.554
Larkin	White	Map 5	2020	Attorney General	0.425
Ferguson	Latino	Map 5	2020	Attorney General	0.575
Davidson	White	Map 5	2020	Treasurer	0.454
Pellicciotti	Latino	Map 5	2020	Treasurer	0.546
Larson	White	Map 5	2020	State Sup. Ct. 3	0.426
Montoya	Latino	Map 5	2020	State Sup. Ct. 3	0.571
Hutchinson	White	Map 1	2018	U.S. Senate	0.455
Cantwell	Latino	Map 1	2018	U.S. Senate	0.545
Hutchinson	White	Map 2	2018	U.S. Senate	0.455
Cantwell	Latino	Map 2	2018	U.S. Senate	0.545
Hutchinson	White	Map 3	2018	U.S. Senate	0.455
Cantwell	Latino	Map 3	2018	U.S. Senate	0.545
Hutchinson	White	Map 4	2018	U.S. Senate	0.455
Cantwell	Latino	Map 4	2018	U.S. Senate	0.545
Hutchinson	White	Map 5	2018	U.S. Senate	0.460
Cantwell	Latino	Map 5	2018	U.S. Senate	0.540
Trump	White	Map 1	2016	President	0.406
Clinton	Latino	Map 1	2016	President	0.538
Bryant	White	Map 1	2016	Governor	0.423
Inslee	Latino	Map 1	2016	Governor	0.577
Vance	White	Map 1	2016	US Senate	0.383
Murray	Latino	Map 1	2016	US Senate	0.617
Trump	White	Map 2	2016	President	0.406

Candidate	Preferred_Candidate	Map	Year	Contest	Vote
Clinton	Latino	Map 2	2016	President	0.538
Bryant	White	Map 2	2016	Governor	0.423
Inslee	Latino	Map 2	2016	Governor	0.577
Vance	White	Map 2	2016	US Senate	0.383
Murray	Latino	Map 2	2016	US Senate	0.617
Trump	White	Map 3	2016	President	0.410
Clinton	Latino	Map 3	2016	President	0.532
Bryant	White	Map 3	2016	Governor	0.427
Inslee	Latino	Map 3	2016	Governor	0.573
Vance	White	Map 3	2016	US Senate	0.386
Murray	Latino	Map 3	2016	US Senate	0.614
Trump	White	Map 4	2016	President	0.410
Clinton	Latino	Map 4	2016	President	0.532
Bryant	White	Map 4	2016	Governor	0.427
Inslee	Latino	Map 4	2016	Governor	0.573
Vance	White	Map 4	2016	US Senate	0.386
Murray	Latino	Map 4	2016	US Senate	0.614
Trump	White	Map 5	2016	President	0.410
Clinton	Latino	Map 5	2016	President	0.528
Bryant	White	Map 5	2016	Governor	0.428
Inslee	Latino	Map 5	2016	Governor	0.572
Vance	White	Map 5	2016	US Senate	0.393
Murray	Latino	Map 5	2016	US Senate	0.607

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6 UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SUSAN SOTO PALMER, *et al.*,

9 Plaintiffs,

10 v.

11 STEVEN HOBBS, *et al.*,

12 Defendants,

13 And

14 JOSE TREVINO, *et al.*,

15 Intervenor-Defendants.

CASE NO. 3:22-cv-05035-RSL

ORDER

16
17 On August 10, 2023, the Court found that the boundaries of Washington Legislative
18 District 15, in combination with the social, economic, and historical conditions in the
19 Yakima Valley region, results in an inequality in the electoral opportunities enjoyed by
20 white and Latino voters in the area. Judgment was entered in plaintiffs’ favor on their
21 Section 2 Voting Rights Act claim, and the State of Washington was given an opportunity
22 to adopt revised legislative district maps for the Yakima Valley region pursuant to the
23 process set forth in the Washington State Constitution and state statutes. When news
24 reports indicated that the Majority Caucus Leaders of both houses of the Washington State
25
26

ORDER - 1

1 Legislature had declined to reconvene the bipartisan redistricting commission, the State
2 was directed to file a status report notifying the Court of the Legislature’s position. Having
3 reviewed the State’s submission and the responses of plaintiffs and the Minority Caucus
4 Leaders, the Court finds as follows:
5

6 Given the practical realities of the situation as revealed by the submissions of the
7 interested parties, the Court will not wait until the last minute to begin its own redistricting
8 efforts. If, as the Minority Caucus Leaders hope, the Legislature is able to adopt revised
9 legislative maps for the Yakima Valley region in a timely manner, the Court’s parallel
10 process, set forth below, will have been unnecessary. The likelihood that that will happen
11 has lessened significantly since the Court issued its Memorandum of Decision, however.
12 Establishing earlier deadlines for the presentation of alternative remedial proposals will
13 allow a more deliberate and informed evaluation of those proposals.
14
15

16 The parties shall meet and confer with the goal of reaching a consensus on a
17 legislative district map that will provide equal electoral opportunities for both white and
18 Latino voters in the Yakima Valley regions, keeping in mind the social, economic, and
19 historical conditions discussed in the Memorandum of Decision. If the parties are unable to
20 reach agreement, they shall (a) further confer regarding nominees to act as Special Master
21 to assist the Court in the assessment of proposed remedial plans and to make modifications
22 to those plans as necessary and (b) file alternative remedial proposals and nominations on
23 the following schedule:
24
25
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1 December 1, 2023 -- Deadline for the parties¹ to submit remedial proposals,²
2 supporting memoranda, and exhibits (including expert reports).

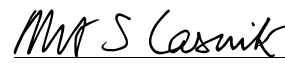
3
4 December 1, 2023 – Deadline for the parties to jointly identify three candidates for
5 the Special Master position (including their resumes/CVs, a statement of interest,
6 availability, and capacity) and to provide their respective positions on each candidate.

7 December 22, 2023 – Deadline for the parties to submit memoranda and exhibits
8 (including rebuttal expert reports) in response to the remedial proposals.

9
10 January 5, 2024 – Deadline for the parties to submit memoranda and exhibits
11 (including sur-rebuttal expert reports) in reply.

12
13
14 IT IS SO ORDERED.

15
16 Dated this 4th day of October, 2023.

17
18 
19 Robert S. Lasnik
United States District Judge

20
21
22 _____
23 ¹ No party has identified an individual or entity that has unique information or perspective that could help the Court
beyond the assistance that the parties and their lawyers are able to provide, nor have they shown any other justification
for the allowance of amicus briefs.

24 ² The parties shall discuss the format and functionality of the remedial proposals, but the Court generally favors
25 plaintiffs' suggestions that the maps include important roadways, important geographical markers, and voting precinct
26 boundaries, that the maps be in a zoomable pdf format, and that the proposals include demographic data (e.g., total
population per district and race by district of total population and citizen voting age population). Contemporaneous
with the filing, all counsel of record shall be provided shapefiles, a comma separated value file, or an equivalent file
that is sufficient to load the proposed plan into commonly available mapping software.

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity
as Secretary of State of Washington, and
the STATE OF WASHINGTON,

Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS,
and State Representative, ALEX YBARRA,

Intervenor-Defendants.

NO. 3:22-cv-5035-RSL

STATE OF WASHINGTON'S
STATUS REPORT

Pursuant to this Court's Order of September 15, 2023 (Dkt. # 224), the State of Washington submits the following status report regarding the Legislature's position on reconstituting the Redistricting Commission.

The Legislature as a whole has not taken a position, but Speaker of the House Laurie Jinkins and Senate Majority Leader Andy Billig issued a public statement saying that they will not support a special session to reconstitute the Commission. That statement makes clear that their stated preference "is for the court to directly adopt a map that meets statutory and constitutional obligations." Their full statement is available at: <https://senatedemocrats.wa.gov/>

1 [blog/2023/09/13/leader-billig-speaker-jenkins-call-for-non-partisan-process-for-vra-compliant-](https://www.wa.gov/news-releases/2023/09/13/leader-billig-speaker-jenkins-call-for-non-partisan-process-for-vra-compliant-legislative-district-in-yakima-valley/)
2 [legislative-district-in-yakima-valley/](https://www.wa.gov/news-releases/2023/09/13/leader-billig-speaker-jenkins-call-for-non-partisan-process-for-vra-compliant-legislative-district-in-yakima-valley/). Following this Court’s September 15 order, Counsel for
3 the State contacted Speaker Jenkins and Majority Leader Billig and confirmed that this statement
4 continues to reflect their position.

5 Meanwhile, Senate Minority Leader John Braun and House Republican Deputy Leader
6 Mike Steele issued a statement calling for a special session to reconstitute the Commission,
7 stating: “The Legislature should perform its civic duty and call a special session for the purpose
8 of reconvening the Redistricting Commission. The court invited this course of action, which is
9 fully supported by the Senate and House Republican caucuses.” Leader Braun’s and Deputy
10 Leader Steel’s full statement is available at: [https://mikesteele.houseRepublicans.wa.gov/2023/](https://mikesteele.houseRepublicans.wa.gov/2023/09/27/house-republican-deputy-leader-mike-steele-and-senate-republican-leader-john-braun-call-for-a-special-session-to-reconvene-the-redistricting-commission/)
11 [09/27/house-republican-deputy-leader-mike-steele-and-senate-republican-leader-john-braun-](https://mikesteele.houseRepublicans.wa.gov/2023/09/27/house-republican-deputy-leader-mike-steele-and-senate-republican-leader-john-braun-call-for-a-special-session-to-reconvene-the-redistricting-commission/)
12 [call-for-a-special-session-to-reconvene-the-redistricting-commission/](https://mikesteele.houseRepublicans.wa.gov/2023/09/27/house-republican-deputy-leader-mike-steele-and-senate-republican-leader-john-braun-call-for-a-special-session-to-reconvene-the-redistricting-commission/).

13 In light of these dueling statements and the constitutional requirement of a two-thirds
14 vote of the Legislature to call a special legislative session, Wash. Const. art. II, § 12, and to
15 reconvene the Redistricting Commission, Wash. Rev. Code § 44.05.120, it appears clear that the
16 Legislature will not return for a special session, and the Redistricting Commission will not be
17 reconstituted. Accordingly, the adoption of a new, VRA-compliant map will be up to this Court.

18 To assist with this process, and in light of the additional remaining time between now
19 and the Court’s deadline of February 7, 2024 (Dkt. # 218 at p. 32), the State respectfully suggests
20 that this Court appoint a special master to assist it in drawing maps. *See, e.g., Singleton v. Allen*,
21 2:21-cv-1291-AMM, 2023 WL 5691156, at *3 (N.D. Ala. Sept. 5, 2023) (directing a “Special
22 Master and cartographer . . . to commence work forthwith on a remedial map” following
23 Alabama legislature’s inability to adopt VRA-compliant map). The State further respectfully
24 suggests that this Court order a status conference within the next two weeks, in which the parties
25 shall be prepared to discuss appointment of a Special Master, including identifying potential
26 candidates, as well as procedure for sharing materials with the Special Master. Counsel for the

1 State have informed the Legislature that, because the Washington State Redistricting Act, Wash.
2 Rev. Code, ch. 44.05, provides a single method for the State to develop redistricting plans—via
3 a bipartisan commission—the State will not propose its own maps for consideration by this Court
4 unless ordered to do so by the Court.

5 DATED this 29th day of September 2023.

6
7 ROBERT W. FERGUSON
Attorney General

8 /s/ Andrew R.W. Hughes
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16 *Attorneys for Defendant State of Washington*
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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 29th day of September 2023, at Seattle, Washington.

/s/ Andrew R.W. Hughes
ANDREW R.W. HUGHES, WSBA #49515
Assistant Attorney General

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

SUSAN SOTO PALMER, ALBERTO
MACIAS, BRENDA RODRIGUEZ
GARCIA, FABIOLA LOPEZ, CATY
PADILLA, EVANGELINA AGUILAR,
LIZETTE PARRA, HELIODORA

Case No.: 3:22-cv-05035-RSL

**AMENDED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

MORFIN, and SOUTHCENTRAL
COALITION OF PEOPLE OF COLOR
FOR REDISTRICTING

Plaintiffs,

v.

Secretary of State STEVEN HOBBS, in his
official capacity as Secretary of State of
Washington and the STATE OF
WASHINGTON;

Defendants.

Judge: Robert S. Lasnik

Date Action filed: January 19, 2022

Date set for trial:

Under 42 U.S.C. § 1983 and 52 U.S.C. § 10301, Plaintiffs allege as follows:

INTRODUCTION

1. The Washington State Redistricting Commission (the “Commission”) intentionally selected redistricting plans for Washington’s state legislative districts that dilute Hispanic and/or Latino¹ voters’ ability to elect candidates of choice.

2. The Commission did so by configuring District 15, which includes parts of the Yakima Valley and Pasco, to be a *façade* of a Latino opportunity district.

3. Election results show that the approved map’s District 15 is unlikely to afford Latino voters an equal opportunity to elect their candidates of choice in violation of the Voting Rights Act.

4. The district’s Hispanic citizen voting age population (“HCVAP”) is just 50.02%.

5. This number is needlessly depressed because the Commission excluded a number of adjacent, heavily Latino communities in Yakima County—including parts of the City of Yakima

¹ This complaint uses the terms “Latino” and “Hispanic” interchangeably to refer to individuals who self-identify as Latino or Hispanic. Additionally, the terms “Latino” and “Hispanic” mean persons of Hispanic Origin as defined by the United States Census Bureau and U.S. Office of Management and Budget (OMB).

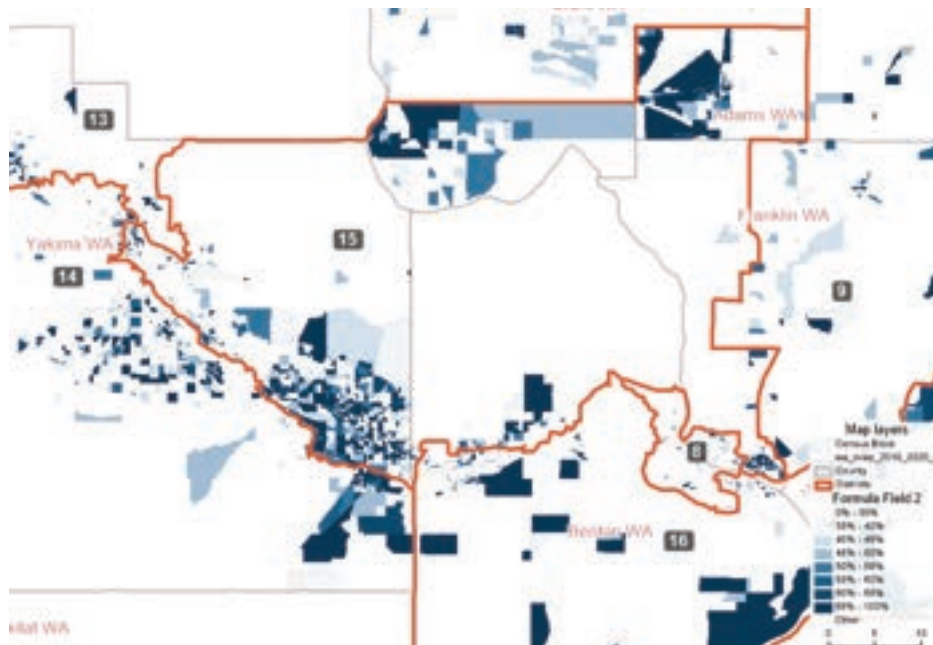
and the cities of Toppenish, Wapato, Mabton, and their surrounding areas—and instead included an expanse of rural, white communities in Benton, Grant, and Franklin Counties.

6. The election data shows that these rural white voters participate at much higher rates than the district’s Latino population and exhibit stark racially polarized voting patterns against Latino-preferred candidates.

7. At the northeastern end of that swath of rural, white voters, the Commission included the City of Othello in Adams County in District 15. Othello and areas to its immediate west are majority HCVAP, but to a lesser degree than the Yakima Valley Hispanic communities that the Commission excluded from District 15.

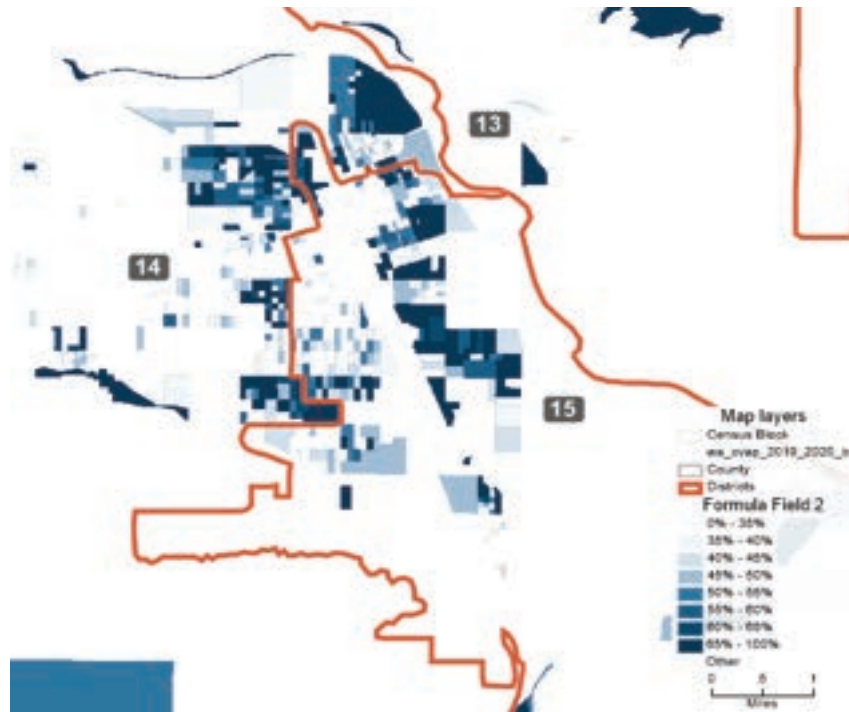
8. The map below shows how the Commission cracked apart Yakima County’s Latino population between Districts 14 and 15. Census blocks with Latino CVAP exceeding 35% are shown in gradations of blue.

District View



9. The map below shows the cracking of the Latino population in the City of Yakima.

City of Yakima View



10. The Commission’s design of District 15 dilutes Latinos’ voting strength in four ways.

11. First, reaching for Othello rather than including adjacent Yakima County Latino voters unnecessarily increases the number of bloc-voting white voters in the district, who must be included in order to extend the lines to Adams County.

12. Alternative configurations would have resulted in the district’s HCVAP being higher and providing a real opportunity for Latino voters to elect their candidates of choice.

13. Second, the Commissioners included a large number of rural white voters that vote against Latino-preferred candidates.

14. Third, the election data show that Othello’s Latino voters are less politically active than those the Commission excluded from the district in Yakima County.

15. Indeed, in the Adams County portion of District 15 (where Othello is located), former President Donald Trump—who is not the candidate of choice for Yakima County and Franklin County Latinos—received 60.7% of the vote.

16. Adams County Latinos exhibit low voting turnout in elections.

17. The Commission’s decision to extend District 15’s lines to Othello in order to include low-propensity Latino voters created a district that has *just* a bare minority Hispanic citizen voting age population while not improving the electoral prospects of Latino-preferred candidates.

18. The approved map’s District 15 worsened the electoral prospects of Latino-preferred candidates.

19. Fourth, the election data show that Latino voters turn out to vote at greater numbers in presidential election years (when even-numbered legislative district elections are held) than in non-presidential election years (when odd-numbered legislative district elections are held).

20. By assigning the district an odd number, the Commission has ensured even lower Latino voter turnout in the district.

21. These choices—(1) excluding adjacent, politically cohesive Latino voters, (2) including a large number of rural white voters, (3) extending the district to reach non-politically active Latino voters, and (4) placing the district on a non-presidential election year cycle—result in a district that is a façade of Latino opportunity district.

22. The Supreme Court has held that these precise maneuvers—cracking apart politically-cohesive Latino populations and instead including less politically active Latinos “to create the façade of a Latino district”—violates Section 2 of the Voting Rights Act. *LULAC v. Perry*, 548 U.S. 399, 441 (2006).

23. The election data confirm this.

24. Reconstituted election results show that the Latino-preferred candidates would have lost almost all recent statewide elections in District 15: 2020 President, 2020 Governor, 2020 Attorney General, 2018 Senate, 2016 President, and 2016 Governor. In only the 2016 Senate election would the Latino-preferred candidate have carried the district.

25. The situation is even worse than that for Latino voters and candidates. In all of the above statewide elections, the Latino-preferred candidates were white and were running well-funded, statewide races. The election data show that when Latino candidates run for state legislative office in the area, they perform below these white candidates.

26. The current District 15 includes the eastern half of Yakima County and has an HCVAP of 39.3%.

27. Maria Cantwell, a white woman who was the Latino candidate of choice for U.S. Senate in 2018, received 43.3% of the vote. Meanwhile, Plaintiff Evangelina Aguilar—who was a candidate for state senate in District 15 that year and the Latino candidate of choice—received just 39.4%.

28. The Commission could have avoided creating a façade Latino opportunity district; alternative configurations are possible that have a higher HCVAP percentage, and reconstituted election results demonstrate that Latino-preferred candidates would have a real opportunity to elect their candidates of choice in those configurations.

29. Every member of the Commission was made aware of the adverse effect that the adopted maps would have on Latino voters in the Yakima Valley region.

30. This information was widely reported on in Washington before the Commission is alleged to have approved the plan. *See* Jim Brunner, *Washington's Redistricting Commissioners Confident They'll Meet Deadline, But Face Pushback Over South Seattle Plans*, SEATTLE TIMES

(Nov. 10, 2021), <https://www.seattletimes.com/seattle-news/politics/washingtons-redistricting-commissioners-confident-theyll-meet-deadline-but-face-pushback-over-south-seattle-plans/>; Melissa Santos, *Proposed WA Redistricting Maps May Violate Voting Rights Act*, CROSSCUT (Oct. 21, 2021), <https://crosscut.com/politics/2021/10/proposed-wa-redistricting-maps-may-violate-voting-rights-act>.

31. One of the Commissioners, Commissioner Graves, has stated in relation to District 15, that the Federal Voting Rights Act “forbids districts where members of a racial group ‘have less opportunity than other members of the electorate to participate in the political process and to elect representative of their choice’” while also stating that District 15 “using recent election results ... leans Republican rather than Democrat.”

32. In races that require political affiliation, Latinos in the Yakima Valley region prefer Democratic candidates and Latino-preferred candidates have run as Democrats.

33. By drawing District 15 in such a manner, Latinos in District 15 will be unable to elect candidates of choice.

34. The Commission’s decision to create the façade of a Latino opportunity district that they knew would not perform to elect Latino-preferred candidates has the intent and effect of diluting the voting power of Latino voters in violation of the Voting Rights Act.

JURISDICTION AND VENUE

35. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), 1357, and 52 U.S.C. § 10301 *et seq.* to hear the claims for legal and equitable relief arising under the Voting Rights Act. It also has general jurisdiction under 28 U.S.C. §§ 2201 and 2202, the Declaratory Judgments Act, and Federal Rules of Civil Procedure 57 and 65 to grant the declaratory and injunctive relief requested by Plaintiffs.

36. Jurisdiction for Plaintiffs' claim for costs and attorneys' fees is based upon Federal Rule of Civil Procedure 54, 42 U.S.C. § 1988, and 52 U.S.C. § 10310(e).

37. This Court has personal jurisdiction over all Defendants. Defendant Steve Hobbs is a state official who resides in Washington and performs official duties in Olympia, Washington. Defendant State of Washington is a sovereign state of the United States of America.

38. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred and will occur in this judicial district. In addition, Defendant Hobbs is a state official performing official duties in the Western District of Washington.

PARTIES

39. Plaintiff Susan Soto Palmer is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

40. Plaintiff Soto Palmer resides in Yakima, Washington, and under the Commission-approved map, resides in Legislative District 15. She intends to vote in future elections.

41. Plaintiff Alberto Isaac Macias is a United States citizen, Latino, over the age of eighteen, and a registered voter in the State of Washington.

42. Plaintiff Macias resides in Yakima, Washington, and under the Commission-approved map, resides in Legislative District 15. He intends to vote in future elections.

43. Plaintiff Brenda Rodriguez Garcia is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

44. Plaintiff Rodriguez Garcia resides in Yakima, Washington, and under the Commission-approved map, resides in Legislative District 14. She intends to vote in future elections.

45. Plaintiff Fabiola Lopez is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

46. Plaintiff Lopez resides in Wapato, Washington in Yakima County, and under the Commission-approved map, resides in Legislative District 14. She intends to vote in future elections.

47. Plaintiff Caty Padilla is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

48. Plaintiff Padilla resides in Toppenish, Washington in Yakima County, and under the Commission-approved map, resides in Legislative District 14. She intends to vote in future elections.

49. Plaintiff Evangelina Aguilar is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

50. Plaintiff Aguilar resides in Sunnyside, Washington and under the Commission-approved map, resides in Legislative District 15. She intends to vote in future elections.

51. Plaintiff Lizette Parra is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

52. Plaintiff Parra resides in Pasco, Washington in Franklin County, and under the Commission-approved map, resides in Legislative District 15. She intends to vote in future elections.

53. Plaintiffs Heliadora Morfin is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

54. Plaintiff Morfin resides in Pasco, Washington, and under the Commission-approved map, resides in Legislative District 15. She intends to vote in future elections.

55. The Individual Plaintiffs are Latino voters whose votes are diluted in violation of Section 2 of the Voting Rights Act by being placed in state legislative districts that crack them from other Latino voters and where their voting power will be overwhelmed by a white bloc voting in opposition to their candidate of choice.

56. Plaintiff Southcentral Coalition of People of Color for Redistricting is a Washington non-profit organization whose members include Latino registered voters who reside in the Yakima Valley region and Yakima County.

57. Plaintiff Southcentral Coalition of People of Color for Redistricting's mission of "[p]romoting public awareness of voting rights and representation in southcentral Washington" is directly related to securing fair representation of the Latino community in the Yakima Valley region.

58. Plaintiff Southcentral Coalition of People of Color for Redistricting will bear the additional burden of expending resources to ensure that Latinos are able to elect candidates of choice under the current Commission-approved map.

59. Defendant Steve Hobbs is being sued in his official capacity as the Secretary of State of Washington. Hobbs, as Secretary of State, "shall be the chief election officer for all federal, state, county, city, town, and district elections." RCW 29A.04.230. The Secretary of State shall accept and file documents including declarations of candidacy. RCW 29A.04.255. The Secretary of State oversees and implements elections that take place once adopted redistricting plans take effect and ensures that elections are conducted in accordance with those plans.

60. Defendant State of Washington is being sued pursuant to the Court's Order of Joinder, Dkt. No. 68, ordering Plaintiffs to add the State of Washington as a Defendant. The State

of Washington includes the respective governmental arms responsible for adopting redistricting plans and ensuring that elections are conducted in accordance with those plans in the State.

LEGAL BACKGROUND

61. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301(a), prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color” A violation of Section 2 is established if it is shown that “the political processes leading to nomination or election” in the jurisdiction “are not equally open to participation by [a racial minority group] 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.” *Id.* § 10301(b).

62. The dilution of Latino voter strength “may be caused by the dispersal of [Latino voters] into districts in which they constitute an ineffective minority of voters or from the concentration of [Latino voters] into districts where they constitute an excessive majority.” *Thornburg v. Gingles*, 478 U.S. 30, 46 n.11 (1986).

63. In *Gingles*, the Supreme Court identified three necessary preconditions (“the *Gingles* preconditions”) for a claim of vote dilution under Section 2: (1) the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”; (2) the minority group must be “politically cohesive”; and (3) the majority must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” 478 U.S. at 50-51.

64. The second and third preconditions refer to the existence of racially polarized voting. “This legal concept ‘incorporates neither causation nor intent’ regarding voter preferences, for ‘[i]t is the difference between the choices made by [minorities] and whites—not the reasons

for that difference—that results’ in the opportunity for discriminatory laws to have their intended political effect.” *N. Carolina State Conf. of NAACP v. McCrory*, 831 F.3d 204, 221 (4th Cir. 2016) (citing *Gingles*, 478 U.S. at 62-63).

65. In addition to the preconditions, the statute directs courts to assess whether, under the totality of the circumstances, members of the racial group have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. 52 U.S.C. § 10301(b). The Supreme Court has directed courts to consider the non-exhaustive list of factors found in the Senate Report on the 1982 amendments to the Voting Rights Act in determining whether, under the totality of the circumstances, the challenged electoral device results in a violation of Section 2.

66. The Senate Factors include: (1) the history of official voting-related discrimination in the state or political subdivision; (2) the extent to which voting in the elections of the state or political subdivision is racially polarized; (3) the extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group; (4) the exclusion of members of the minority group from candidate slating processes; (5) the extent to which members of the minority group bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; (6) the use of overt or subtle racial appeals in political campaigns; and (7) the extent to which members of the minority group have been elected to public office in the jurisdiction.

67. Courts also consider whether there is a lack of responsiveness on the part of elected officials to the particularized needs of the minority community, *see Luna v. Cty. of Kern*, 291 F. Supp. 3d 1088, 1139 (E.D. Cal. 2018), and whether the policy underlying the state or political

subdivision's use of the challenged standard, practice, or procedure is tenuous, *see Hall v. Louisiana*, 108 F. Supp. 3d 419, 427 (M.D. La. 2015).

68. “There is no requirement that any particular number of factors be proved, or that a majority of them point one way or other.” *United States v. Marengo Cty. Comm’n*, 731 F.2d 1546, 1566 n.33 (11th Cir. 1984) (quoting S. Rep. No. 97-417, at 29 (1982)); *see also id.* (“The statute explicitly calls for a ‘totality of the circumstances’ approach and the Senate Report indicates that no particular factor is an indispensable element of a dilution claim.”).

69. Section 2 of the Voting Rights Act also prohibits intentional discrimination.

70. A court, when evaluating whether discriminatory intent motivated a redistricting plan, undertakes a “sensitive inquiry into such circumstantial and direct evidence of intent as may be available.” *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266 (1977). “Challengers need not show that discriminatory purpose was the ‘sole[]’ or even a ‘primary’ motive for the legislation, just that it was ‘a motivating factor.’” *McCrorry*, 831 F.3d at 220 (4th Cir. 2016) (quoting *Arlington Heights*, 429 U.S. at 265-66) (emphasis in original).

71. In making such an evaluation, the court utilizes a non-exhaustive list of factors, including “the historical background of the challenged decision; the specific sequences of events leading up to the challenged decision; the legislative history of the decision; and [] the disproportionate impact of the official action -- whether it bears more heavily on one race than another.” *Id.* at 220-21 (internal citations and brackets omitted).

72. “Once racial discrimination is shown to have been a ‘substantial’ or ‘motivating’ factor behind enactment of the law, the burden shifts to the law's defenders to demonstrate that the law would have been enacted without this factor.” *Hunter v. Underwood*, 471 U.S. 222, 228 (1985).

73. Courts have found Section 2 violations where the district drawn was majority-minority citizen voting age population or voting age population, but the minority group still did not have the ability to elect candidates of choice. *See, e.g., Thomas v. Bryant*, 366 F. Supp. 3d 786, 809 (S.D. Miss. 2019), *aff'd*, 938 F.3d 134 (5th Cir. 2019) (rejecting the defense’s argument that a majority-minority district cannot be found to be dilutive in violation of Section 2) (citing *Monroe v. City of Woodville*, 881 F.2d 1327 (5th Cir. 1989)); *Mo. State Conf. of the NAACP v. Ferguson–Florissant Sch. Dist.*, 894 F.3d 924, 933 (8th Cir. 2018)).

74. The Supreme Court has stated that “it may be possible for citizen voting-age majority to lack a real electoral opportunity” in a district. *LULAC*, 548 U.S. at 428.

75. A redistricting plan that intentionally draws a district that has a majority of a minority group but minimizes voter registration and turnout such that the district does not elect the minority group’s candidate of choice is a violation of Section 2. *See Perez v. Abbott*, 250 F. Supp. 3d 123, 148 (W.D. Tex. 2017).

76. Where the data show that the State has used race to create a nominal Latino majority district that will not functionally perform for Latino voters—where alternative options that would perform are possible—it has unlawfully diluted Latinos’ voting strength “to create the façade of a Latino district.” *LULAC*, 548 U.S. at 441; *Perez*, 250 F. Supp. 3d at 884-85 (finding intentional racial discrimination where race was used “not . . . to provide or protect Latino voter opportunity but rather to create the façade of a Latino district.” (internal quotation marks omitted)).

FACTUAL ALLEGATIONS

A. 2020 Demographic Changes in Washington State

77. Washington State’s Latino population surpassed one million in 2020 according to the 2020 United States Decennial Census.

78. Washington now has the twelfth largest Latino population out of the fifty states.

79. Under 13 U.S.C. § 141(c), commonly referred to as Public Law 94-171 (“P.L. 94-171”), the Secretary of Commerce must complete, report, and transmit to each state the detailed tabulations of population for specific geographic areas within each state. States ordinarily use the P.L. 94-171 data to redraw district lines.

80. Washington received P.L. 94-171 data on August 12, 2021.

81. Under RCW 44.05.140, the Commission is required to adjust the 2020 census redistricting data (PL 94-171) by relocating specified incarcerated or involuntarily committed populations from their location of confinement to their last known place of residence.

82. According to P.L. 94-171 data, Washington State’s population grew by 980,741 residents from 2010 to 2020, a growth rate of 14.5%.

83. Washington’s overall population growth was driven by the growth of its Latino population, which grew at a rate 3.5 times greater than that of non-Latinos.

84. The Latino population in Washington grew by 303,423 for a growth rate of 40.1%, compared to a growth rate of 11.3% for non-Latinos.

85. The growth of the Latino population has been especially large in the Yakima Valley region and is concentrated in that region.

86. The Yakima Valley region consists of Yakima, Benton, and Franklin Counties, and includes Latino population centers in the City of Yakima, Toppenish, Sunnyside, Grandview, and the Tri-Cities.

87. Yakima County added more than 20,000 Latinos over the decade.

88. The total population of Yakima County in 2020 was 256,728.

89. The Latino population of Yakima County in 2020 was 130,049, with Latinos growing from 45% to 51% of the County's total population.

90. Franklin County added more than 12,000 Latinos over the decade.

91. Franklin County's total Latino population is now 54% of the total population or 52,445.

92. Benton County added 16,645 Latinos, a growth of 51% in 10 years, and reported a total of 49,339 Latinos in 2020.

93. According to the Census Bureau's 2019 1-Year American Community Survey ("ACS") estimates, in 2019, Yakima County's HCVAP was 46,611.

94. According to the Census Bureau's 2019 1-year ACS estimates, in 2019, Franklin County's HCVAP was 16,931.

95. According to the Census Bureau's 2019 1-year ACS estimates, in 2019, Benton County's HCVAP was 17,526.

96. Combined, the three-county Yakima Valley region had a total Latino population of 223,027 (2019 ACS) and 231,833 (2020 Census) and a total HCVAP of 81,068 (2019 ACS).

97. The Latino population in the Yakima Valley region is sufficiently large and geographically compact to constitute the majority in a legislative district.

B. The Washington State Redistricting Commission

98. Article II, Section 43 of the Washington Constitution mandates the creation of a bipartisan Washington State Redistricting Commission every decade to complete redistricting in Washington for both congressional and state legislative districts.

99. The Commission is composed of five members; including four voting members and one non-voting member who acts as a chairperson. *See* WASH. CONST. Art II, § 43(2).

100. Four members of the Commission are appointed by the legislative leaders of the two largest political parties in each house of the legislature. *Id.* The fifth member is selected by the four appointed members by an affirmative vote of at least three. *Id.*

101. Article II, Section 43(6) states that the Commission “shall complete redistricting as soon as possible following the federal decennial census, but no later than November 15th of each year ending in one. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.”

102. Under RCW 44.05.100, “[i]f three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by April 30th of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6).”

103. State legislative redistricting plans in Washington State must adhere to the requirements set out in RCW 44.05.090. Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census as adjusted by RCW 44.05.140. And to the extent consistent with the equal-population requirement, insofar as practical: (a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should

be as small as possible; (b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; (c) Whenever practicable, a precinct shall be wholly within a single legislative district. RCW 44.05.090.

104. After the approval of a redistricting plan by three of the voting members of the Commission, the Commission submits its plan to the legislature. RCW 44.05.110.

105. Once a plan is submitted, the legislature has thirty days during any regular or special session to amend the Commission’s plan by an affirmative vote of two-thirds of the members in each house. *Id.*

106. The amended edits by the legislature “may not include more than two percent of the population of any legislative or congressional district.” *Id.*

107. “If a commission has ceased to exist, the legislature may, upon an affirmative vote in each house of two-thirds of the members elected or appointed thereto, adopt legislation reconvening the commission for the purpose of modifying the redistricting plan.” RCW 44.05.120.

108. All districting plans must comply with the VRA and the United States Constitution.

C. 2021 Washington State Redistricting Commission’s Official Actions and Approval of Final Maps.

109. Commissioners Brady Piñero Walkinshaw and April Sims were appointed to the Washington Redistricting Commission on December 10, 2020, as the two Democratic Party representatives.

110. On January 15, 2021, Paul Graves and Joe Fain were appointed to the Washington Redistricting Commission as the two Republican Party representatives.

111. The four voting members, Brady Piñero Walkinshaw, April Sims, Paul Graves, and Joe Fain, voted unanimously to appoint Sarah Augustine as Chair of the 2021 Washington Redistricting Commission on January 30, 2021.

112. Between February 2021 and November 16, 2021, the Commission had Regular Business Meetings, Special Business Meetings, and Public Outreach Meetings to develop districting plans.

113. On September 21, 2021, all four voting Commissioners each submitted publicly proposed legislative maps.

114. None of the four state legislative maps proposed by any of the Defendant Commissioners included a Latino-majority CVAP district in the Yakima Valley region.

115. Commissioner Graves's map split the Latino population in the Yakima Valley into three districts: districts 14, 15, and 16.

116. None of these three proposed districts in Commissioner Grave's map had a Latino CVAP of over 34%.

117. Commissioner Fain's map split the Latino population in the Yakima Valley into four districts: districts 13, 14, 15, and 16.

118. None of these four proposed districts in Commissioner Fain's map had a Latino CVAP of over 34%.

119. Commissioner Sims's map split the Latino population in the Yakima Valley into two districts: districts 14 and 15.

120. Neither of these proposed districts in Commissioner Sims's map had a Latino CVAP of over 47.6%.

121. Commissioner Sim's original proposed map does not include the Latino population of Pasco, which was put into district 16.

122. Commissioner Piñero Walkinshaw's original proposed map also split the Latino population in the Yakima Valley into two districts: districts 14 and 15.

123. Commissioner Piñero Walkinshaw's original proposed map does not include the Latino population of Pasco, which was put into district 16.

124. None of the districts in Commissioner Piñero Walkinshaw's original map had a Latino CVAP of over 43.2%.

125. On October 19, 2021, Dr. Matt A. Barreto, UCLA Political Science & Chicana/o Studies Professor and Faculty Director of the UCLA Voting Rights Project, released a research presentation analyzing the geographic size and location of Latino voters and the existence of racially polarized voting in the Yakima Valley Region. Matt A. Barreto, Assessment of Voting Patterns in Central/Eastern Washington and Review of the Federal Voting Rights Act, Section 2 Issues, (Oct. 19, 2021), <https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf>.

126. Dr. Barreto was hired to provide analysis on voting patterns and compliance with the Federal Voting Rights Act to the Washington Senate Democrat Caucus.

127. Dr. Barreto's analysis determined that Latino voters in the Yakima Valley region are sufficiently large and geographically compact to form a performing majority-minority district.

128. Using ecological inference methodology, Dr. Barreto also determined that elections in the Yakima Valley region demonstrate racially polarized voting between Latino and White voters.

129. Dr. Barreto evaluated the four maps and concluded that the maps proposed by Defendant Commissioners Graves and Fain displayed “[t]extbook cracking of [the] Latino population” in the Yakima Valley. He further concluded that the original maps proposed by Commissioners Sims and Piñero Walkinshaw fell short of the necessary Latino CVAP to establish a performing VRA-compliance district.

130. Dr. Barreto, and the methods he used in his analysis, have been accepted and relied upon by state and federal courts throughout the country. *See e.g., Clerveaux v. E. Ramapo Cent. Sch. Dist.*, 984 F.3d 213 (2nd Cir. 2020).

131. Dr. Barreto presented his report and analysis to the Washington State Redistricting Commission.

132. News outlets in Washington wrote articles about his analysis and quoted Dr. Barreto stating that there was a clear finding of racially polarized voting. *See, e.g.,* Melissa Santos, *Proposed WA Redistricting Maps May Violate Voting Rights Act*, CROSSCUT (Oct. 21, 2021), <https://crosscut.com/politics/2021/10/proposed-wa-redistricting-maps-may-violate-voting-rights-act>.

133. Dr. Barreto’s research presentation was publicly available for over three weeks before the Commission’s November 15 deadline.

134. The Commissioners were aware of Dr. Barreto’s presentation, had access to it, and reviewed it.

135. On October 25, 2021, Commissioner Graves texted Washington House Representatives Jeremie Dufault and Chris Corry to “take a look at slides 22 and 23 in [Dr. Barreto’s] presentation and then give me a call.”

136. Slides 22 and 23 of Dr. Barreto’s presentation proposed two options for a performing VRA-compliant legislative district in the Yakima Valley. *See Barreto, supra* ¶ 126.

137. On slide 22 there is a VRA-compliant legislative district that follows the Yakima-Columbia River Valley and has a Latino CVAP of 60%. *See id.* at 22.

138. On slide 23 there is a VRA-complaint legislative district that grouped together the City of Yakima and the Yakama Nation and that has a Latino CVAP of 52%. *See id.* at 23.

139. Both map options were presented to the Commission.

140. On October 21, 2021, Commissioner Piñero Walkinshaw stated publicly, “I think for me, as the first ever Latino commissioner, it has been extremely important for me to lift up and elevate Hispanic voters, and undo patterns of racially polarized voting, particularly in the Yakima Valley. This is something that, under federal law, has to be done.” Santos, *supra* ¶ 133.

141. On October 25, 2021, Commissioners Piñero Walkinshaw and Sims submitted revised maps for public comment six days after Dr. Barreto released his research presentation.

142. The maps proposed by Commissioner Piñero Walkinshaw included legislative districts in the Yakima Valley region that would perform for Latino-preferred candidates.

143. The Commission was required to approve and vote on final redistricting maps for both congressional and state legislative districts on November 15, 2021.

144. The Commission, however, failed to adopt maps on this date.

145. During their chaotic meetings spanning November 15, 2021 and November 16, 2021, the Commissioners spent much of the time in closed-door negotiations discussing matters in private.

146. The Commission did not approve maps for transmittal to the state legislature until the morning of November 16, 2021.

147. Over the course of the 2021 redistricting process, multiple versions of state legislative maps compliant with Section 2 of the Voting Rights Act were presented to the Commission.

148. On December 3, 2021, the Washington Supreme Court declined to exercise authority to adopt a state legislative or congressional redistricting plan, finding that the state legislative and congressional plans adopted by the Commission met the constitutional adoption deadline. *See Order Regarding the Washington State Redistricting Commission's Letter to the Supreme Court on November 16, 2021 and the Commission Chair's November 21, 2021, Declaration*, Order No. 25700-B-676 (Dec. 3, 2021).

149. The Washington Supreme Court did not consider or rule on the compliance of the districting plans with respect to Section 2 of the VRA. *Id.* at 4 (“The court has not evaluated and does not render any opinion on the plan’s compliance with any statutory and constitutional requirement other than the November 15 deadline.”).

D. Elections in the Yakima Valley Region Exhibit Racially Polarized Voting.

150. Voting in the Yakima Valley region is racially polarized.

151. Dr. Barreto’s report, which the Commission reviewed, demonstrated the existence of racially polarized voting in the Yakima Valley Region. *See Barreto, supra* ¶ 126.

152. Dr. Barreto employed ecological inference methodology to analyze candidate elections from 2012 to 2020 for offices that were consistent across a 5-county region of Yakima, Benton, Grant, Franklin, and Adams counties. Contests included races for President, U.S. Senate, U.S. House, Governor, and Attorney General in each relevant year. *Id.*

153. Clear and consistent patterns emerged from more than a dozen elections.

154. Latino voters in the Yakima Valley region are politically cohesive and vote together for candidates of choice.

155. Latino voters in the Yakima Valley region prefer the same candidates at margins of 2-to-1 or even 3-to-1.

156. This is well above the bar for what courts have relied on in finding cohesiveness.

157. Spanish-surnamed candidates have consistently run in and lost elections for the state legislature in Legislative District 15 for more than 10 years.

158. Latino-preferred candidates have consistently run in and lost elections for the state legislature in Legislative District 15 for more than 10 years.

159. According to ecological inference analysis of precinct results for Legislative District 15 under the 2011 state legislative district map, Latino voters preferred Pablo Gonzalez in 2012 for State Representative, but he lost to David Taylor, who was greatly preferred by White voters.

160. In the 2014 State Senate election for Legislative District 15, Gabriel Muñoz was preferred by Latino voters but lost to Jim Honeyford, who was greatly preferred by White voters.

161. In the 2014 State Representative election for Legislative District 15, Teodora Martinez-Chavez was preferred by Latino voters but lost to David Taylor, who was greatly preferred by White voters.

162. In the 2018 State Senate election for Legislative District 15, Plaintiff Aguilar was preferred by Latino voters but lost to Jim Honeyford, who was greatly preferred by White voters.

163. The most recent Latino candidate to run for state legislature was Plaintiff Aguilar in 2018.

164. Aguilar received an estimated 73% support from Latinos, but only 15% support from White voters.

165. In Yakima County Precinct 104, which is majority Latino, Aguilar won 72.6% of the vote.

166. In Yakima County Precinct 501 which is majority Latino, Aguilar won 70% of the vote.

167. The pattern of Aguilar, a Latino candidate winning over 70% of support in Latino-dense precincts but garnering little support in White dense precincts, is clear across the 11 precincts in Legislative District 15 that were majority Latino.

168. All 11 Latino-majority precincts in the Legislative District 15 race under the 2011 map voted majority support for Aguilar.

169. White voters in the Yakima Valley region are also politically cohesive.

170. In the 2018 Legislative District 15 race under the 2011 map, White voters voted together as a bloc against Latino candidates of choice.

171. In Yakima County Precinct 4616, which is majority White, Aguilar won only 21.5% of the vote.

172. In Yakima County Precinct 4106, which is majority White, Aguilar won just 22% of the vote. This pattern is clear across the 21 precincts that are majority white, all of which voted against Aguilar.

173. Elections for the Washington state legislature are partisan and regularly feature a Republican-declared and Democratic-declared candidate vying for office.

174. Latino voters in the Yakima Valley region consistently prefer the Democratic candidates for state legislature and other political offices.

175. Latinos vote cohesively in favor of Democratic candidates by over a 2-to-1 margin.

176. Due to historical advantages and higher socioeconomic status, White voters in the Yakima Valley region have higher voter registration and turnout rates than Latinos.

177. In the Legislative District 15 approved by the 2021 Commission, White voters have greater voting strength than Latinos and will consistently be able to elect their Republican candidates of choice.

178. White voters in the Yakima region overwhelmingly prefer different candidates and vote as a bloc to usually defeat Latino voters' candidates of choice.

179. In many races, Latino voters vote close to 75-25 in favor of their candidates of choice, while whites vote 75-25 in favor of different candidates, in complete opposite voting blocs.

180. As precincts increase in Latino population and voting strength, support for Latino candidates of choice increases.

181. This split, in which candidates who win a majority of the vote in high-density Latino voting precincts receive low support in high-density non-Latino precincts, is emblematic of racially polarized voting.

182. A federal court recently held that racially polarized voting exists in the Yakima region and ordered, in 2014, the City of Yakima to create two majority-Latino districts for City Council elections. *See Montes v. City of Yakima*, 40 F. Supp. 3d 1377 (E.D. Wash. 2014).

183. Likewise, in the first ever lawsuit filed under the Washington Voting Rights Act (WVRA), Latino plaintiffs challenged the election system in place for the Yakima County Board of Commissioners and alleged that racially polarized voting exists in Yakima County elections and that the County's election system diluted Latino voting strength in violation of the WVRA. The parties in that case agreed to and a state court accepted a settlement, leading to the creation of a majority-Latino district for Yakima County Board of Commissioner elections. *See Aguilar et al. v. Yakima County et al.*, No. 20-2-0018019 (Kittitas Cty. Sup. Ct. July 13, 2020),

184. In the *Aguilar* case, Plaintiffs' expert Dr. Grumbach analyzed several state legislative elections in the Yakima Valley area for racially polarized voting, including the 2012 Legislative District 15 primary and general elections, the 2016 Legislative District 14 primary and general elections, and the 2018 Legislative District 15 primary and general elections, which all featured Latino candidates running against white candidates. He found that voting was racially polarized in all of these elections.

185. A federal court also found that racially polarized voting exists in elections in Pasco, Washington, *see Glatt v. City of Pasco*, Case No. 4:16-CV-05108-LRS, (E.D. Wash. Jan. 27, 2017), and similarly, a state court found that racially polarized voting exists in elections in Franklin County as a whole.

186. There is also qualitative evidence of racially polarized voting in elections in the Yakima Valley region. *See, e.g., Luna v. County of Kern*, 291 F. Supp. 3d 1088, 1126 (E.D. Cal. 2018) (stating that in addition to quantitative evidence, courts often "look to [non-statistical] evidence...since '[t]he experiences and observations of individuals involved in the political process are clearly relevant to the question of whether the minority group is politically cohesive.'").

187. Latino candidates for public office in the region encounter hostility from white voters.

188. For example, Plaintiff Susan Soto Palmer received such a hostile reception in predominantly white areas while campaigning for a seat on the Yakima County Board of Commissioners that she had to replace herself with white surrogates out of concern for her personal safety.

189. It is clear that there is racially polarized voting in the Yakima Valley Region and in the region's main Latino-population centers of Yakima City and Pasco, Washington.

E. The Washington Redistricting Commission's Approved State Legislative Map Dilutes the Strength of Latino Voters in the Yakima Valley Region.

190. The Commission's approved state legislative district map cracks Latino voters in the Yakima Valley region, diluting their voting strength by placing them in several legislative districts with white voting majorities.

191. Under the Commission's approved state legislative district map, Latino voters in the Yakima Valley region will not be able to elect candidates of their choice and the map does not create a district in the Yakima Valley area that complies with the Voting Rights Act.

192. District 15 in the Commission's approved map has a Latino CVAP of 50.02%.

193. Legislative District 15 was crafted to ensure it would not elect Latino voters' candidates of choice.

194. This was an intentional decision by the Commission.

195. In a text message exchange between Commissioner Graves and Commissioner Fain, Fain stated that "[w]e will need to draw a dem leaning Latino district in Yakima that doesn't include any Yakima."

196. They did not do so.

197. The Commission's version of Legislative District 15 also excludes majority-Latino areas such as areas of the City of Yakima and the cities of Wapato, Toppenish, and Mabton, intentionally cracking apart these adjacent Latino communities.

198. Latinos in areas excluded from the Commission's Legislative District 15, such as Wapato, Toppenish, and Mabton, are politically active and regularly elect Latino candidates of choice to local office.

199. The Commission's approved District 15 contains large pockets of rural voting precincts that are heavily White and vote against Latino voters' candidates of choice.

200. Moreover, District 15 reaches across large swaths of rural white areas to include at its northeastern tip the city of Othello in Adams County.

201. The inclusion of Othello—a majority HCVAP community—is what gets District 15 *just* above 50% HCVAP (50.02%).

202. Election data reveal that Othello Latinos are far less politically active than the Yakima County Latinos whom the Commission excluded from District 15.

203. The Commission included 16,147 Adams County voters in and around Othello, with a CVAP of 50.8%.

204. Regression analysis of voter turnout rates across the region finds that Latino voters in Adams County turnout at a statistically significant lower rate than Latino voters in both Yakima County and Franklin County.

205. Regression analysis of voter turnout rates across the region finds that Latino voters in Adams County turnout at a statistically significant lower rates than White voters in Adams

County. While the Latino population is large in Adams, Latino voting strength has historically been muted.

206. Republican candidates carry the included area (in Adams?), with Trump receiving 60.7% of the vote among these voters in 2020. Of the Adams County precincts included in District 15, Biden carried only three—those with HCVAPs of 74.5%, 72.2%, and 60.0%.

207. Election results from the 2020 election reveal that voters who reside in the new District 15 as adopted in the 2021 plan voted to elect Republican Donald Trump for President, Republican Culp for Governor, and Republican Larkin for Attorney General. In 2018, voters in the new District 15 voted to elect Republican Newhouse for U.S. Congress and Republican Hutchison for U.S. Senate. In 2016, voters in the new District 15 voted to elect Republican Donald Trump President and Republican Bryant Governor.

208. As drawn and adopted, the new District 15 does not perform for Latino candidates of choice and was deliberately drawn in such a manner.

209. The strategy of drawing a district to appear compliant with the Voting Rights Act, but which in practice does not functionally allow Latino voters to elect their candidates of choice, is unlawful. *See e.g., Perez v. Abbott*, 250 F. Supp.3d 123 (W.D. Tex. April 20, 2017) (three-judge court).

210. The Latino CVAP in the Yakima Valley region is sufficiently large and geographically compact to constitute a majority in a newly configured District 15 that would provide Latino voters with an equal opportunity to elect their candidates of choice.

F. The Totality of the Circumstances Demonstrates That Latino Voters in the Yakima Valley Region Have Less Opportunity Than Others to Participate in the Political Process and Elect Candidates of Choice.

211. The totality of the circumstances demonstrates that Latino voters have less opportunity than other members of the electorate to participate in the political process and to elect representatives of choice. *See* 52 U.S.C. § 10301(b).

212. There is a history of official voting-related discrimination in the Yakima Valley region. *See Montes v. City of Yakima*, 40 F. Supp. 3d 1377 (E.D. Wash. 2014); *see also Glatt v. City of Pasco*, No. 4:16-CV-05108 (E.D. Wash. Jan. 27, 2017).

213. In 2004, Yakima County entered into a consent decree with the United States Department of Justice after being sued for failing to provide Spanish-language voting materials and voter assistance as required by Section 203 of the federal Voting Rights Act. *See U.S. v. Yakima County*, No. 04-cv-3072 (E.D. Wash. Sept. 3, 2004).

214. As explained above, voting in the Yakima Valley region is substantially racially polarized.

215. Latino voters in the Yakima Valley region also bear the effects of discrimination in education, employment, health, and other areas of life, which hinders their ability to participate effectively in the political process. *See Luna*, 291 F. Supp. 3d at 1137. “Under this [] factor, plaintiffs must demonstrate both depressed political participation and socioeconomic inequality, but need not prove any causal nexus between the two.” *Id.*

216. Racial tensions between white and Latino communities in the region persist today.

217. According to a report from Dr. Luis Fraga in the *Montes* case, “[t]he Yakima Valley has a long history of racial animus and hostile responses by Whites to minority groups seeking to gain more power or better position.”

218. A 2015 report by the Yakima Herald-Republic explained that the “cultural conflict” between Latino and white communities in Yakima is “apparent in public where Latinos and non-

Latinos gather at different parks and many businesses, and on the Internet, where forums and comment boards for local audiences can often be loaded with xenophobic vitriol.” See Mike Faulk, *Yakima’s Cultural Divide*, Yakima Herald (Oct. 16, 2015) https://www.yakimaherald.com/news/elections/yakima_city_council/yakimas-cultural-divide/article_590c92b4-7416-11e5-949e-dbf62c94960.html.

219. Latinos in the Yakima Valley also bear the impacts of discriminatory policing.

220. On February 10, 2015, local Pasco police, themselves not racially reflective of the community, shot Antonio Zambrano-Montes seventeen times and killed him after he was allegedly throwing rocks at cars. Weeks of demonstrations calling for justice and more scrutiny over Pasco’s policing of the Latino community followed.

221. Officials in Yakima and Franklin Counties have expressed anti-immigrant sentiment against the area’s immigrant population—an overwhelming majority of which is Latino.

222. U.S. Census statistics reveal a number of disparities between the white and Latino communities in the Yakima Valley area.

223. Latino residents in Franklin County are much less likely to have a high school diploma than white Franklin residents.

224. Only 7.1% of Latinos in Franklin County have a bachelor’s degree or higher, compared to 29.9% of whites.

225. 7.5% of Franklin County’s white population lives below the poverty line, but more than one out of five Latinos in the County live below the poverty line.

226. Socioeconomic indicators show clear and significant disparities between Latino and white residents in Yakima County.

227. 21.9% of Latino residents had an income below poverty level, a rate almost double that of white residents (11.4%).

228. Of all persons in Yakima County with an income below the poverty level, 62.3% were Latino, while only 28.2% were white.

229. While the median income for households in Yakima County is \$51,637, the median household income for white residents is higher, at \$57,398, while the median household income for Latino residents is lower, at \$45,880.

230. Over half—51.6%—of the Latino population over the age of 25 in Yakima County does not have a high school diploma or its equivalent, compared to only 9.6% of white residents.

231. This trend continues for higher education, where only 5.7% of Yakima County's Latino residents over the age of 25 have a bachelor's degree, compared to 24.1% of white residents.

232. The unemployment rate for the Latino population in Yakima County is 7.8%, almost double the rate of unemployment among white residents, which is only 4.2%.

233. Latino residents of Yakima County also face major disadvantages in housing compared to white residents.

234. There are an estimated 30,687 occupied housing units in Yakima County with a Latino householder, compared to 46,921 housing units with white residents. Of the units with a Latino householder, only 31.3% are owner-occupied, compared to 63.3% for whites.

235. A report prepared by the Homeless Network of Yakima County found that “Hispanics are twice as likely as non-Hispanics to be denied financing when applying for conventional loans to purchase housing and to obtain refinancing of existing mortgages thereby limiting their housing choices.”

236. Latino residents in Yakima County also bear the effects of past discrimination with respect to health and healthcare access.

237. 19.6% of Yakima County's Latino population does not have health insurance, compared to only 5.9% of white residents.

238. The Latino community in Yakima County has been disparately impacted by the COVID-19 pandemic.

239. As of December 2, 2021, the County's own public website reported that 38% of COVID-19 positive individuals in the County are Hispanic or Latino, compared to 16.3% that are white.²

240. Latinos in Yakima County have also been disproportionately impacted by other serious health issues like water contamination, including high nitrate levels and fecal matter in wells.

241. Voter registration and turnout levels in Yakima County are substantially lower among Latino residents than white residents.

242. January 2021 data from the Yakima County Elections Office demonstrates there are 127,512 registered voters countywide, but only 35,150 of those are "Spanish surnamed registered voters."

243. According to the County's own publicly available and regularly collected data, there is a clear disparity in political participation between Latino and white voters.

244. Statistics collected by the Yakima County Auditor show that for the 2020 general election, ballots were issued to 37,978 voters with a Spanish surname, but only 21,281 (56%) of

² See Yakima Health District, *Race and Ethnicity Breakdown of COVID-19 Positive Individuals*, <https://www.yakimacounty.us/2440/Confirmed-Cases-Race-Ethnicity> (last updated Dec. 2, 2021).

those ballots were returned. By comparison, of the 89,713 ballots issued to voters with a non-Spanish surname, 75,704 (84%) of those ballots were returned.³

245. Latino voters in Eastern Washington, including both Yakima County and Franklin County, have their ballots challenged and rejected at higher rates than white voters.

246. According to an investigation, Latino voters in Yakima County had their ballots rejected for signature mismatch at 7.5 times the rate of non-Latino voters in the November 2020 election. *See* Joy Borkholder, *Investigation Finds Latino Ballots in WA More Likely to Be Rejected*, CROSSCUT (Feb. 15, 2021), <https://crosscut.com/politics/2021/02/investigation-finds-latino-ballots-wa-more-likely-be-rejected>.

247. Latino voters in Franklin County had their ballots rejected for signature mismatch at 3.9 times the rate of non-Latino voters in the November 2020 election. *Id.*

248. On May 7, 2021, an individual Latino voter, along with the Latino Community Fund and League of United Latin American Citizens, filed suit in federal court against Yakima County and two other counties alleging that the County's system for verifying ballot signatures discriminates against Latino voters. *See, e.g., Reyes v. Chilton*, No. 4:21-cv-05075 (E.D. Wash. 2021).

249. Campaigns in the Yakima Valley region have also featured overt and subtle racial appeals.

250. In 2014, when Plaintiff Soto Palmer campaigned on behalf of Gabriel Muñoz, a Latino candidate for State Senate in Legislative District 15, she knocked on doors in the

³ 2020 General Election Voter Participation by Surname, Yakima County, <https://www.yakimacounty.us/ArchiveCenter/ViewFile/Item/1130> (last visited Dec. 9, 2021).

predominantly white town of Union Gap. At one home, a white resident who saw the campaign literature for Mr. Muñoz immediately said: “I’m not gonna vote for him, I’m racist.”

251. In the 2016 election for Yakima County Board of Commissioners, in a campaign that covered all of Yakima County, candidate Ron Anderson shared a public Facebook post stating that “Illegals are being seduced into America by Democrats to steal our elections. Act of Treason, Arrest all involved!”

252. In a campaign for a seat on the Yakima City Council, Latina candidate Dulce Gutierrez was told by a white resident to “Go back to Mexico” while she was handing out campaign flyers, and had another individual ask her why they “had to vote for a Mexican” while she was campaigning.

253. Jose Trevino, the Mayor of Granger—a city in the Lower Valley which has a total population of 3,756, of whom 88.4% are Latino—experienced multiple incidents while campaigning for various offices in Yakima County. For example, Mr. Trevino attributed his 2015 loss in the Granger mayoral race to a rumor spread during the campaign that he “was going to fire all the white people in the city.”

254. Mr. Trevino also attributed his loss in the 2014 race for Yakima County Clerk, 2018 race for Yakima County Commissioner District 3, and his pulling out of the 2020 appointment process for a vacant Yakima County Board seat to negative coverage in the Yakima Herald-Republic, and commented that his opponents in those races, all but one of whom were white, did not receive similar treatment, and that he was the “only [candidate] they picked on” because “it was easier to pick on the Republican Mexican than anyone else.”

255. Further, county officials and elected officials have made overt and subtle racial appeals while in office.

256. During a September 21, 2021, Franklin County Commissioners' meeting, Commissioner Mullen stated, in reference to the discussion of Latino citizen voting age population in the current commissioner districts, that he "believes that there are non-citizens that are voting in the elections." *See* Franklin County Commissioners Meeting (Sept. 21, 2021), <https://media.avcaptureall.cloud/meeting/e3e60dfb-87e0-4b8f-bb49-14dbe5167045> at 1:12:00-1:12:30.

257. In 2016, a Franklin County official shared an image of a white farmer with the caption, "When is white history month?" and on the corner of the image, there was a white raised fist used by white supremacists with the words "100% White, 100% Proud."

258. Few Latino candidates have been elected to public office in the Yakima Valley region except to hyperlocal offices in areas and districts with high majority Latino CVAP.

259. Latino candidates for public office are routinely defeated.

260. Although several Latino candidates have run for election in Legislative District 15 in the last decade for both state house and senate, including at least Pablo Gonzalez, Teodora Martinez-Chavez, and Bengie Aguilar, none have won.

261. Legislative District 15 is currently represented by two white men in the state house, Bruce Chandler and Jeremie Dufault, and a white man in the state senate, Jim Honeyford.

262. Jim Honeyford has made racial appeals during his tenure as a Washington Representative.

263. At a 2015 legislative hearing, Jim Honeyford twice referred Latinos and other people of color as “coloreds” and said that they are “commit more crimes.”⁴

264. Latino candidates have also run for Legislative District 14, including Susan Soto Palmer in 2016, but were not elected to office.

265. Legislative District 14 is currently represented by two white representatives in the state house, Chris Corry and Gina Mosbrucker, and a white man in the state senate, Curtis King.

266. Latino voters lack representation at the County level in the Yakima Valley region.

267. Only one Latino candidate, Jesse Palacios, has *ever* been elected to the Yakima County Board of Commissioners, and he was last elected almost 20 years ago, in 2002.

268. No Latino-preferred candidates have been elected to the Franklin County Board of Commissioners.

269. Elected officials in the Yakima Valley region are not responsive to the particularized needs of Latinos in the region.

270. The policy underlying the Commission’s crafting of a district that does not give Latinos the opportunity to elect their candidates of choice is tenuous.

271. These and other factors demonstrate that the totality of the circumstances show that Latino voters have less opportunity than other voters to participate in the political process and elect their candidates of choice.

⁴ *Sen. Honeyford sorry for calling minorities ‘coloreds,’* The Columbian (Mar. 6, 2015), <https://www.columbian.com/news/2015/mar/06/sen-honeyford-sorry-calling-minorities-coloreds/>; Ansel Herz, *Republican State Senator: Poor, “Colored” People Are More Likely to Commit Crimes,* The Stranger (Mar. 2, 2015), <https://www.thestranger.com/blogs/slog/2015/03/02/21799665/washington-republican-poor-colored-people-are-more-likely-to-commit-crimes>.

CLAIMS FOR RELIEF

Count 1 Race and Language Minority Discrimination, Discriminatory Results in Violation of Section 2 of the Voting Rights Act 52 U.S.C. § 10301

272. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in this paragraph, all allegations in this Complaint.

273. Section 2 of the Voting Rights Act prohibits the enforcement of any voting qualification or prerequisite to voting or any standard, practice, or procedure that results in the denial or abridgement of the right of any U.S. citizen to vote on account of race, color, or membership in a language minority group. 52 U.S.C. § 10301(a).

274. The district boundaries of state legislative districts in the Commission's approved map crack Latino voters in the Yakima Valley region across multiple state legislative districts, resulting in dilution of the strength of the area's Latino voters, in violation of Section 2 of the Voting Rights Act.

275. Under Section 2 of the Voting Rights Act, the Commission was required to create a majority-Latino state legislative district in the Yakima Valley region in which Latino voters have the opportunity to elect their candidates of choice.

276. Latino voters in the Yakima Valley region are sufficiently large and geographically compact to constitute a majority in a legislative district.

277. Latino voters in the Yakima Valley region are politically cohesive, and elections in the area demonstrate a pattern of racially polarized voting that allows a bloc of white voters usually to defeat Latino voters' preferred candidates, including in the version of Legislative District 15 included in the Commission's approved map.

278. The totality of circumstances show that the Commission's approved map has the effect of denying Latino voters in the Yakima Valley region an equal opportunity to participate in the political process and to elect their candidates of choice, in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

279. Absent relief from this Court, Defendants will continue to engage in the denial of Plaintiffs' Section 2 rights.

280. Latino voters are thus entitled, under Section 2 of the Voting Rights Act, to a majority-Latino district that would provide them with an effective opportunity to elect the candidate of their choice to the Washington State Legislature.

Count 2
Race and Language Minority Discrimination,
Discriminatory Intent in Violation of Section 2 of the Voting Rights Act
52 U.S.C. § 10301

281. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in this paragraph, all allegations in this Complaint.

282. The state legislative map approved by the Commission was adopted with the intent to discriminate on the basis of race, national origin, and/or language minority group status and has a discriminatory effect on that basis, by intentionally cracking Latino voters to ensure that Latino voters in the region are unable to elect candidates of choice.

PRAYER FOR RELIEF

Plaintiffs request that the Court:

- a) Declare that the Washington State Redistricting Commission's Approved Final State Legislative Map results in vote dilution in violation of Section 2 of the Voting Rights Act by failing to draw an effective Latino-majority state legislative district in which Latino

voters would have an equal opportunity to elect their candidate of choice to the Washington Legislature;

- b) Declare that the Washington State Redistricting Commission's Approved Final State Legislative Map was drawn to intentionally dilute Latino voting strength in the Yakima Valley region in violation of Section 2 of the Voting Rights Act;
- c) Preliminarily and permanently enjoin Defendants from administering, enforcing, preparing for, or in any way permitting the nomination or election of members of the Washington State Legislature from the illegal state legislative districts under the Washington State Redistricting Commission's Approved Final State Legislative Map. Plaintiffs have no adequate remedy at law other than judicial relief sought herein, and unless Defendants are enjoined from using the Commission's Approved Final State Legislative Map. Plaintiffs will be irreparably injured by the continued violation of their statutory rights;
- d) Order the implementation and use of a valid state legislative plan that includes a majority-Latino state legislative district in the Yakima Valley region that does not dilute, cancel out, or minimize the voting strength of Latino voters;
- e) Award Plaintiffs their costs, expenses, disbursements, and reasonable attorneys' fees pursuant to Fed. R. Civ. P. 54, 42 U.S.C. § 1988, and 52 U.S.C. § 10310(e);
- f) Retain jurisdiction and render any and further orders that the Court may find necessary to cure the violation; and
- g) Grant any and all further relief to which Plaintiffs may show themselves to be entitled or that the Court deems proper.

Dated this the 13th day of May, 2022.

Respectfully submitted,

By: /s/ Edwardo Morfin

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CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 13th day of May, 2022, via the Court's CM/ECF system.

/s/ Edwardo Morfin

Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, *et al.*,

Plaintiffs,

v.

STEVEN HOBBS, *et al.*,

Defendants.

Cause No. C22-5035RSL

ORDER GRANTING MOTION TO
INTERVENE

This matter comes before the Court on a “Motion to Intervene” filed by Jose Trevino (a resident of Granger, Washington), Ismael Campos (a resident of Kennewick, Washington), and Alex Ybarra (a State Representative and resident of Quincy, Washington). Dkt. # 57. Plaintiffs filed this lawsuit to challenge the redistricting plan for Washington’s state legislative districts, alleging that the Washington State Redistricting Commission (“the Commission”) intentionally configured District 15 in a way that cracks apart politically cohesive Latino/Hispanic¹ populations and placed the district on a non-presidential election year cycle in order to dilute Latino voters’ ability to elect candidates of their choice. Plaintiffs assert a claim under Section 2

¹ The Complaint and this Order use the terms “Hispanic” and “Latino” interchangeably to refer to individuals who self-identify as Hispanic or Latino and to persons of Hispanic Origin as defined by the United States Census Bureau and United States Office of Management and Budget.

1 of the Voting Rights Act (“VRA”), 52 U.S.C. § 10301(a), and request that the Court enjoin
2 defendants from utilizing the existing legislative map and order the implementation and use of a
3 valid state legislative plan that does not dilute, cancel out, or minimize the voting strength of
4 Latino voters in the Yakima Valley.

5 Plaintiffs named as defendants Steven Hobbs (Washington’s Secretary of State), Laurie
6 Jinkins (the Speaker of the Washington State House of Representatives), and Andy Billig (the
7 Majority Leader of the Washington State Senate). The claims against Representative Jinkins and
8 Senator Billig were dismissed on the ground that plaintiffs failed to plausibly allege an
9 entitlement to relief from either of them. Dkt. # 66 at 4-5. Secretary Hobbs does not have an
10 interest in defending the existing districting plan and has taken no position regarding the merits
11 of plaintiffs’ Section 2 claim. The intervenors assert that they are registered voters who intend to
12 vote in future elections and that they have a stake in this litigation. Mr. Trevino falls within
13 District 15 as drawn by the Commission, Mr. Campos falls within District 8 and could find
14 himself in District 15 if new boundaries are drawn, and Representative Ybarra represents
15 District 13, the boundaries of which may shift if plaintiffs’ prevail in this case.

16 **A. Intervention as of Right**

17 Rule 24 of the Federal Rules of Civil Procedure establishes the circumstances in which
18 intervention as a matter of right is appropriate:

19 (a) Intervention of Right. On timely motion, the court must permit anyone to
20 intervene who:

21 (1) is given an unconditional right to intervene by a federal statute; or

1 (2) claims an interest relating to the property or transaction that is the subject of
2 the action, and is so situated that disposing of the action may as a practical matter
3 impair or impede the movant’s ability to protect its interest, unless existing parties
adequately represent that interest.

4 The Ninth Circuit has distilled four elements from Rule 24(a): intervention of right applies when
5 an applicant “(i) timely moves to intervene; (ii) has a significantly protectable interest related to
6 the subject of the action; (iii) may have that interest impaired by the disposition of the action;
7 and (iv) will not be adequately represented by existing parties.” *Oakland Bulk & Oversized*
8 *Terminal, LLC v. City of Oakland*, 960 F.3d 603, 620 (9th Cir. 2020) (citation omitted).
9 Plaintiffs argue that intervenors cannot satisfy the first, second, or fourth criteria. “While an
10 applicant seeking to intervene has the burden to show that these four elements are met, the
11 requirements are broadly interpreted in favor of intervention.” *Citizens for Balanced Use v.*
12 *Montana Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir. 2011) (citation omitted).

13 **(1) Timeliness**

14 Intervenor’s motion to intervene was timely filed. The motion was filed a week after it
15 became apparent that none of the named defendants were interested in defending the existing
16 redistricting map, and it had had no adverse impact on the resolution of the then-pending motion
17 for preliminary injunction.

18 **(2) Significant Protectable Interest**

19 A proposed intervenor “has a significant protectable interest in an action if (1) it asserts
20 an interest that is protected under some law, and (2) there is a relationship between its legally
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1 protected interest and the plaintiff’s claims.” *Kalbers v. United States Dep’t of Justice*, 22 F.4th
2 816, 827 (9th Cir. 2021) (citation omitted). “The interest test is not a clear-cut or bright-line rule,
3 because no specific legal or equitable interest need be established. . . . Instead, the ‘interest’ test
4 directs courts to make a practical, threshold inquiry and is primarily a practical guide to
5 disposing of lawsuits by involving as many apparently concerned persons as is compatible with
6 efficiency and due process.” *United States v. City of Los Angeles*, 288 F.3d 391, 398 (9th Cir.
7 2002) (internal quotation marks, citations, and alterations omitted). “The relationship
8 requirement is met if the resolution of the plaintiff’s claims actually will affect the applicant.”
9 *Id.*

10 Intervenor Trevino and Campos claim “an interest in ensuring that any changes to the
11 boundaries of [their] districts do not violate their rights to ‘the equal protection of the laws’
12 under the Fourteenth Amendment” Dkt. # 57 at 6. Representative Ybarra claims “a
13 heightened interest in not only the orderly administration of elections, but also in knowing
14 which voters will be included in his district.” *Id.* All three intervenors claim an interest in the
15 boundaries of the legislative districts in which they find themselves and “in ensuring that
16 Legislative District 15 and its adjoining districts are drawn in a manner that complies with state
17 and federal law.” *Id.* at 6-7.

18 As an initial matter, under Washington law, intervenors have no right or protectable
19 interest in any particular redistricting plan or boundary lines. The legislative district map must
20 be redrawn after each decennial census: change is part of the process. Intervenor, in keeping
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1 with all other registered voters in the State of Washington, may file a petition with the state
2 Supreme Court to challenge a redistricting plan (RCW 44.05.130), but they have no role to play
3 in the redistricting process. Nor is there any indication that a general preference for a particular
4 boundary or configuration is a legally cognizable interest.

5 Intervenors do not allege that their right to vote or to be on the ballot will be impacted by
6 this litigation. Nor have they identified any direct and concrete injury that has befallen or is
7 likely to befall them if plaintiffs' Section 2 claim is successful. Rather, they broadly allege that
8 they have an interest in ensuring that any plan that comes out of this litigation complies with the
9 Equal Protection Clause, state law, and federal law. But a generic interest in the government's
10 "proper application of the Constitution and laws, and seeking relief that no more directly and
11 tangibly benefits [the intervenors] than it does the public at large[,] does not state an Article III
12 case or controversy" (*Lujan v. Defenders of Wildlife*, 504 U.S. 555, 573-74 (1992)), and it would
13 be premature to litigate a hypothetical constitutional violation (*i.e.*, being subjected to a racial
14 gerrymander through a remedial map established in this action) when no such violative conduct
15 has occurred. With the possible exception of Representative Ybarra (discussed below),
16 intervenors have not identified a significant protectable interest for purposes of intervention
17 under Rule 24(a).

18 **(3) Adequacy of Representation**

19 In addition to the uncognizable interest in legislative district boundaries and the generic
20 interest in ensuring that any new redistricting map complies with the law, Representative Ybarra
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1 claims an interest in avoiding delays in the election cycle and in knowing ahead of time which
2 voters will be included in his district. The Court assumes, for purposes of this motion, that these
3 interests are significant enough to give Representative Ybarra standing to pursue relief in this
4 litigation. He cannot, however, show that the existing parties will not adequately represent these
5 interests.

6 “The most important factor to determine whether a proposed intervenor is adequately
7 represented by a present party to the action is how the intervenor’s interest compares with the
8 interests of existing parties. . . . Where the party and the proposed intervenor share the same
9 ultimate objective, a presumption of adequacy of representation applies, and the intervenor can
10 rebut that presumption only with a compelling showing to the contrary. . . .” *Perry v.*
11 *Proposition 8 Off. Proponents*, 587 F.3d 947, 950-51 (9th Cir. 2009) (internal quotation marks,
12 citations, and alterations omitted). The arguably protectable interests asserted by Representative
13 Ybarra were ably and successfully urged by Secretary Hobbs in opposition to plaintiffs’ motion
14 for a preliminary injunction. Concerns regarding delays in the election cycle that might arise if
15 district boundaries were redrawn this spring and the disruption to candidates who were
16 considering a run for office were identified by Secretary Hobbs and played a part in the Court’s
17 decision.

18 Because Representative Ybarra’s arguably protectable interests are essentially identical to
19 the arguments that were actually asserted by Secretary Hobbs, Representative Ybarra may defeat
20 the presumption (and evidence) of adequate representation only by making a compelling
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1 showing that Secretary Hobbs will abandon or fail to adequately make these arguments in the
2 future. *See Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003) (assessing the proposed
3 intervenor’s efforts to rebut the presumption in terms of three factors: “(1) whether the interest
4 of a present party is such that it will undoubtedly make all of a proposed intervenor’s arguments;
5 (2) whether the present party is capable and willing to make such arguments; and (3) whether a
6 proposed intervenor would offer any necessary elements to the proceeding that other parties
7 would neglect”). Representative Ybarra has not attempted to show that Secretary Hobbs will fail
8 to pursue arguments regarding election schedules and the need for certainty as this case
9 progresses. The intervenors have therefore failed to show that the protectable interests they have
10 identified will not be adequately represented in this litigation.²

11 **B. Permissive Intervention**

12 Pursuant to Rule 24(b), “[o]n timely motion, the court may permit anyone to intervene
13 who . . . has a claim or defense that shares with the main action a common question of law or
14 fact. . . . In exercising its discretion, the court must consider whether the intervention will
15 unduly delay or prejudice the adjudication of the original parties’ rights.” In the Ninth Circuit,
16 “a court may grant permissive intervention where the applicant for intervention shows

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18 ² Representative Ybarra also argues that he will be able to add to the litigation by providing a
19 “valuable perspective on the close interaction between race and partisanship” in opposition to plaintiffs
20 Section 2 claim, and that none of the existing parties is prepared to make such arguments. Dkt. # 57 at 9.
21 That a proposed intervenor has testimony or other evidence that is relevant to a claim or defense does
22 not mean that they have a significant protectable interest for purposes of Rule 24(a), however. It is only
protectable interests that must be adequately represented in the litigation when considering intervention
as a matter of right.

1 (1) independent grounds for jurisdiction; (2) the motion is timely; and (3) the applicant’s claim
2 or defense, and the main action, have a question of law or a question of fact in common.” *City of*
3 *Los Angeles*, 288 F.3d at 403 (citation omitted). If the initial conditions for permissive
4 intervention are met, the court is then required to consider other factors in making its
5 discretionary decision on whether to allow permissive intervention.

6 These relevant factors include the nature and extent of the intervenors’ interest,
7 their standing to raise relevant legal issues, the legal position they seek to advance,
8 and its probable relation to the merits of the case. The court may also consider
9 whether changes have occurred in the litigation so that intervention that was once
10 denied should be reexamined, whether the intervenors’ interests are adequately
11 represented by other parties, whether intervention will prolong or unduly delay the
12 litigation, and whether parties seeking intervention will significantly contribute to
13 full development of the underlying factual issues in the suit and to the just and
14 equitable adjudication of the legal questions presented.

15 *Spangler v. Pasadena City Bd. of Ed.*, 552 F.2d 1326, 1329 (9th Cir. 1977) (internal footnotes
16 omitted). Plaintiffs argue that intervenors’ motion is untimely, intervention would risk undue
17 delay and would unfairly prejudice plaintiffs, and intervenors’ chosen counsel is likely to be a
18 witness in this matter and has already filed a lawsuit challenging Legislative District 15 that is
19 inconsistent with his representation here. Plaintiffs request that, if intervenors are permitted to
20 participate in this litigation at all, it should be in the role of *amicus curiae*, not as parties.

21
22 **(1) Timeliness**

23 For the reasons stated above, intervenors’ motion to intervene was timely filed.

24 //

1 **(2) Undue Delay and Unfair Prejudice**

2 Plaintiffs argue that the resolution of their Section 2 claim will be unduly delayed and
3 they will be unfairly prejudiced if they are forced to expend resources responding to intervenors’
4 arguments. Plaintiffs acknowledge, however, that intervenors – unlike the defendants they chose
5 to name – intend to oppose plaintiffs’ request for relief under Section 2. It is unclear how forcing
6 a litigant to prove its claims through the adversarial process could be considered unfairly
7 prejudicial or how the resulting delay could be characterized as undue. “That [intervenors] might
8 raise new, legitimate arguments is a reason to grant intervention, not deny it. *W. Watersheds*
9 *Project v. Haaland*, 22 F.4th 828, 839 (9th Cir. 2022). The presence of an opposing party is the
10 standard in federal practice: intervenors’ insertion into that role would restore the normal
11 adversarial nature of litigation rather than create undue delay or unfair prejudice. To the extent
12 plaintiffs’ opposition to intervention is based on their assessment that intervenors’ arguments are
13 meritless or irrelevant, the Court declines to prejudge the merits of intervenors’ defenses in the
14 context of this procedural motion.

15 **(3) Complications Arising From Counsel’s Participation**

16 Plaintiffs do not cite, and the Court is unaware of, any authority supporting the denial of a
17 motion to intervene because of objections to the intervenors’ counsel. At present, the Court does
18 not perceive an insurmountable conflict between the claims set forth in *Garcia v. Hobbs*, C22-
19 5152RSL, and intervenors’ opposition to plaintiffs’ Section 2 claim. If it turns out that counsel’s
20 representation gives rise to a conflict under the Rules of Professional Conduct or if he is a
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1 percipient witness from whom discovery is necessary, those issues can be heard and determined
2 through motions practice as the case proceeds.

3 **(4) Other Relevant Factors**

4 After considering the various factors set forth in *Spangler*, 552 F.3d at 1329, the Court
5 finds that, although intervenors lack a significant protectable interest in this litigation, the legal
6 positions they seek to advance in opposition to plaintiffs' Section 2 claim are relevant and, in the
7 absence of other truly adverse parties, are likely to significantly contribute to the full
8 development of the record and to the just and equitable adjudication of the legal questions
9 presented.

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11 For all of the foregoing reasons, the motion to intervene (Dkt. # 57) is GRANTED.
12 Intervenor shall file their proposed answer (Dkt. # 57-1) within seven days of the date of this
13 Order. The case management deadlines established at Dkt. # 46 remain unchanged.

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15 Dated this 6th day of May, 2022.

16 
17 Robert S. Lasnik
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, *et al.*,
Plaintiffs,
v.
STEVEN HOBBS, *et al.*,
Defendants.

Cause No. C22-5035RSL

ORDER GRANTING MOTION TO
DISMISS AND DENYING
MOTION FOR PRELIMINARY
INJUNCTION

This matter comes before the Court on the “Motion to Dismiss Defendants Laurie Jenkins and Andrew Billig” (Dkt. # 37) and “Plaintiffs’ Motion for Preliminary Injunction” (Dkt. # 38). Plaintiffs filed this lawsuit to challenge the redistricting plan for Washington’s state legislative districts, alleging that the Washington State Redistricting Commission (“the Commission”) intentionally configured District 15 in a way that cracks apart politically cohesive Latino/Hispanic¹ populations and placed the district on a non-presidential election year cycle in order to dilute Latino voters’ ability to elect candidates of their choice. Plaintiffs assert a claim under Section 2 of the Voting Rights Act (“VRA”), 52 U.S.C. § 10301(a), and request that the Court enjoin defendants from utilizing the existing legislative map and order the implementation

¹ The Complaint and this Order use the terms “Hispanic” and “Latino” interchangeably to refer to individuals who self-identify as Hispanic or Latino and to persons of Hispanic Origin as defined by the United States Census Bureau and United States Office of Management and Budget.

1 and use of a valid state legislative plan that does not dilute, cancel out, or minimize the voting
2 strength of Latino voters in the Yakima Valley.

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4 Plaintiffs filed this lawsuit on January 19, 2022, after the Commission completed its
5 redistricting tasks but before the legislature approved amendments to the plan under RCW
6 44.05.100(2). The redistricting plan became final on February 8, 2022. The motion for
7 preliminary injunctive relief was filed on February 25, 2022, and was noted on the Court's
8 calendar for consideration on March 25th pursuant to LCR 7(d)(3). In their motion, plaintiffs
9 request that the Court enjoin defendants from using the existing legislative plan and require
10 them to adopt a state legislative plan that complies with Section 2 of the VRA. Plaintiffs assert
11 that it is possible to draw a lawful legislative district in the Yakima area, but they did not
12 provide a replacement legislative district map with their motion.

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15 Defendants are Steven Hobbs, Washington's Secretary of State, Laurie Jenkins, the
16 Speaker of the Washington State House of Representatives, and Andy Billig, the Majority
17 Leader of the Washington State Senate. All three defendants argue that they had nothing to do
18 with the adoption of the challenged plan, that they lack the power to redraw or change the final
19 plan that was approved by the Commission and amended by the legislature pursuant to RCW
20 44.05.100, and that they have been improperly named as defendants. Secretary Hobbs argues
21 that the Commission, the members of the Commission in their official capacities, and/or the
22 State of Washington should be joined as defendants to ensure that a proper and adverse party
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1 can mount a meaningful defense to plaintiffs' claims.² Representative Jinkins and Senator Billig
2 seek dismissal of the claims against them on the ground that plaintiffs failed to plausibly allege
3 an entitlement to relief from either of them. They suggest that the House of Representatives and
4 Senate as legislative bodies might be the appropriate defendants if plaintiffs are seeking to
5 compel a vote to reconvene the Commission under RCW 44.05.120. The named defendants take
6 no position on whether plaintiffs have demonstrated a likelihood of success on the merits of
7 their VRA claim. Mr. Hobbs argues, however, that if preliminary relief is warranted, he and the
8 local elections officers (typically the county auditors) would need to have the revised plan in
9 hand at least five weeks before the May 2nd deadline for revising precinct boundaries – which
10 was Monday, March 28. In reply, plaintiffs provide a proposed remedial plan and argue that,
11 even if the Court were to order use of their plan after March 28th, “the state has ample time to
12 administer the 2022 elections according to current deadlines,” citing *Wisconsin Legislature v.*
13 *Wisconsin Elections Commission*, No. 21A471, 2022 WL 851720, at *1 (U.S. Mar. 23, 2022).

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18 **A. Motion to Dismiss Defendants Laurie Jinkins and Andrew Billig (Dkt. # 37)**

19 All parties agree that, under Washington law, the Legislature and its leaders play some
20 role in the redistricting process. The leaders of the four legislative caucuses (*i.e.*, the House and
21 Senate majorities and minorities) appoint the four voting members to the Commission. RCW
22 44.05.030(1). This task was completed by January 2021 and does not appear to be at issue in
23 this lawsuit. The Commission then prepares the redistricting plans, which it transmits to the
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28 ² Secretary Hobbs has filed a separate motion to join additional defendants. Dkt. # 53.

1 Legislature. The Legislature has a limited power to amend the plans by a two-thirds majority
2 vote during the first thirty days of the legislative session. Wash. Const. art II, § 43(7); RCW
3 44.05.100(2). The Legislature exercised that power this year, and the legislative amendments to
4 the Commission’s district maps became final on February 8, 2022. By statute, the Commission
5 remains in existence until July 1, 2022, after which the Secretary of State takes custody of the
6 Commission’s official records. RCW 44.05.110(1) and (2). If changes to the legislative plans are
7 necessary after the Commission ceases to exist, “the legislature may, upon an affirmative vote in
8 each house of two-thirds of the members elected or appointed thereto, adopt legislation
9 reconvening the [C]ommission for the purpose of modifying the redistricting plan.” RCW
10 44.05.120(1).
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14 Plaintiffs assert that Representative Jinkins and Senator Billig have the “power to call for
15 a vote to reconvene the Commission” for the purpose of correcting/redrawing the legislative
16 plan. Dkt. # 44 at 4. But at this point in the process, neither the Legislature nor the caucus
17 leaders have the power to provide the relief plaintiffs request. Even if Representative Jinkins and
18 Senator Billig were able to control the Legislature, that body’s power to reconvene the
19 Commission will arise only after the Commission has ceased to exist on July 1st. To the extent
20 plaintiffs seek an order directing that the redistricting plans be redrawn, it appears that the
21 Commission would be the appropriate recipient of such an order at this stage of the process.³ To
22 the extent plaintiffs seek an order directing that their proposed plan be utilized for the next
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27 ³ The Court notes, without deciding, that the Legislature might be the appropriate recipient of
28 such an order after July 1st.

1 election cycle, Representative Jinkins, Senator Billig, and/or the Legislature play no role in the
2 use or enforcement of the plan. Because plaintiffs have not alleged “sufficient factual matter,
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4 accepted as true, to ‘state a claim to relief that is plausible on its face’” against these defendants,
5 the claims against Representative Jinkins and Senator Billig are hereby DISMISSED. *Ashcroft*
6 *v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, at 570
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8 (2007)).

9 **B. Defendant Steven Hobbs**

10 Secretary Hobbs was not involved in the creation of the district maps to which plaintiffs
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12 object and has no authority to recraft or alter the maps that were approved by the Commission
13 and amended by the Legislature. He is, however, the Secretary of State, with the responsibility
14 for overseeing elections in the State of Washington. RCW 29A04.216 and 29A.04.230. To the
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16 extent plaintiffs seek an order enjoining enforcement of the existing maps or the Court orders
17 that a remedial districting plan be utilized in future election cycles, Secretary Hobbs (and
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19 possibly the county auditors impacted by the order) would be the appropriate recipients of that
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21 order.

21 **C. The *Purcell* Principle**

22 Plaintiffs’ request for a preliminary injunction that would affect the 2022 election cycle is
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24 subject to the so-called *Purcell* principle “that lower federal courts should ordinarily not alter the
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26 election rules on the eve of an election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*,
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1 140 S. Ct. 1205, 1207 (2020) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)).⁴ When faced with
2 an application to enjoin election machinery that is already in progress, the Court must not only
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4 weigh “the harms attendant upon issuance or nonissuance of an injunction,” but also
5 “considerations specific to election cases,” such as election chaos and voter confusion, and “its
6 own institutional procedures” that might cause further delay, such as appellate or *en banc*
7 review. *Purcell*, 549 U.S. at *4-5. “How close to an election is too close may depend in part on
8 the nature of the election law at issue[] and how easily the State could make the change without
9 undue collateral effects. Changes that require complex or disruptive implementation must be
10 ordered earlier than changes that are easy to implement.” *Merrill v. Milligan*, 142 S. Ct. 879,
11 881 n.1 (2022). The United States Supreme Court recently countenanced a redrawing of district
12 maps with approximately twenty weeks between the summary correction of errors and the
13 upcoming primary election. *Wis. Legislature*, 2022 WL 851720, at *1.

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17 In this case, plaintiffs seek to alter the state legislative district plan, a fundamental and
18 foundational aspect of the electoral process. Redistricting moves voters – and potentially
19 candidates -- from one district to another and alters everything from precinct boundaries to voter
20 records to ballot layouts. The evidence in the record shows that implementation of a new
21 electoral map takes time and expertise. The Yakima County Auditor’s Office, with the help of
22 the Director of Elections in the Office of the Secretary of State, began creating precinct
23 boundaries almost immediately after the redistricting map became final on February 8, 2022,
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28 ⁴ For purposes of this analysis, the Court assumes that plaintiffs have shown a likelihood of success on the merits of their VRA claim and irreparable harm in the absence of injunctive relief.

1 and it took three weeks to ensure that the new precincts met statutory requirements. Dkt. # 51 at
2 ¶¶ 4-11. It then took another two weeks to get the revised precinct boundaries approved by the
3 Yakima County Commission. Dkt. # 51 at ¶¶ 13-14. The statutory deadline for legislative
4 entities to revise the precinct boundaries is May 2, 2022. In order to redo the work that has
5 already been done by that deadline, defendants assert that they would have needed the revised
6 district plans in hand by March 28th. Plaintiffs do not challenge this evidence, instead arguing
7 that “the Court can and should order the use of a remedial plan by March 28.” Dkt. # 54 at 8-9.
8 March 28th was the first business day on which plaintiffs’ motion for preliminary injunctive
9 relief was ripe for consideration. Even if an order could have issued immediately (which was
10 unlikely in the best of circumstances and even more unlikely given the complicating factors
11 regarding the identity of the proper parties), plaintiffs proposed a remedial legislative plan for
12 the first time in their reply submission, depriving defendants of an opportunity to respond in
13 writing. Oral argument was therefore necessary, making the issuance of an order on March 28th
14 an impossibility.

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19 Plaintiffs rely on *Wisconsin Legislature v. Wisconsin Elections Commission*, No.
20 21A471, 2022 WL 851720, at *1 (U.S. Mar. 23, 2022), to argue that “[e]ven if the Court were to
21 order use of Plaintiffs’ Proposed Plan shortly after March 28, the state has ample time to
22 administer the 2022 elections according to current deadlines.” Dkt. # 54 at 9. In Washington, the
23 primary election is scheduled for August 2, 2022, with the voting period opening eighteen days
24 earlier. RCW 29A.04.311; RCW 29A.40.070(1). Primary ballots must be mailed to overseas
25 residents and military personnel by June 18th. RCW 29A.40.070(2); 52 U.S.C. § 20302(a)(8).
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1 The deadlines for candidates to announce themselves, be certified by the Secretary of State, and
2 provide statements and photographs for the voters' pamphlets all occur within an eleven-day
3 window in May. RCW 29A.24.050; RCW 29A.36.010; WAC 434-381-120. Before any of that
4 can happen, the county legislative authorities must establish the boundaries of election precincts,
5 a task that must be completed by May 2nd. RCW 29A.16.040. As described above, establishing
6 precinct boundaries generally takes five weeks, making March 28th the practical deadline for
7 finalizing the redistricting plan in an election year. Counsel for Secretary Hobbs indicated at oral
8 argument that, even considering the targeted changes proposed by plaintiffs in reply, the
9 window for adjusting to the changes impacting Klickitat County has closed and the window for
10 accommodating Kittitas County alterations expires in two days. In response, plaintiffs offered to
11 rework their proposed map to further reduce the number of precincts affected and continue to
12 assert that *Wisconsin Legislature* shows that election officials in Washington can accommodate
13 alterations at this point in time. The record before the Court does not support plaintiffs' factual
14 assertion, however, and *Wisconsin Legislature* is distinguishable. Even if the Court assumes that
15 the election schedule in Wisconsin is similar to that which applies in Washington, the Supreme
16 Court remanded the maps for correction on March 23rd, and the Wisconsin primary is scheduled
17 for August 9th. Thus, the election officials in Wisconsin had four more weeks in which to
18 complete all necessary tasks than is available in this case. Even if *Wisconsin Legislature* were
19 considered a benchmark, it does not compel the conclusion that legislative map amendments
20 ordered in mid-April are timely under *Purcell*.


1 Finally, plaintiffs argue that the candidate filing deadline for Legislative District 15 and
2 any other district that may be reconfigured in this litigation could be delayed without impacting
3 the election officials' ability to hold a primary on August 2nd. There is no evidence to support
4 this assertion. The candidate filing period is May 16-20 and is immediately followed by
5 deadlines for withdrawal, certification, and the provision of voters' pamphlet information.
6 Election officials have less than four weeks from the date on which candidates are certified to
7 the date on which overseas ballots must be mailed. During that period, they must design,
8 translate, and print the various versions of the ballot that account for every combination of
9 positions for which a precinct or portion of a precinct could vote. Defendants have provided
10 un rebutted evidence that, in Yakima County, this process takes a full month to complete. Dkt.
11 # 51 at ¶ 20. The date on which ballots must be mailed to military and overseas voters is fixed
12 by both state and federal law: plaintiffs' suggestion that the Court can alter deadlines in a
13 schedule that are daisy-chained to later, fixed events without impacting the election is
14 unsupported and unpersuasive.
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19 The nature of the election challenge at issue and the difficulties facing the Secretary of
20 State and local election officials if a change in the legislative district maps is made at this late
21 date suggest that we are too close to the 2022 election to enjoin the use of the existing plan for
22 this election cycle. The Court further finds that any delay in the establishment of precinct
23 boundaries will likely lead to confusion for both candidates and voters in the affected area. In
24 addition, there would likely be an appeal of any preliminary injunction entered by the District
25 Court (as evidenced by the pending motion to intervene at Dkt. # 57) which would give rise to
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1 additional delay and uncertainty that cannot be accommodated with an August 2nd primary date.
2 Consideration of the factors enumerated in *Purcell* and *Merrill* therefore compel the conclusion
3
4 that the Court should refrain from interfering in the current election cycle.

5
6 For all of the foregoing reasons, the motion to dismiss filed by Representative Jinkins and
7
8 Senator Billig (Dkt. # 37) is GRANTED, and plaintiffs' motion for preliminary injunction (Dkt.
9 # 38) is DENIED.

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11 Dated this 13th day of April, 2022.

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14 Robert S. Lasnik
15 United States District Judge
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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SUSAN SOTO PALMER et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as
Secretary of State of Washington, et al.,

Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS, and
State Representative ALEX YBARRA,

*Proposed
Intervenor-Defendants.*

Case No.: 3:22-cv-5035-RSL

MOTION TO INTERVENE

NOTE ON MOTION CALENDAR:
April 15, 2022

Proposed Intervenor-Defendants Jose Trevino, Ismael G. Campos and State Representative Alex Ybarra (“Intervenors”) respectfully move for leave to intervene in the above-captioned matter, as a matter of right pursuant to Fed. R. Civ. P. 24(a) or, in the alternative, permissively pursuant to Fed. R. Civ. P. 24(b). In accordance with Fed. R. Civ. P. 24(c) and Local Rules W.D. Wash. LCR 7(b)(1), the grounds for intervention and arguments in support thereof are set forth below.

1 Counsel for Intervenor have consulted with counsel for Plaintiffs and Defendants.
2 Defendants Hobbs, Jinkins and Billig do not object to intervention, but Plaintiffs have indicated
3 they will oppose the motion.

4 Pursuant to Fed. R. Civ. P. 24(c), Intervenor are filing their Answer to Complaint for
5 Declaratory and Injunctive Relief in conjunction with this motion. Intervenor further provide
6 notice of their intent to submit additional filings, including a response in opposition to Plaintiffs’
7 motion for preliminary injunction¹ and a motion to dismiss. Intervenor do not seek modifications
8 to the Court’s Minute Order Setting Trial Dates and Related Dates (Dkt. # 46).

9 **INTRODUCTION**

10 This action concerns the decennial apportionment of state legislative districts performed
11 by the Washington State Redistricting Commission (the “Commission”). In particular, Plaintiffs
12 have challenged the validity of the Commission’s legislative redistricting plan in the greater
13 Yakima Valley region under Section 2 of the Voting Rights Act (“VRA”). Intervenor strenuously
14 dispute Plaintiffs’ legal claims and political aims. They have chosen to intervene, in part, because
15 the current posture of the case lacks a true “adversarial presentation of the issues.” (Notice That
16 Def. Hobbs Takes No Position, Dkt. # 40 at 2.)

17 Intervenor, all of whom are Hispanic and registered voters in Central Washington, are:

- 18 • Jose Trevino, a resident of Granger,
- 19 • Ismael Campos, a resident of Kennewick, and
- 20 • State Representative Alex Ybarra, a resident of Quincy.

21 All three Intervenor are registered to vote in their respective legislative districts and each intends
22 to vote in future elections. As a voter in Legislative District 15,² Mr. Trevino has an obvious stake
23 in this case. Mr. Campos, who resides in Legislative District 8, just beyond the boundaries of
24

25 ¹ In light of significance of the issues presented in this case, Intervenor respectfully request that, if the Court grants
26 this Motion to Intervene and/or Defendant Hobbs’ Motion to Join Required Parties (Dkt. # 53), it also consider
27 extending briefing schedules for responses in opposition to Plaintiffs’ Motion for Preliminary Injunction so that the
Court can benefit from a full adversarial presentation of the issues.

² For clarity, references to the legislative districts of each Intervenor refer to the new versions of legislative districts
under the Commission’s redistricting plan.

1 Legislative District 15, could easily find himself located in a new or significantly redrawn
2 legislative district if Plaintiffs’ claim is successful. And while Representative Ybarra’s hometown
3 of Quincy is unlikely to be drawn into a Yakima Valley-centered district, the boundaries of his
4 Legislative District 13—where he is currently and actively running for reelection—would almost
5 certainly shift to accommodate any Court-mandated change to Legislative Districts 14 or 15.
6 Clearly, Intervenor’s have a significant interest in this case. But the unusual posture of this case³
7 means that none of the present parties will adequately protect those interests. Thus, not only do
8 these factors and others justify intervention as more fully detailed below, but granting this motion
9 will also ensure full adversarial presentation of the issues.

10 **ARGUMENT**

11 Intervention is warranted on multiple grounds.

12 **I. Intervention as of Right under Rule 24(a)**

13 Intervenor’s are entitled to intervene as a matter of right in this case. Fed. R. Civ. P. 24(a)
14 requires that “[o]n timely motion, the court must permit anyone to intervene who . . . claims an
15 interest relating to the property or transaction that is the subject of the action, and is so situated
16 that disposing of the action may as a practical matter impair or impede the movant’s ability to
17 protect its interest, unless existing parties adequately represent that interest.” That is, Rule 24(a)
18 “entitles intervention of right when an applicant: (i) timely moves to intervene; (ii) has a
19 significantly protectable interest related to the subject of the action; (iii) may have that interest
20 impaired by the disposition of the action; and (iv) will not be adequately represented by existing
21 parties.” *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*, 960 F.3d 603, 620 (9th
22 Cir. 2020) (citing *Prete v. Bradbury*, 438 F.3d 949, 954 (9th Cir. 2006)). As discussed below, all

23 ³ Plaintiffs chose not to sue the Commission, the “most natural” defendant (Def. Hobbs’ Resp. to Defs. Jinkins and
24 Billig’s Mot. to Dismiss, Dkt. # 45 at 1), and thus far, the Commission has declined to intervene itself, *see, e.g.*, Jim
25 Brunner, *WA redistricting commission chair resigns after Democrats refuse to defend new maps*, The Seattle Times,
26 Mar. 7, 2022, <https://www.seattletimes.com/seattle-news/politics/wa-redistricting-commission-chair-resigns-after-democrats-refuse-to-defend-new-maps/>. Defendants Billig and Jinkins have moved to be dismissed as Defendants (*see*
27 Mot. to Dismiss Defs. Jinkins and Billig, Dkt. # 37), and Defendant Hobbs has “notifie[d] the Court that he intends to
take no position on the issue of whether the state legislative redistricting plan violates section 2 of the Voting Rights
Act” (Notice That Def. Hobbs Takes No Position, Dkt. # 40 at 2; *see also* Def. Hobbs’ Resp. to Pls.’ Mot. for Prelim.
Inj., Dkt. # 50 at 7-8).

1 four elements are satisfied here. (Intervenors also note that, although they have “the burden to
2 show that these four elements are met, the requirements are broadly interpreted in favor of
3 intervention” *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir.
4 2011) (citing *Prete*, 438 F.3d at 954)).

5 **A. Timeliness**

6 Intervenor’s application is timely, which is “determined by the totality of the circumstances
7 facing would-be intervenors, with a focus on three primary factors: ‘(1) the stage of the proceeding
8 at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for
9 and length of the delay.’” *Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 854 (9th Cir.
10 2016) (quoting *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004)).

11 The proceedings are at a very preliminary stage. Plaintiffs filed their Complaint for
12 Declaratory and Injunctive Relief (Dkt. # 1) on January 19, 2022. Plaintiffs then filed a Motion for
13 Preliminary Injunction (Dkt. # 38) on February 25, which was noted for consideration by the Court
14 on March 25. Given that no oral arguments have been heard, or even (to Intervenor’s knowledge)
15 scheduled, and that the Court has not yet ruled on any substantive motions, a more “preliminary
16 stage” of litigation could hardly exist than the present stage of this case. *Cf. LULAC v. Wilson*, 131
17 F.3d 1297, 1303 (9th Cir. 1997) (denying intervention as of right where “the district court has
18 substantively—and substantially—engaged the issues” involved in the case).

19 In part because the case is at such a preliminary stage, there is no discernable prejudice or
20 delay to either Plaintiffs or Defendants that would result in granting the proposed intervention. As
21 mentioned, the Court has not yet ruled on the pending Motion to Dismiss Defendants Laurie
22 Jinkins and Andrew Billig (Dkt. # 37) or Plaintiffs’ Motion for Preliminary Injunction (Dkt. # 38).
23 Nor do Intervenors seek changes to the dates established in the Court’s Minute Order Setting Trial
24 Dates and Related Dates (Dkt. # 46).

25 Given the early stage of the proceedings, there is hardly a “delay” for Intervenors to justify.
26 But even if there were, “[t]he crucial date for assessing the timeliness of a motion to intervene is
27 when proposed intervenors should have been aware that their interests would not be adequately

1 protected by the existing parties.” *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (citing
2 *Wilson*, 131 F.3d at 1304). For Intervenors, this date was March 21, when Defendants filed their
3 respective Responses to Plaintiffs’ Motion for Preliminary Injunction (Dkts. # 49-50). While
4 Intervenors appreciate Defendant Hobbs’ articulation of the *Purcell* principle and his explanation
5 of all the work his office performs in order to successfully manage Washington’s elections (*see*
6 Dkt. # 50 at 8-16), as well as Defendants Jinkins and Billig’s summary of VRA jurisprudence (*see*
7 Dkt. # 49 at 9-14), neither response brief argues that Plaintiffs’ VRA claim is unlikely to succeed
8 on the merits, or even applies VRA caselaw to Plaintiffs’ allegations. The “delay” to intervene,
9 then, has been one week. It is eminently reasonable for Intervenors to spend a week (a) assessing
10 the potential outcomes of the case given the lack of briefing on the merits of Plaintiffs’ VRA claim,
11 (b) deciding whether to move to intervene as parties themselves and (c) preparing the necessary
12 court filings to do so. *Cf. Smith v. Marsh*, 194 F.3d at 1052 (noting that prospective intervenors’
13 “determin[ation] that their interests were inadequately represented only after reviewing closely the
14 briefs filed . . . could constitute a proper explanation for delay”).

15 Thus, intervention at this early stage is timely because the motion comes just one week
16 after Intervenors became aware that their interests would not be adequately protected by the
17 existing parties and intervention will neither delay the proceedings nor prejudice the other parties.

18 **B. Significantly Protectable Interest**

19 There is no doubt that Intervenors have significantly protectable interests related to the
20 subject matter of this case. “The requirement of a significantly protectable interest is generally
21 satisfied when ‘the interest is protectable under some law, and that there is a relationship between
22 the legally protected interest and the claims at issue.’” *Arakaki v. Cayetano*, 324 F.3d 1078, 1084
23 (9th Cir. 2003) (quoting *Sierra Club v. EPA*, 995 F.2d 1478, 1484 (9th Cir. 1993)). Although “[t]he
24 ‘interest’ test is not a clear-cut or bright-line rule, because ‘no specific legal or equitable interest
25 need be established,’” *United States v. City of Los Angeles*, 288 F.3d 391, 398 (9th Cir. 2002)
26 (quoting *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993)), Intervenors can nonetheless
27 identify several specific interests they have in these proceedings.

1 First, as registered voters in or near Legislative District 15, Intervenor Trevino and
2 Campos have an interest in ensuring that any changes to the boundaries of those districts do not
3 violate their rights to “the equal protection of the laws” under the Fourteenth Amendment to the
4 Constitution of the United States, which, among other things, “forbids . . . intentionally assigning
5 citizens to a district on the basis of race without sufficient justification.” *Abbott v. Perez*, 138 S.
6 Ct. 2305, 2314 (2018) (citing *Shaw v. Reno*, 509 U.S. 630, 641 (1993)). Plaintiffs assert a violation
7 of Section 2 of the VRA, a statute that the Supreme Court has noted “pulls in the opposite
8 direction” of the Equal Protection Clause which “restricts the consideration of race in the
9 districting process.” *Perez*, 138 S. Ct. at 2314. Intervenor Trevino and Campos have an interest
10 in ensuring that Plaintiffs’ VRA claim does not pull so hard it draws them into a district that
11 abridges their right to equal protection under law.

12 Second, as a state legislator running for reelection in a district that borders Legislative
13 District 15, Intervenor Representative Ybarra has a heightened interest in not only the orderly
14 administration of elections, but also in knowing which voters will be included in his district. Any
15 stay of elections in the region would disrupt this interest, as would any alteration to the boundaries
16 of Legislative District 15 since such a change would almost certainly result in corresponding
17 changes his own legislative districts.

18 Lastly, all three Intervenor—like the eight individual Plaintiffs—are registered voters in
19 either Legislative District 15 or a neighboring district and intend to vote in future elections. (*See*
20 *Compl.*, Dkt. # 1 at 8-10.) Intervenor have just as strong of an interest as these Plaintiffs in
21 ensuring that Legislative District 15 and its adjoining districts are drawn in a manner that complies
22 with state and federal law. And as registered voters, Intervenor also have an interest in orderly,
23 well-run elections that avoid chaos or delay.

24 These interests are clearly related to the present case. “The relationship requirement is met
25 ‘if the resolution of the plaintiff’s claims actually will affect the applicant,’” *United States v. City*
26 *of L.A.*, 288 F.3d 391 at 398 (quoting *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)).
27 As noted above, the resolution of this case will affect Intervenor because Plaintiffs’ VRA claim

1 “pulls in the opposite direction” of their Fourteenth Amendment right to not be assigned “to a
2 district on the basis of race without sufficient justification.” *Perez*, 138 S. Ct. at 2314. The outcome
3 of this case will also affect the boundaries of the legislative districts in which each of the
4 Intervenors are registered and intend to vote and where Representative Ybarra is actively running
5 for reelection. Clearly, Intervenors possess a significantly protectable interest in this case.

6 **C. Practical Impairment**

7 Intervenors also “must show that they are so situated that the disposition of the action
8 without [them] may as a practical matter impair or impede their ability to safeguard their
9 protectable interest.” *Smith v. L.A. Unified Sch. Dist.*, 830 F.3d at 862. And critically, “the relevant
10 inquiry is whether [the absence of a party seeking intervention] ‘may’ impair rights ‘as a practical
11 matter’ rather than whether [such absence] will ‘necessarily’ impair them.” *United States v. City*
12 *of L.A.*, 288 F.3d 391 at 401 (quoting Fed. R. Civ. P 24(a)(2)).

13 For reasons similar to those described above, this “practical impairment” element is
14 satisfied here as well. Indeed, the existence of an intervenor’s significantly protectable interest
15 often goes hand-in-hand with the potential for impairment of that interest. *See, e.g., California ex*
16 *rel. Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006) (“Having found that appellants
17 have a significant protectable interest, we have little difficulty concluding that the disposition of
18 this case may, as a practical matter, affect it.” (citing *Sw. Ctr. for Biological Diversity v. Berg*, 268
19 F.3d 810, 822 (9th Cir. 2001))).

20 Intervenors’ ability to safeguard their Fourteenth Amendment interests may be impaired
21 by their absence from this case. Representative Ybarra’s ability to safeguard his interest in
22 knowing who his voters will be and when the election will occur may be impaired by his absence.
23 And the ability for all Intervenors to safeguard their interest in the orderly conduct of elections
24 (which Plaintiffs seek to enjoin) and in the design of Central Washington legislative districts
25 (which Plaintiffs seek to redraw) as current and future voters in those districts may be impaired by
26 being excluded from this case. Thus, Intervenors’ interests will be impaired if this litigation goes
27 forward without them.

1 **D. Adequate Representation**

2 None of the present parties can adequately protect Intervenor’s interests in this case. The
3 adequacy of a prospective intervenor’s representation by existing parties is based on “(1) whether
4 the interest of a present party is such that it will undoubtedly make all of a proposed intervenor’s
5 arguments; (2) whether the present party is capable and willing to make such arguments; and (3)
6 whether a proposed intervenor would offer any necessary elements to the proceeding that other
7 parties would neglect.” *Arakaki*, 324 F.3d at 1086 (citing *California v. Tahoe Reg’l Planning*
8 *Agency*, 702 F.2d 775, 778 (9th Cir. 1986)). This requirement “is satisfied if the applicant shows
9 that representation of his interest ‘may be’ inadequate; and the burden of making that showing
10 should be treated as minimal.” *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)
11 (quoting 3B James Moore, *Federal Practice* § 24.09-1[4] (2d ed. 1969)).

12 Certainly the Plaintiffs do not represent Intervenor’s interest. As noted above, Plaintiffs’
13 VRA claim “pulls in the opposite direction” of Intervenor’s Fourteenth Amendment rights to not
14 be assigned “to a district on the basis of race without sufficient justification.” *Perez*, 138 S. Ct.
15 at 2314. And Plaintiffs’ requested relief of “enjoin[ing] Defendants from administering, enforcing,
16 preparing for, or in any way permitting the nomination or election of members of the Washington
17 State Legislature” would interfere with Representative Ybarra’s interest in maintaining a
18 consistent schedule of elections. (Compl., Dkt. #1 at 41.)

19 As for the Defendants, not only do none of the present Defendants have an interest such
20 that they will “undoubtedly” make “all” of Intervenor’s arguments, but the record already contains
21 evidence that these Defendants are unwilling to make such arguments. Defendant Hobbs has
22 “notifie[d] the Court that he intends to take no position on the issue of whether the state legislative
23 redistricting plan violates section 2 of the Voting Rights Act.” (Notice That Def. Hobbs Takes No
24 Position, Dkt. # 40 at 2; *see also* Def. Hobbs’ Resp. to Pls.’ Mot. for Prelim. Inj., Dkt. # 50 at 7-8.)
25 Defendants Billig and Jinkins have moved to be dismissed as defendants. (Mot. to Dismiss Defs.
26 Jinkins and Billig, Dkt. # 37.) Of course, if such motion is granted, they would no longer be present
27 to make any arguments in this case. But even if the Court denies their motion, they do not have

1 the same interests as any of the Intervenors, so cannot be expected to make Intervenors’ arguments.
2 Nor do they appear willing to do so. For example, in their Response to Plaintiffs’ Motion for
3 Preliminary Injunction (Dkt. # 49), Defendants Billig and Jinkins admit that “neither [of them] is
4 in a position to support or oppose the merits of Plaintiffs’ vote dilution claim.” (Dkt. # 49 at 9.)
5 And while their Response briefs the Court on some of the “legal standards” applicable to VRA
6 cases, it does not present any arguments as to why Plaintiffs’ claim fails to meet those standards.
7 (See Dkt. # 49 at 9-14.) In contrast, Intervenors wish to vigorously oppose Plaintiffs’ VRA claim
8 on the merits.

9 Intervenors would also offer additional “elements to the proceeding that other parties
10 would neglect.” *Arakaki*, 324 F.3d at 1086. As alluded to above, Intervenors can offer this Court
11 a perspective regarding the tension between the VRA and the Equal Protection Clause. As a state
12 representative who lists “Republican” as his party preference on the ballot and who is a member
13 of the House Republican Caucus in the Legislature, Representative Ybarra can offer the Court a
14 valuable perspective on the close interaction between race and partisanship, a perspective currently
15 missing since all three present Defendants list the “Democratic” as their party preference on the
16 ballot and are current or former members of Democratic caucuses in the Legislature. *See, e.g.,*
17 *Perez*, 138 S.Ct. at 2314 (“[B]ecause a voter’s race sometimes correlates closely with political
18 party preference, it may be very difficult for a court to determine whether a districting decision
19 was based on race or party preference.” (internal citations omitted)); *Easley v. Cromartie*, 532 U.S.
20 234, 242 (2001) (“Caution is especially appropriate in this case, where the State has articulated a
21 legitimate political explanation for its districting decision, and the voting population is one in
22 which race and political affiliation are highly correlated.”).

23 The present Defendants have also acknowledged the problematic posture of this case.
24 Defendants Billig and Jinkins noted that “this case currently lacks a proper party to defend the
25 redistricting plan on its merits” (Reply in Supp. of Mot. to Dismiss Defs. Jinkins and Billig, Dkt.
26 # 47 at 6) and that “[t]he current structure of the case . . . will not lead to a full and fair adjudication
27 on the merits” (Def. Jinkins and Billig’s Resp. to Pls.’ Mot. for Prelim. Inj., Dkt. # 49 at 2).

1 Defendant Hobbs stated that “[p]articipation by other interested intervenors may also ensure that
2 the Court can promptly and clearly resolve” this case (Notice That Def. Hobbs Takes No Position,
3 Dkt. # 40 at 2) and that he “continues to believe this litigation must include additional proper
4 parties, whether through intervention or involuntary joinder, to allow thorough consideration of
5 the issues and complete relief” (Def. Hobbs’ Resp. to Pls.’ Mot. for Prelim. Inj., Dkt. # 50 at 8).⁴

6 For these reasons, Intervenors will not be adequately represented by any of the existing
7 parties, and their intervention will ensure a more complete adversarial presentation of the issues.

8 * * *

9 Therefore, Intervenors are entitled to intervene as a matter of right pursuant to Fed. R. Civ.
10 P. 24(a). They have moved to intervene in a timely fashion, they have multiple significantly
11 protectable interests related to the subject of the action, those interests may be impaired by the
12 disposition of this case, and their position will not be adequately represented by existing parties.
13 The Court should thus grant their motion.

14 **II. Permissive Intervention under Rule 24(b)**

15 Even if the criteria for intervention of right were not satisfied, the Court should grant
16 permissive intervention under Fed. R. Civ. P. 24(b), pursuant to which, “[o]n timely motion, the
17 court may permit anyone to intervene who . . . has a claim or defense that shares with the main
18 action a common question of law or fact.” Courts may grant permissive intervention under Rule
19 24(b) “where the applicant for intervention shows (1) independent grounds for jurisdiction; (2) the
20 motion is timely; and (3) the applicant’s claim or defense, and the main action, have a question of
21 law or a question of fact in common.” *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 839 (9th
22 Cir. 1996) (citing *Greene*, 996 F.2d at 978).

23 _____
24 ⁴ As this motion was being drafted, but shortly before it was filed, Defendant Hobbs filed a Motion to Join Required
25 Parties (Dkt. # 53), requesting that the Court “join the Redistricting Commission, members of the Redistricting
26 Commission in their official capacities, and/or the State of Washington” pursuant to Fed. R. Civ. P. 19(a)(2). (Dkt.
27 # 53 at 1.) Intervenors do not oppose this motion, but neither do they believe their right to intervene under Fed. R.
Civ. P. 24(a) is diminished by joinder of any of those parties. Intervenors do not believe that (a) the interest of the
State, the Commission, or the Commissioners is such that they will undoubtedly make all of Intervenors’ arguments,
(b) such additional parties are capable and willing to make such arguments, or (c) such additional parties would offer
the same elements to the case that Intervenors can offer but that the present parties are neglecting.

1 **A. Independent Grounds for Jurisdiction**

2 Federal courts generally require “independent jurisdictional grounds” to prevent
3 permissive intervention from being used “to gain a federal forum for state-law claims” or “to
4 destroy complete diversity in state-law actions.” *Freedom From Religion Found. v. Geithner*, 644
5 F.3d 836, 843 (9th Cir. 2011). But “[w]here the proposed intervenor in a federal-question case
6 brings no new claims, the jurisdictional concern drops away.” *Id.* at 844 (citing 7C Charles Alan
7 Wright et al., *Federal Practice Procedure* § 1917 (3d ed. 2010)). In their Answer to Complaint
8 filed in conjunction with this motion, Intervenor’s assert several affirmative defenses and ask the
9 Court for certain relief (convening a court of three judges pursuant to 28 U.S.C. § 2284(a),
10 dismissing Plaintiffs’ Complaint, awarding Intervenor’s reasonable attorneys’ fees, and granting
11 other relief the Court deems just and proper) but are not raising new claims in any of their pleadings
12 or motions filed today. Thus, the “independent jurisdictional grounds requirement” does not apply,
13 because this is a “federal-question case” where the Intervenor’s “are not raising new claims.” *Id.*

14 **B. Timeliness**

15 “In determining timeliness under Rule 24(b)(2), we consider precisely the same three
16 factors—the stage of the proceedings, the prejudice to existing parties, and the length of and reason
17 for the delay [as] considered in determining timeliness under Rule 24(a)(2).” *Wilson*, 131 F.3d at
18 1308 (citing *County of Orange v. Air California*, 799 F.2d 535, 539 (9th Cir. 1986)). Thus, a
19 motion for permissive intervention is timely for the same reasons explained with respect to
20 intervention as of right in Part A.1 above.

21 **C. Common Questions of Law or Fact**

22 Out of concerns for judicial economy, the claims and defenses of a Rule 24(b) intervenor
23 must “have a question of law or a question of fact in common” with the main action. *Nw. Forest*
24 *Res. Council*, 82 F.3d at 839. This element is plainly satisfied because, as set forth in their Answer
25 to Complaint filed in conjunction with this motion, Intervenor’s seek to assert affirmative defenses
26 that squarely address the factual and legal premise of Plaintiffs’ claims, including but not limited
27 to whether Plaintiffs’ Complaint states a claim upon which relief can be granted, whether Plaintiffs

1 have standing, whether this Court has subject matter jurisdiction over Plaintiffs’ VRA claim,
2 whether Defendants have any lawful remedy and whether any Defendants can even grant Plaintiffs
3 the relief they request.

4 **D. Undue Delay or Prejudice**

5 Fed. R. Civ. P. 24(b)(3) cautions that “[i]n exercising its discretion, the court must consider
6 whether the intervention will unduly delay or prejudice the adjudication of the original parties’
7 rights.” As noted above, the Court has not yet ruled on the pending motions to dismiss (*see* Dkt. #
8 37) or for preliminary injunction (*see* Dkt. # 38), nor do Intervenors seek to change to the Court’s
9 current scheduling order (*see* Dkt. # 46) (which they have communicated to the other parties
10 through respective counsel). Thus, there is no discernable prejudice or delay to any of the present
11 parties that would result in granting intervention.

12 * * *

13 Therefore, even if Court determines Intervenors are not entitled to intervene as a matter of
14 right, the Court should exercise its broad discretion to grant permissive intervention.

15 **CONCLUSION**

16 For the foregoing reasons, Intervenors respectfully requests that this Court enter an order
17 granting their Motion to Intervene in this action.

18 DATED this 29th day of March, 2022.

19 Respectfully submitted,

20 s/ Andrew R. Stokesbary
21 Andrew R. Stokesbary, WSBA #46097
22 STOKESBARY PLLC
23 1003 Main Street, Suite 5
24 Sumner, WA 98390
25 T: (206) 486-0795
26 dstokesbary@stokesbarypllc.com

27 *Counsel for Proposed Intervenor-Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the Court of the United States District Court for the Western District of Washington through the Court's CM/ECF System, which will serve a copy of this document upon all counsel of record.

DATED this 29th day of March, 2022.

Respectfully submitted,

s/ Andrew R. Stokesbary
Andrew R. Stokesbary, WSBA #46097

Counsel for Proposed Intervenor-Defendants

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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SUSAN SOTO PALMER et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as
Secretary of State of Washington, et al.,

Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS, and
State Representative ALEX YBARRA,

Intervenor-Defendants.

Case No.: 3:22-cv-5035-RSL

[PROPOSED]
INTERVENOR-DEFENDANTS' ANSWER
TO COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

REQUEST FOR THREE JUDGE COURT

Intervenor-Defendants Jose Trevino, Ismael G. Campos and State Representative Alex Ybarra ("Intervenors") hereby answer Plaintiffs' Complaint for Declaratory and Injunctive Relief as follows. To the extent an allegation is directed to Defendants Steven Hobbs, Laurie Jinkins or Andy Billig, Intervenors are without sufficient information to form a belief as to the truth of the allegation and therefore deny. To the extent that the Complaint's headings or subheadings contain factual allegations, they are denied. Intervenors reserve the right to amend this pleading as permitted by this Courts rules and orders, including Fed. R. Civ. P. 15.

INTRODUCTION

1
2 1. This paragraph states a legal conclusion to which no response is required. To the
3 extent a further response is required, denied.

4 2. Intervenors admit that Legislative District 15¹ includes parts of the Yakima Valley
5 and Pasco. The remainder of this paragraph states a legal conclusion to which no response is
6 required. To the extent a further response is required, denied.

7 3. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, denied.

9 4. Admitted.

10 5. Intervenors admit that the cities of Toppenish, Wapato and Mabton, portions of the
11 city of Yakima, and Benton, Grant and Franklin Counties are located within Legislative District
12 15. The remainder of this paragraph states a legal conclusion and contains legal arguments to which
13 no response is required. To the extent a further response is required, denied.

14 6. This paragraph states a legal conclusion and contains legal arguments to which no
15 response is required. To the extent a further response is required, Intervenors are without
16 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
17 therefore deny.

18 7. Intervenors admit that the City of Othello is located in Adams County and in
19 Legislative District 15. Intervenors are without information sufficient to form a belief as to the
20 truth of the allegations in the remainder of this paragraph, and therefore deny.

21 8. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, denied.

23 9. This paragraph states a legal conclusion and contains legal arguments to which no
24 response is required. To the extent a further response is required, Intervenors are without
25

26 ¹ Unless specifically indicated otherwise, all references to “Legislative District 15” contained in this Answer refer to
27 the “new” boundaries of Legislative District 15 as established by the Commission’s legislative redistricting plan
submitted in December 2021 and amended by the Washington State Legislature during its 2022 regular session. *See*
H. Con. Res. 4407, 67th Leg., 2022 Reg. Sess. (Wash. 2022) (adopted).

1 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
2 therefore deny.

3 10. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, denied.

5 11. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, Intervenor are without
7 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
8 therefore deny.

9 12. This paragraph states a legal conclusion and contains legal arguments to which no
10 response is required. To the extent a further response is required, Intervenor are without
11 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
12 therefore deny.

13 13. This paragraph states a legal conclusion and contains legal arguments to which no
14 response is required. To the extent a further response is required, Intervenor are without
15 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
16 therefore deny.

17 14. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, Intervenor are without
19 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
20 therefore deny.

21 15. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, Intervenor are without
23 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
24 therefore deny.

25 16. This paragraph states a legal conclusion and contains legal arguments to which no
26 response is required. To the extent a further response is required, Intervenor are without
27

1 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
2 therefore deny.

3 17. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, Intervenors are without
5 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
6 therefore deny.

7 18. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, Intervenors are without
9 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
10 therefore deny.

11 19. Intervenors deny that even-number legislative district elections are held only in
12 presidential election years and odd-numbered legislative district elections are held only in non-
13 presidential years. (Elections for state representative positions are held every two years, in both
14 presidential and non-presidential election years. Elections for state senator positions are held every
15 four years, with elections in 13 odd-numbered districts and 12 even-numbered districts occurring
16 in presidential election years, and elections in 12 odd-numbered districts and 12 even-numbered
17 districts occurring in non-presidential election years.) The remainder of this paragraph states a
18 legal conclusion and contains legal arguments to which no response is required. To the extent a
19 further response is required, Intervenors are without information sufficient to form a belief as to
20 the truth of the allegations in the remainder of this paragraph, and therefore deny.

21 20. Intervenors admit that 15 is an odd-number and that elections for state senator in
22 Legislative District 15 are currently held in non-presidential years. Intervenors deny that “[b]y
23 assigning the district an odd number, the Commission has ensured even lower Latino voter turnout
24 in the district.” As noted in the paragraph above, elections for state representative positions,
25 including those for Legislative District 15, are held every two years, meaning both presidential
26 and non-presidential election years. Elections for state senator positions are held during
27 presidential election years in 13 odd-numbered districts and 12 even-numbered districts, and

1 during non-presidential election years in 12 odd-numbered districts and 12 even-numbered
2 districts.

3 21. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, denied.

5 22. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, Intervenor admits only the
7 accuracy of the brief quotation from *LULAC v. Perry*, 548 U.S. 399 (2006). To the extent a further
8 response is required, denied.

9 23. This paragraph states a legal conclusion and contains legal arguments to which no
10 response is required. To the extent a further response is required, denied.

11 24. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, Intervenor is without
13 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
14 therefore deny.

15 25. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, Intervenor is without
17 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
18 therefore deny.

19 26. Intervenor admits that Legislative District 15 as currently constituted encompasses
20 the eastern portion of Yakima County. Intervenor is without information sufficient to form a
21 belief as to the truth of the allegations in the remainder of this paragraph.

22 27. Intervenor admits that, in the November 2018 general election, incumbent United
23 States Senator Maria Cantwell, running for reelection to her fourth term, received 43.27 percent
24 of the total votes (not including write-ins) within current Legislative District 15, and that
25 challenger Bengie Aguilar received 39.41 percent of the total votes (not including write-ins) for
26 the position of Legislative District 15 State Senator, running against a five-term incumbent (who
27 was also elected to two terms in the State House of Representatives from Legislative District 15

1 prior to his election to the State Senate). Intervenors are without information sufficient to form a
2 belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

3 28. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, denied.

5 29. Intervenors are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 30. Intervenors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 31. Intervenors are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 32. Intervenors admit only that presidential preference primaries conducted pursuant to
12 Wash. Rev. Code ch. 29A.56 require political affiliation. Intervenors deny that any other races or
13 offices require political affiliation. *See* Wash. Rev. Code § 29A.52.112.(4) (“A candidate may
14 choose to express no party preference.”). Intervenors are without information sufficient to form a
15 belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

16 33. This paragraph states a legal conclusion and contains legal arguments to which no
17 response is required. To the extent a further response is required, denied.

18 34. This paragraph states a legal conclusion and contains legal arguments to which no
19 response is required. To the extent a further response is required, denied.

20 **JURISDICTION AND VENUE**

21 35. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, denied.

23 36. This paragraph states a legal conclusion and contains legal arguments to which no
24 response is required. To the extent a further response is required, Intervenors admit only that 42
25 U.S.C. § 1988 and 52 U.S.C. § 10310(e) authorize certain courts to award certain fees to certain
26 prevailing parties bringing certain claims under certain statutes in certain situations.

27 37. Admitted.

1 50. Intervenors are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph.

3 51. Intervenors are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph.

5 52. Intervenors are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph.

7 53. Intervenors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph.

9 54. Intervenors are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph.

11 55. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, Intervenors are without
13 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
14 therefore deny.

15 56. Intervenors are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 57. Intervenors are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 58. Intervenors are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 59. Intervenors admit only that the language in quotations in the second sentence of
22 this paragraph accurately quotes a portion of Wash. Rev. Code § 29A.04.230. Intervenors further
23 admit that Wash. Rev. Code § 29A.04.255 provides that the Secretary of State will accept and file
24 certain documents, including some declarations of candidacy. Intervenors admit that the Complaint
25 purports to assert a claim against Defendant Hobbs in his official capacity as the Secretary of State
26 of Washington. Otherwise, this paragraph asserts legal conclusions and contains legal arguments,
27 to which no response is required. To the extent a further response is required, denied.

1 paragraph cites to Section 2(b) of the Voting Rights Act. To the extent a further response is
2 required, denied.

3 67. Intervenors admit that the majority report of the Senate Committee on the Judiciary
4 accompanying the 1982 bill which amended Section 2 of the Voting Rights Act, S. Rep. No.
5 97-417, at 28-29 (1982), listed seven “typical factors” courts may consider in deciding whether
6 Section 2 has been violated. Intervenors further admit that this paragraph substantially copies a
7 summary of these factors that the United States Department of Justice maintains on its website. To
8 the extent a further response is required, Intervenors are without information sufficient to form a
9 belief as to the truth of the allegations in this paragraph, and therefore deny.

10 68. This paragraph states a legal conclusion and contains legal arguments to which no
11 response is required. To the extent a further response is required, Intervenors admit only that this
12 paragraph cites to two district court opinions. To the extent a further response is required, denied.

13 69. This paragraph states a legal conclusion and contains legal arguments to which no
14 response is required. To the extent a further response is required, Intervenors admit only the
15 accuracy of the quotations from *United States v. Marengo County Commission*, 731 F.2d 1546
16 (11th Cir. 1984). To the extent a further response is required, denied.

17 70. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, Intervenors are without
19 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
20 therefore deny.

21 71. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, Intervenors admit only the
23 accuracy of the quotations from *Village of Arlington Heights v. Metropolitan Housing*
24 *Development Corp.*, 429 U.S. 252 (1977) and *North Carolina State Conference of NAACP v.*
25 *McCrorry*. To the extent a further response is required, denied.

26 72. This paragraph states a legal conclusion and contains legal arguments to which no
27 response is required. To the extent a further response is required, Intervenors admit only the

1 accuracy of the quotation from *North Carolina State Conference of NAACP v. McCrory*. To the
2 extent a further response is required, denied.

3 73. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, Intervenorors admit only the
5 accuracy of the quotation from *Hunter v. Underwood*, 471 U.S. 222 (1985). To the extent a further
6 response is required, denied.

7 74. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, Intervenorors admit only that this
9 paragraph cites an opinion by a district court in the Fifth Circuit and another opinion from the
10 Sixth Circuit. To the extent a further response is required, denied.

11 75. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, Intervenorors admit only the
13 accuracy of the quotation from *LULAC v. Perry*. To the extent a further response is required,
14 denied.

15 76. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, Intervenorors admit only that this
17 paragraph cites an opinion by a district court in the Fifth Circuit. To the extent a further response
18 is required, denied.

19 77. This paragraph states a legal conclusion and contains legal arguments to which no
20 response is required. To the extent a further response is required, Intervenorors admit only the
21 accuracy of the brief quotations from *LULAC v. Perry* and *Perez v. Abbott*, 250 F. Supp. 3d 123
22 (W.D. Tex. 2017). To the extent a further response is required, denied.

23 **FACTUAL ALLEGATIONS**

24 78. Admitted.

25 79. Intervenorors are without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph.

27 80. Admitted.

- 1 81. Admitted.
- 2 82. Admitted.
- 3 83. Admitted.
- 4 84. Intervenors are without information sufficient to form a belief as to the truth of the
- 5 allegations in this paragraph.
- 6 85. Intervenors are without information sufficient to form a belief as to the truth of the
- 7 allegations in this paragraph.
- 8 86. Intervenors are without information sufficient to form a belief as to the truth of the
- 9 allegations in this paragraph.
- 10 87. Intervenors admit that much of Yakima County, including the cities of Yakima,
- 11 Toppenish, Sunnyside and Grandview, is part of the “Yakima Valley,” but deny that this paragraph
- 12 contains an accurate or complete list of the cities and counties within the “Yakima Valley” as
- 13 typically conceived by residents of the region, and further deny that Benton or Franklin Counties
- 14 or any of the Tri-Cities are part of the “Yakima Valley.”
- 15 88. Intervenors are without information sufficient to form a belief as to the truth of the
- 16 allegations in this paragraph.
- 17 89. Intervenors are without information sufficient to form a belief as to the truth of the
- 18 allegations in this paragraph.
- 19 90. Intervenors are without information sufficient to form a belief as to the truth of the
- 20 allegations in this paragraph.
- 21 91. Intervenors are without information sufficient to form a belief as to the truth of the
- 22 allegations in this paragraph.
- 23 92. Intervenors are without information sufficient to form a belief as to the truth of the
- 24 allegations in this paragraph.
- 25 93. Intervenors are without information sufficient to form a belief as to the truth of the
- 26 allegations in this paragraph.
- 27 94. Admitted.

1 95. Admitted.

2 96. Admitted.

3 97. Intervenors admit that, according to the 2020 Census, the total combined population
4 of individuals who identify as Hispanic or Latino in Benton, Franklin and Yakima Counties is
5 231,833. Intervenors deny that Benton and Franklin Counties, or even the entirety of Yakima
6 County, are part of the “Yakima Valley.” Intervenors are without information sufficient to form a
7 belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

8 98. This paragraph states a legal conclusion and contains legal arguments to which no
9 response is required. To the extent a further response is required, denied.

10 99. Admitted.

11 100. Admitted.

12 101. Admitted.

13 102. Admitted.

14 103. Admitted.

15 104. Admitted.

16 105. Intervenors admit that upon approval of a redistricting plan by three of the voting
17 members of the Commission, the Commission must submit the plan to the Legislature, but deny
18 that Wash. Rev. Code § 44.05.110 is the authority for this proposition.

19 106. Intervenors admit that after submission of the plan by the Commission, the
20 Legislature has the next thirty days during any regular or special session to amend the
21 Commission’s plan by an affirmative vote in each house of two-thirds of the members elected or
22 appointed thereto, but deny that Wash Rev. Code § 44.05.110 is the authority for this proposition.

23 107. Intervenors admit that if the Legislature amends the Commission’s plan, the
24 legislative amendment may not include more than two percent of the population of any legislative
25 or congressional district, but deny that Wash. Rev. Code § 44.05.110 is the authority for this
26 proposition.

27

1 108. This paragraph states a legal conclusion and contains legal arguments to which no
2 response is required. To the extent a further response is required, Intervenor admits only the
3 accuracy of the quotation from subsection (1) of Wash. Rev. Code § 44.05.120. To the extent a
4 further response is required, denied.

5 109. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, Intervenor admits only that
7 redistricting plans must comply with the United States Constitution and deny the allegations in the
8 remainder of this paragraph.

9 110. Admitted.

10 111. Admitted.

11 112. Admitted.

12 113. Admitted.

13 114. Admitted.

14 115. Admitted.

15 116. Intervenor is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 117. Intervenor is without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph.

19 118. Intervenor is without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 119. Intervenor is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph.

23 120. Intervenor is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 121. Intervenor is without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph.

27

1 122. Intervenor s admit that Commissioner Sims’ original proposed map placed the City
2 of Pasco into Legislative District 16, but are otherwise without information sufficient to form a
3 belief as to the truth of the allegations in the remainder of this paragraph.

4 123. Intervenor s are without information sufficient to form a belief as to the truth of the
5 allegations in this paragraph, and therefore deny.

6 124. Intervenor s admit that Commissioner Walkinshaw’s original proposed map placed
7 the City of Pasco into Legislative District 16, but are otherwise without information sufficient to
8 form a belief as to the truth of the allegations in the remainder of this paragraph.

9 125. Intervenor s are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph.

11 126. Intervenor s admit only that on or about October 19, 2021, the Washington State
12 Senate Democratic Caucus circulated a presentation by Dr. Matt Barreto, a professor of political
13 science and Chicana/o studies at UCLA and co-founder of the UCLA Voting Right Project and
14 that a copy of the presentation slide deck is available at [https://senatedemocrats.wa.gov/wp-](https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf)
15 [content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf](https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf). Intervenor s are without
16 information sufficient to form a belief as to the truth of the allegations in the remainder of this
17 paragraph, and therefore deny.

18 127. Intervenor s are without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph and therefore deny.

20 128. Intervenor s are without information sufficient to form a belief as to the truth of the
21 allegations in this paragraph, and therefore deny.

22 129. Intervenor s are without information sufficient to form a belief as to the truth of the
23 allegations in this paragraph, and therefore deny.

24 130. Intervenor s are without information sufficient to form a belief as to the truth of the
25 allegations in this paragraph, and therefore deny.

26 131. Intervenor s are without information sufficient to form a belief as to the truth of the
27 allegations in this paragraph, and therefore deny.

1 132. Intervenors are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 133. Intervenors admit only that several news outlets in Washington published articles
4 regarding Dr. Bareto’s presentation. Intervenors are without information sufficient to form a belief
5 as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

6 134. Intervenors are without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore deny.

8 135. Intervenors are without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore deny.

10 136. Intervenors are without information sufficient to form a belief as to the truth of the
11 allegations in this paragraph, and therefore deny.

12 137. Intervenors admit only that slides 22 and 23 of the referenced slide deck each
13 contain the phrase “VRA Compliant Option” in large font, depict a noncompact shaded area
14 superimposed on a map of South-Central Washington, and present several numbers in a table.
15 Otherwise, this paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, Intervenors are without
17 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
18 therefore deny.

19 138. Intervenors admit only that slide 22 of the referenced slide deck contains the phrase
20 “VRA Compliant Option-1: Yakima-Columbia River Valley” in large font, depicts a noncompact
21 shaded area superimposed on a map of South-Central Washington, and presents several numbers
22 in a table. Otherwise, this paragraph states a legal conclusion and contains legal arguments to
23 which no response is required. To the extent a further response is required, Intervenors are without
24 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
25 therefore deny.

26 139. Intervenors admit only that slide 23 of the referenced slide deck contains the phrase
27 “VRA Compliant Option-2: Yakama Reservation” in large font, depicts a noncompact shaded area

1 superimposed on a map of South-Central Washington, and presents a several numbers in a table.
2 Otherwise, this paragraph states a legal conclusion and contains legal arguments to which no
3 response is required. To the extent a further response is required, Intervenors are without
4 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
5 therefore deny.

6 140. Intervenors are without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore deny.

8 141. Admitted.

9 142. Intervenors admit that a page on the Commission’s website, available at
10 <https://www.redistricting.wa.gov/commissioner-proposed-maps>, contains a subheading titled
11 “Revised Map October 25, 2021” below the names of both Commissioner Sims and Commissioner
12 Walkinshaw, and that below each of these subheading are links to legislative district maps in
13 various formats. Otherwise, Intervenors are without information sufficient to form a belief as to
14 the truth of the allegations in the remainder of this paragraph, and therefore deny.

15 143. Intervenors are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 144. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, denied.

19 145. Denied. *See* Order Regarding the Washington State Redistricting Commission’s
20 Letter to the Supreme Court on November 16, 2021 and the Commission Chair’s November 21,
21 2021 Declaration (“Redistricting Order”), No. 25700-B-676, at 2 (Wash. Dec. 3, 2021) (“This
22 dispute was resolved before midnight on November 15, 2021. That night, at 11:59:28 p.m., the
23 Commission voted unanimously to approve a congressional redistricting plan, and, at 11:59:47
24 p.m., voted unanimously to approve a legislative redistricting plan. Taken together, the chair’s
25 sworn declaration and the minutes of the Commission’s November 15, 2021 meeting establish that
26 the Commission approved both redistricting plans by the constitutional deadline established in
27 article II, section 43 of the Washington State Constitution.”).

1 146. Intervenor is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 147. Intervenor admits only that the Commission did not approve “a *letter* transmitting
4 the plan” to the Legislature until shortly after midnight on November 16, 2021. Redistricting Order
5 at 2 (emphasis added); *cf. supra* ¶ 145 (explaining that the redistricting plan itself was approved
6 on November 15). To the extent a further response is required, denied.

7 148. Intervenor is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 149. Intervenor admits that the Washington Supreme Court “decline[d] to exercise its
10 authority under article II, subsection 43(6) and chapter 44.05 Wash. Rev. Code to adopt a
11 redistricting plan because it concludes that the plan adopted by the Washington State Redistricting
12 Commission met the constitutional deadline and substantially complied with the statutory deadline
13 to transmit the matter to the legislature.” Redistricting Order at 4.

14 150. Admitted.

15 151. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, denied.

17 152. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, Intervenor is without
19 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
20 therefore deny.

21 153. Intervenor is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 154. Intervenor is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 155. This paragraph states a legal conclusion and contains legal arguments to which no
26 response is required. To the extent a further response is required, denied.

27

1 156. This paragraph states a legal conclusion and contains legal arguments to which no
2 response is required. To the extent a further response is required, Intervenors are without
3 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
4 therefore deny.

5 157. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, denied.

7 158. Intervenors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 159. Intervenors are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 160. Intervenors admit only that in the November 2012 general election for State
12 Representative, Position 2 in Legislative District 15, then-Representative David Taylor defeated a
13 challenger named Pablo Gonzalez. Otherwise, Intervenors are without information sufficient to
14 form a belief as to the truth of the allegations in this paragraph, and therefore deny.

15 161. Intervenors admit only that in the November 2014 general election for State Senator
16 in Legislative District 15, Senator Jim Honeyford defeated a challenger named Gabriel Muñoz.
17 Otherwise, Intervenors are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 162. Intervenors admit only that in the November 2014 general election for State
20 Representative, Position 2 in Legislative District 15, then-Representative David Taylor defeated a
21 challenger named Teodora Martinez-Chavez. Otherwise, Intervenors are without information
22 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

23 163. Intervenors admit only that in the November 2018 general election for State Senator
24 in Legislative District 15, Senator Jim Honeyford defeated a challenger named Bengie Aguilar.
25 Otherwise, Intervenors are without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph, and therefore deny.

27

1 164. Intervenor[s] are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 165. Intervenor[s] are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore deny.

5 166. Intervenor[s] are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 167. Intervenor[s] are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 168. Intervenor[s] are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 169. Intervenor[s] are without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore deny.

13 170. This paragraph states a legal conclusion and contains legal arguments to which no
14 response is required. To the extent a further response is required, denied.

15 171. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, denied.

17 172. Intervenor[s] are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 173. Intervenor[s] are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 174. Intervenor[s] admit that, under Washington law, state legislative offices are
22 “[p]artisan office[s] . . . for which a candidate may indicate a political party preference on his or
23 her declaration of candidacy and have that preference appear on the primary and general election
24 ballot in conjunction with his or her name.” Wash. Rev. Code § 29A.04.110. Intervenor[s] further
25 admit that the “Republican” and “Democratic” parties are frequently listed by candidates for state
26 legislative office as their party preference. Otherwise, Intervenor[s] are without information
27 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

1 175. This paragraph states a legal conclusion and contains legal arguments to which no
2 response is required. To the extent a further response is required, Intervenorors are without
3 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
4 therefore deny.

5 176. Intervenorors are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 177. Intervenorors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 178. This paragraph states a legal conclusion and contains legal arguments to which no
10 response is required. To the extent a further response is required, denied.

11 179. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, denied.

13 180. This paragraph states a legal conclusion and contains legal arguments to which no
14 response is required. To the extent a further response is required, Intervenorors are without
15 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
16 therefore deny.

17 181. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, Intervenorors are without
19 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
20 therefore deny.

21 182. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, Intervenorors are without
23 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
24 therefore deny.

25 183. This paragraph states a legal conclusion and contains legal arguments to which no
26 response is required. To the extent a further response is required, Intervenorors are without
27

1 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
2 therefore deny.

3 184. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, Intervenors are without
5 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
6 therefore deny.

7 185. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, Intervenors are without
9 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
10 therefore deny.

11 186. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, Intervenors are without
13 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
14 therefore deny.

15 187. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, Intervenors admit only the
17 accuracy of the quotation from *Luna v. County of Kern*, 291 F. Supp. 3d 1088 (E.D. Cal. 2018).
18 Otherwise, Intervenors are without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph, and therefore deny.

20 188. Intervenors are without information sufficient to form a belief as to the truth of the
21 allegations in this paragraph, and therefore deny.

22 189. Intervenors are without information sufficient to form a belief as to the truth of the
23 allegations in this paragraph, and therefore deny.

24 190. This paragraph states a legal conclusion and contains legal arguments to which no
25 response is required. To the extent a further response is required, denied.

26 191. This paragraph states a legal conclusion and contains legal arguments to which no
27 response is required. To the extent a further response is required, denied.

1 192. This paragraph states a legal conclusion and contains legal arguments to which no
2 response is required. To the extent a further response is required, denied.

3 193. Admitted.

4 194. This paragraph states a legal conclusion and contains legal arguments to which no
5 response is required. To the extent a further response is required, denied.

6 195. This paragraph states a legal conclusion and contains legal arguments to which no
7 response is required. To the extent a further response is required, Intervenor are without
8 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
9 therefore deny.

10 196. Intervenor are without information sufficient to form a belief as to the truth of the
11 allegations in this paragraph, and therefore deny.

12 197. Intervenor are without information sufficient to form a belief as to the truth of the
13 allegations in this paragraph, and therefore deny.

14 198. Intervenor admit that the cities of Wapato, Toppenish and Mabton are not located
15 within Legislative District 15. Intervenor deny that Legislative District 15 excludes the City of
16 Yakima. The remainder of this paragraph states a legal conclusion and contains legal arguments
17 to which no response is required. To the extent a further response is required, Intervenor are
18 without information sufficient to form a belief as to the truth of the allegations in this paragraph,
19 and therefore deny.

20 199. Intervenor admit only that the cities of Wapato, Toppenish and Mabton are not
21 located within Legislative District 15, but are otherwise without information sufficient to form a
22 belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

23 200. Intervenor are without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 201. Intervenor admit that the City of Othello is located in Adams County and in
26 Legislative District 15. Intervenor are without information sufficient to form a belief as to the
27 truth of the allegations in the remainder of this paragraph, and therefore deny.

1 202. Intervenors are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph.

3 203. Intervenors are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph.

5 204. Intervenors are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph.

7 205. Intervenors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph.

9 206. Intervenors are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph.

11 207. Intervenors are without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph.

13 208. Intervenors are without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph.

15 209. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, denied.

17 210. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, denied.

19 211. This paragraph states a legal conclusion and contains legal arguments to which no
20 response is required. To the extent a further response is required, denied.

21 212. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, denied.

23 213. This paragraph states a legal conclusion and contains legal arguments to which no
24 response is required. To the extent a further response is required, denied.

25 214. This paragraph states a legal conclusion and contains legal arguments to which no
26 response is required. To the extent a further response is required, Intervenors are without
27

1 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
2 therefore deny.

3 215. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, denied.

5 216. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, Intervenor admits only the
7 accuracy of the quotation from *Luna v. County of Kern*. To the extent a further response is required,
8 denied.

9 217. Intervenor is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 218. Intervenor is without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore deny.

13 219. Intervenor admits only the accuracy of the quotation from the article cited in this
14 paragraph. To the extent a further response is required, Intervenor is without information
15 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

16 220. Intervenor is without information sufficient to form a belief as to the truth of the
17 allegations in this paragraph, and therefore deny.

18 221. Intervenor admits that, according to contemporaneous news coverage, Mr.
19 Zambrano-Montes was shot and killed by police, but is otherwise without information sufficient
20 to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

21 222. Intervenor is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 223. Intervenor is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 224. Intervenor is without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph, and therefore deny.

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1 225. Intervenors are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 226. Intervenors are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore deny.

5 227. Intervenors are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 228. Intervenors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 229. Intervenors are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 230. Intervenors are without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore deny.

13 231. Intervenors are without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore deny.

15 232. Intervenors are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 233. Intervenors are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 234. Intervenors are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 235. Intervenors are without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 236. Intervenors are without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 237. Intervenors are without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph, and therefore deny.

27

1 238. Intervenors are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 239. Intervenors are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore deny.

5 240. Intervenors are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 241. Intervenors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 242. Intervenors are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 243. Intervenors are without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore deny.

13 244. Intervenors are without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore deny.

15 245. Intervenors are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 246. Intervenors are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 247. Intervenors are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 248. Intervenors are without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 249. Intervenors admit that Melissa Reyes, an individual, League of United Latin
24 American Citizens, a Texas nonprofit corporation, and Latino Community Fund of Washington
25 State, a Washington nonprofit corporation, are plaintiffs in the case *Reyes v. Chilton*, No.
26 4:21-cv-05075 (E.D. Wash. filed May 7, 2021). Otherwise, Intervenors are without information
27 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

1 250. Intervenors are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 251. Intervenors are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore deny.

5 252. Intervenors are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 253. Intervenors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 254. Intervenors admit that Jose Trevino is the Mayor of the City of Granger, but are
10 otherwise without information sufficient to form a belief as to the truth of the allegations in the
11 remainder of this paragraph, and therefore deny.

12 255. Intervenors are without information sufficient to form a belief as to the truth of the
13 allegations in this paragraph, and therefore deny.

14 256. Intervenors are without information sufficient to form a belief as to the truth of the
15 allegations in this paragraph, and therefore deny.

16 257. Admitted.

17 258. Intervenors are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 259. Intervenors are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 260. Intervenors are without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 261. Intervenors admit that Pablo Gonzalez, Teodora Martinez-Chavez and Bengie
24 Aguilar have been unsuccessful candidates for state legislative offices in Legislative District 15
25 during the past decade. Otherwise, Intervenors are without information sufficient to form a belief
26 as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

27

1 262. Intervenor admit that Representatives Bruce Chandler and Jeremie Dufault
2 currently serve as State Representatives from Legislative District 15 and that Senator Jim
3 Honeyford currently serves as State Senator from Legislative District 15. Otherwise, Intervenor
4 are without information sufficient to form a belief as to the truth of the allegations in the remainder
5 of this paragraph, and therefore deny.

6 263. Intervenor are without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore deny.

8 264. Intervenor are without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore deny.

10 265. Intervenor admit only that in the November 2016 general election for State
11 Representative, Position 1 in Legislative District 14, then-Representative Norm Johnson defeated
12 a challenger named Susan Soto Palmer. Otherwise, Intervenor are without information sufficient
13 to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

14 266. Intervenor admit that Representatives Gina Mosbrucker and Chris Corry currently
15 serve as State Representatives from Legislative District 14 and that Senator Curtis King currently
16 serves as State Senator from Legislative District 14. Otherwise, Intervenor are without
17 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
18 therefore deny.

19 267. Intervenor are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 268. Intervenor admit that former Commissioner Jesse Palacios was elected to the
22 Yakima County Board of Commissioners in 2002. Otherwise, Intervenor are without information
23 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

24 269. Intervenor are without information sufficient to form a belief as to the truth of the
25 allegations in this paragraph, and therefore deny.

26 270. Denied. Intervenor Trevino, who is Hispanic and resides in the Yakima Valley in
27 Legislative Districts 15, believes that his state legislators and other elected officials in the region

1 are responsive to his needs and those of other Hispanic/Latino residents. Intervenor Campos, who
2 is Hispanic and resides in Kennewick in Legislative District 8, denies that the Tri-Cities are part
3 of the Yakima Valley but also believes that his state legislators and other elected officials in the
4 Tri-Cities are responsive to his needs and those of other Hispanic/Latino residents there. Intervenor
5 Representative Ybarra, who is Hispanic and represents Legislative District 13 in the State House
6 of Representatives, believes he is responsive to the needs of his Hispanic/Latino constituents.

7 271. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, denied.

9 272. This paragraph states a legal conclusion and contains legal arguments to which no
10 response is required. To the extent a further response is required, denied.

11 CLAIMS FOR RELIEF

12 273. Intervenor repeat and incorporate by reference their responses to all allegations in
13 the Complaint.

14 274. This paragraph states a legal conclusion and contains legal arguments to which no
15 response is required. To the extent a further response is required, denied.

16 275. This paragraph states a legal conclusion and contains legal arguments to which no
17 response is required. To the extent a further response is required, denied.

18 276. This paragraph states a legal conclusion and contains legal arguments to which no
19 response is required. To the extent a further response is required, denied.

20 277. This paragraph states a legal conclusion and contains legal arguments to which no
21 response is required. To the extent a further response is required, denied.

22 278. This paragraph states a legal conclusion and contains legal arguments to which no
23 response is required. To the extent a further response is required, denied.

24 279. This paragraph states a legal conclusion and contains legal arguments to which no
25 response is required. To the extent a further response is required, denied.

26 280. This paragraph states a legal conclusion and contains legal arguments to which no
27 response is required. To the extent a further response is required, denied.

1 8. Plaintiffs are unable to establish the elements required for injunctive relief.

2 9. Plaintiffs seek inappropriate relief, including relief that is not within Intervenor's or
3 any of the present Defendants' authority to accomplish.

4 **INTERVENOR-DEFENDANTS' PRAYER FOR RELIEF**

5 Intervenor's respectfully ask the Court for the following relief:

6 1. Convene a court of three judges pursuant to 28 U.S.C. § 2284(a);

7 2. Dismiss the Plaintiffs' Complaint in its entirety and with prejudice;

8 3. Award Intervenor's reasonable attorneys' fees and costs incurred in this action in
9 accordance with 42 U.S.C. § 1988, 52 U.S.C. § 10310(e) and any other applicable law or rule; and

10 4. Grant such other and further relief as the Court deems just and proper.

11
12 DATED this 29th day of March, 2022.

13 Respectfully submitted,

14 s/ Andrew R. Stokesbary

15 Andrew R. Stokesbary, WSBA #46097

16 STOKESBARY PLLC

17 1003 Main Street, Suite 5

18 Sumner, WA 98390

19 T: (206) 486-0795

20 dstokesbary@stokesbarypllc.com

21 *Counsel for Intervenor-Defendants*

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the Court of the United States District Court for the Western District of Washington through the Court's CM/ECF System, which will serve a copy of this document upon all counsel of record.

DATED this 29th day of March, 2022.

Respectfully submitted,

s/ Andrew R. Stokesbary

Andrew R. Stokesbary, WSBA #46097

Counsel for Intervenor-Defendants

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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SUSAN SOTO PALMER et al.,
Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as
Secretary of State of Washington, et al.,
Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS, and
State Representative ALEX YBARRA,
Intervenor-Defendants.

Case No.: 3:22-cv-5035-RSL

[PROPOSED] ORDER GRANTING
INTERVENOR-DEFENDANTS'
MOTION TO INTERVENE

THIS MATTER, having come before the Court upon Intervenor-Defendants' Motion to Intervene, having read and considered all briefs and other matters presented to the Court, and upon any hearing in this matter, the Court finds that the Intervenor-Defendants are entitled to intervene in this action pursuant to Fed. R. Civ. P. 24 and, therefore, IT IS HEREBY ORDERED that:

Intervenor-Defendants' Motion to Intervene is GRANTED. Jose Trevino, Ismael G. Campos and Alex Ybarra shall each be made an Intervenor-Defendant in this action.

The Answer attached to the Motion to Intervene shall stand as the Answer in this action.

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IT IS SO ORDERED.

DATED this _____ day of _____, 2022.

The Honorable Robert S. Lasnik
United States District Judge

Presented by:

s/ Andrew R. Stokesbary
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Counsel for Intervenor-Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the Court of the United States District Court for the Western District of Washington through the Court's CM/ECF System, which will serve a copy of this document upon all counsel of record.

DATED this 29th day of March, 2022.

Respectfully submitted,

s/ Andrew R. Stokesbary
Andrew R. Stokesbary, WSBA #46097

Counsel for Intervenor-Defendants

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Nos. 23-35595 & 24-1602

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SUSAN SOTO PALMER, et al.,
Plaintiff-Appellees,

v.

STEVEN HOBBS, in his official capacity as Secretary of State of
Washington, and the STATE OF WASHINGTON,
Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS, and State Representative
ALEX YBARRA,
Intervenor-Defendant-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
Case No. 3:22-cv-05035 RSL

INTERVENORS' EXCERPTS OF RECORD
VOLUME 3 of 3

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Counsel for Intervenor-Appellants

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, et al.,

Defendants.

NO. 3:22-cv-05035-RSL

NOTICE THAT DEFENDANT HOBBS
TAKES NO POSITION

Defendant Steven Hobbs, in his official capacity as Secretary of State for the State of Washington, hereby notifies the Court that he intends to take no position on the issue of whether the state legislative redistricting plan violates section 2 of the Voting Rights Act. The state legislative redistricting plan that Plaintiffs challenge was created by the Washington State Redistricting Commission. The Secretary of State had no role in designing the plan. If the Plaintiffs are successful in this litigation, the Washington Constitution contemplates that the Commission is responsible for modifying the districting law, not the Secretary. Wash. Const. art. II, §§ 43(8), (11). The Secretary's role with respect to implementing the redistricting plan is largely ministerial, such as accepting candidate filings for certain state legislative districts. Wash. Rev. Code § 29A.24.070(2).

In light of the Secretary's limited role with respect to redistricting, and because the plaintiffs make non-frivolous allegations related to compliance with the Voting Rights Act, the Secretary

1 takes no position on the merits of Plaintiffs' claims. The Secretary notified the Commission by letter
2 of his position on February 22, 2022, and encouraged the Commission to intervene to defend the
3 maps that it adopted. *See* Appendix A. Regardless of whether the Commission is a necessary party,
4 its presence would ensure adversarial presentation of the issues. Participation by other interested
5 intervenors may also ensure that the Court can promptly and clearly resolve these issues.

6 DATED this 25th day of February 2022.

7 ROBERT W. FERGUSON
8 *Attorney General*

9 *s/ Karl D. Smith*
10 KARL D. SMITH, WSBA No. 41988
11 LESLIE GRIFFITH, WSBA No. 47197
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16 (360) 753-6200
17 Karl.Smith@atg.wa.gov
18 Leslie.Griffith@atg.wa.gov

19 *Attorney for Defendant Steven Hobbs*

DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 25th day of February 2022, at Olympia, Washington.

s/ Leena Vanderwood
LEENA VANDERWOOD
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Leena.Vanderwood@atg.wa.gov

== WASHINGTON  SECRETARY OF STATE ==

February 22, 2022

Washington State Redistricting Commission
PO Box 40948
Olympia, WA 98504-0948

Commissioners of the Redistricting Commission:

Thank you for the many hours that you have devoted to the important task of redistricting in Washington.

As you may be aware, a lawsuit was recently filed alleging that the Redistricting Commission's legislative redistricting plan violates Section 2 of the Voting Rights Act. The plaintiffs in *Palmer v. Hobbs* allege that the Commission's approved state legislative map unlawfully dilutes the voting strength of Latino voters in the Yakima Valley region, and that the map approved by the Commission was adopted with discriminatory intent.

While I am named as a defendant in this action, it is clear that the lawsuit is based on decisions made by the Commission. As the redistricting plan that the Commission approved followed months of study and preparation, I trust that it reflects careful consideration of the requirements of the Voting Rights Act. Every citizen of this state, regardless of race or color, deserves the opportunity to meaningfully participate in elections.

The Commission is in the best position to explain and defend the decisions reflected in its redistricting plan. While my office has a limited role in implementing the redistricting maps adopted by the Commission, we had no role in designing the maps. As a result, I intend to take no position on whether the state legislative redistricting plan complies with the Voting Rights Act. That role most naturally belongs to the body charged with designing the state legislative maps in the first place.

I strongly encourage the Commission to intervene in the ongoing litigation in *Palmer v. Hobbs* to defend the maps that it adopted.

Respectfully,



Steve R. Hobbs
Washington Secretary of State

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

SUSAN SOTO PALMER, ALBERTO
MACIAS, BRENDA RODRIGUEZ
GARCIA, FABIOLA LOPEZ, CATY
PADILLA, EVANGELINA AGUILAR,
LIZETTE PARRA, HELIODORA

Case No.: 3:22-cv-5035

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

MORFIN, and SOUTHCENTRAL
COALITION OF PEOPLE OF COLOR
FOR REDISTRICTING

Plaintiffs,

v.

Secretary of State STEVEN HOBBS, in his
official capacity as Secretary of State of
Washington; LAURIE JINKINS, in her
official capacity as Speaker of the
Washington State House of
Representatives; and ANDY BILLIG, in his
official capacity as Majority Leader of the
Washington State Senate

Defendants.

Judge:

Date Action filed: January 19, 2022

Date set for trial:

Under 42 U.S.C. § 1983 and 52 U.S.C. § 10301, Plaintiffs allege as follows:

INTRODUCTION

1. The Washington State Redistricting Commission (the “Commission”) intentionally selected redistricting plans for Washington’s state legislative districts that dilute Hispanic and/or Latino¹ voters’ ability to elect candidates of choice.
2. The Commission did so by configuring District 15, which includes parts of the Yakima Valley and Pasco, to be a *façade* of a Latino opportunity district.
3. Election results show that the approved map’s District 15 is unlikely to afford Latino voters an equal opportunity to elect their candidates of choice in violation of the Voting Rights Act.
4. The district’s Hispanic citizen voting age population (“HCVAP”) is just 50.02%.

¹ This complaint uses the terms “Latino” and “Hispanic” interchangeably to refer to individuals who self-identify as Latino or Hispanic. Additionally, the terms “Latino” and “Hispanic” mean persons of Hispanic Origin as defined by the United States Census Bureau and U.S. Office of Management and Budget (OMB).

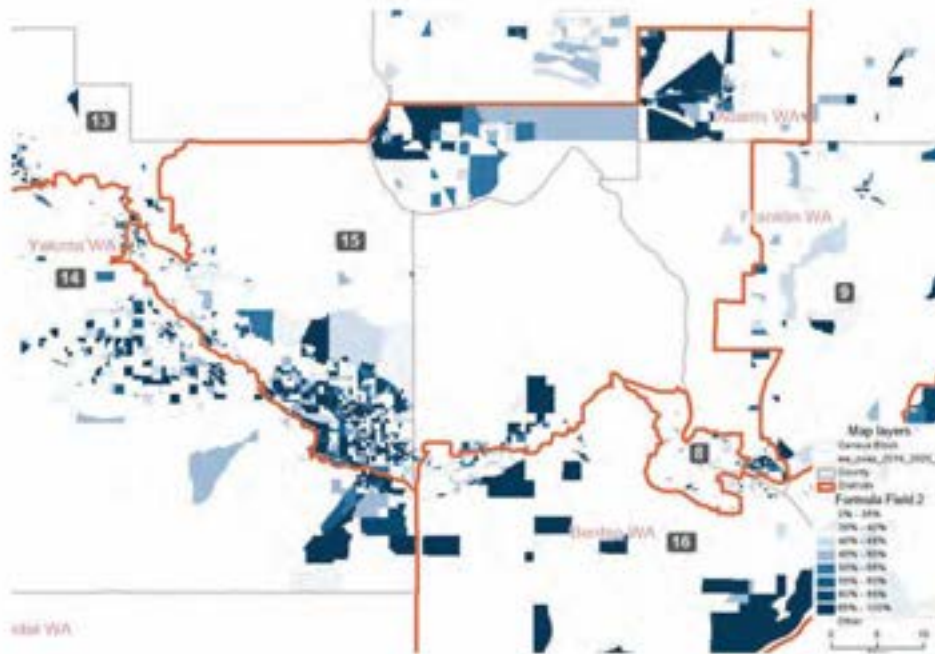
5. This number is needlessly depressed because the Commission excluded a number of adjacent, heavily Latino communities in Yakima County—including parts of the City of Yakima and the cities of Toppenish, Wapato, Mabton, and their surrounding areas—and instead included an expanse of rural, white communities in Benton, Grant, and Franklin Counties.

6. The election data shows that these rural white voters participate at much higher rates than the district's Latino population and exhibit stark racially polarized voting patterns against Latino-preferred candidates.

7. At the northeastern end of that swath of rural, white voters, the Commission included the City of Othello in Adams County in District 15. Othello and areas to its immediate west are majority HCVAP, but to a lesser degree than the Yakima Valley Hispanic communities that the Commission excluded from District 15.

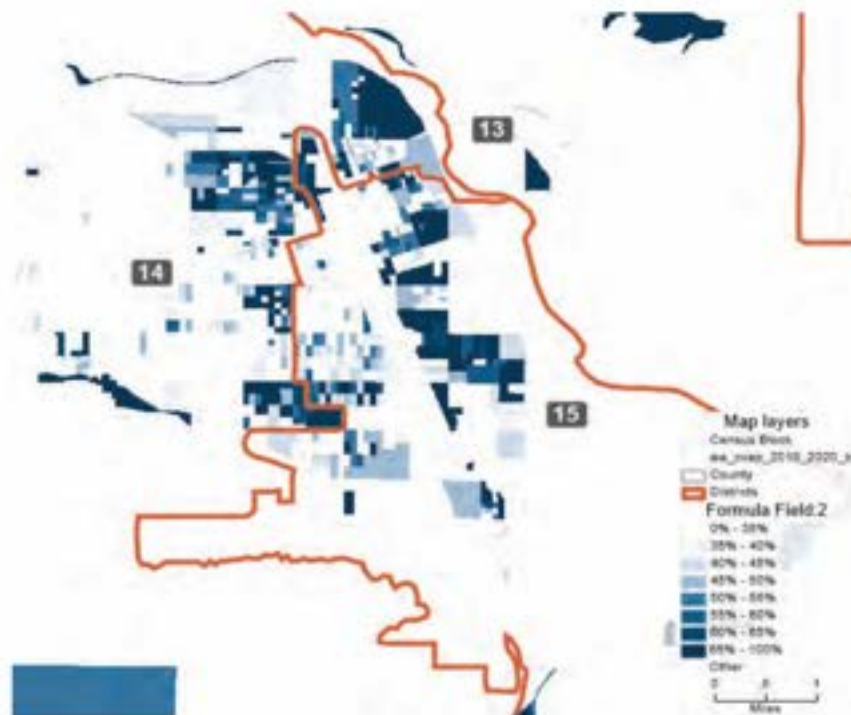
8. The map below shows how the Commission cracked apart Yakima County's Latino population between Districts 14 and 15. Census blocks with Latino CVAP exceeding 35% are shown in gradations of blue.

District View



9. The map below shows the cracking of the Latino population in the City of Yakima.

City of Yakima View



10. The Commission's design of District 15 dilutes Latinos' voting strength in four ways.

11. First, reaching for Othello rather than including adjacent Yakima County Latino voters unnecessarily increases the number of bloc-voting white voters in the district, who must be included in order to extend the lines to Adams County.

12. Alternative configurations would have resulted in the district's HCVAP being higher and providing a real opportunity for Latino voters to elect their candidates of choice.

13. Second, the Commissioners included a large number of rural white voters that vote against Latino-preferred candidates.

14. Third, the election data show that Othello's Latino voters are less politically active than those the Commission excluded from the district in Yakima County.

15. Indeed, in the Adams County portion of District 15 (where Othello is located), former President Donald Trump—who is not the candidate of choice for Yakima County and Franklin County Latinos—received 60.7% of the vote.

16. Adams County Latinos exhibit low voting turnout in elections.

17. The Commission's decision to extend District 15's lines to Othello in order to include low-propensity Latino voters created a district that has *just* a bare minority Hispanic citizen voting age population while not improving the electoral prospects of Latino-preferred candidates.

18. The approved map's District 15 worsened the electoral prospects of Latino-preferred candidates.

19. Fourth, the election data show that Latino voters turn out to vote at greater numbers in presidential election years (when even-numbered legislative district elections are held) than in non-presidential election years (when odd-numbered legislative district elections are held).

20. By assigning the district an odd number, the Commission has ensured even lower Latino voter turnout in the district.

21. These choices—(1) excluding adjacent, politically cohesive Latino voters, (2) including a large number of rural white voters, (3) extending the district to reach non-politically active Latino voters, and (4) placing the district on a non-presidential election year cycle—result in a district that is a façade of Latino opportunity district.

22. The Supreme Court has held that these precise maneuvers—cracking apart politically-cohesive Latino populations and instead including less politically active Latinos “to create the façade of a Latino district”—violates Section 2 of the Voting Rights Act. *LULAC v. Perry*, 548 U.S. 399, 441 (2006).

23. The election data confirm this.

24. Reconstituted election results show that the Latino-preferred candidates would have lost almost all recent statewide elections in District 15: 2020 President, 2020 Governor, 2020 Attorney General, 2018 Senate, 2016 President, and 2016 Governor. In only the 2016 Senate election would the Latino-preferred candidate have carried the district.

25. The situation is even worse than that for Latino voters and candidates. In all of the above statewide elections, the Latino-preferred candidates were white and were running well-funded, statewide races. The election data show that when Latino candidates run for state legislative office in the area, they perform below these white candidates.

26. The current District 15 includes the eastern half of Yakima County and has an HCVAP of 39.3%.

27. Maria Cantwell, a white woman who was the Latino candidate of choice for U.S. Senate in 2018, received 43.3% of the vote. Meanwhile, Plaintiff Evangelina Aguilar—who was a

candidate for state senate in District 15 that year and the Latino candidate of choice—received just 39.4%.

28. The Commission could have avoided creating a façade Latino opportunity district; alternative configurations are possible that have a higher HCVAP percentage, and reconstituted election results demonstrate that Latino-preferred candidates would have a real opportunity to elect their candidates of choice in those configurations.

29. Every member of the Commission was made aware of the adverse effect that the adopted maps would have on Latino voters in the Yakima Valley region.

30. This information was widely reported on in Washington before the Commission is alleged to have approved the plan. See Jim Brunner, *Washington's Redistricting Commissioners Confident They'll Meet Deadline, But Face Pushback Over South Seattle Plans*, SEATTLE TIMES (Nov. 10, 2021), <https://www.seattletimes.com/seattle-news/politics/washingtons-redistricting-commissioners-confident-theyll-meet-deadline-but-face-pushback-over-south-seattle-plans/>; Melissa Santos, *Proposed WA Redistricting Maps May Violate Voting Rights Act*, CROSSCUT (Oct. 21, 2021), <https://crosscut.com/politics/2021/10/proposed-wa-redistricting-maps-may-violate-voting-rights-act>.

31. One of the Commissioners, Commissioner Graves, has stated in relation to District 15, that the Federal Voting Rights Act “forbids districts where members of a racial group ‘have less opportunity than other members of the electorate to participate in the political process and to elect representative of their choice’” while also stating that District 15 “using recent election results ... leans Republican rather than Democrat.”

32. In races that require political affiliation, Latinos in the Yakima Valley region prefer Democratic candidates and Latino-preferred candidates have run as Democrats.

33. By drawing District 15 in such a manner, Latinos in District 15 will be unable to elect candidates of choice.

34. The Commission's decision to create the façade of a Latino opportunity district that they knew would not perform to elect Latino-preferred candidates has the intent and effect of diluting the voting power of Latino voters in violation of the Voting Rights Act.

JURISDICTION AND VENUE

35. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), 1357, and 52 U.S.C. § 10301 *et seq.* to hear the claims for legal and equitable relief arising under the Voting Rights Act. It also has general jurisdiction under 28 U.S.C. §§ 2201 and 2202, the Declaratory Judgments Act, and Federal Rules of Civil Procedure 57 and 65 to grant the declaratory and injunctive relief requested by Plaintiffs.

36. Jurisdiction for Plaintiffs' claim for costs and attorneys' fees is based upon Federal Rule of Civil Procedure 54, 42 U.S.C. § 1988, and 52 U.S.C. § 10310(e).

37. This Court has personal jurisdiction over all Defendant. Defendant Steve Hobbs is a state official who resides in Washington and performs official duties in Olympia, Washington.

38. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred and will occur in this judicial district. In addition, Defendant is a state official performing official duties in the Western District of Washington.

PARTIES

39. Plaintiff Susan Soto Palmer is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

40. Plaintiff Soto Palmer resides in Yakima, Washington, and under the Commission-approved map, resides in Legislative District 15. She intends to vote in future elections.

41. Plaintiff Alberto Isaac Macias is a United States citizen, Latino, over the age of eighteen, and a registered voter in the State of Washington.

42. Plaintiff Macias resides in Yakima, Washington, and under the Commission-approved map, resides in Legislative District 15. He intends to vote in future elections.

43. Plaintiff Brenda Rodriguez Garcia is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

44. Plaintiff Rodriguez Garcia resides in Yakima, Washington, and under the Commission-approved map, resides in Legislative District 14. She intends to vote in future elections.

45. Plaintiff Fabiola Lopez is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

46. Plaintiff Lopez resides in Wapato, Washington in Yakima County, and under the Commission-approved map, resides in Legislative District 14. She intends to vote in future elections.

47. Plaintiff Caty Padilla is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

48. Plaintiff Padilla resides in Toppenish, Washington in Yakima County, and under the Commission-approved map, resides in Legislative District 14. She intends to vote in future elections.

49. Plaintiff Evangelina Aguilar is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

50. Plaintiff Aguilar resides in Sunnyside, Washington and under the Commission-approved map, resides in Legislative District 15. She intends to vote in future elections.

51. Plaintiff Lizette Parra is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

52. Plaintiff Parra resides in Pasco, Washington in Franklin County, and under the Commission-approved map, resides in Legislative District 15. She intends to vote in future elections.

53. Plaintiffs Heliadora Morfin is a United States citizen, Latina, over the age of eighteen, and a registered voter in the State of Washington.

54. Plaintiff Morfin resides in Pasco, Washington, and under the Commission-approved map, resides in Legislative District 15. She intends to vote in future elections.

55. The Individual Plaintiffs are Latino voters whose votes are diluted in violation of Section 2 of the Voting Rights Act by being placed in state legislative districts that crack them from other Latino voters and where their voting power will be overwhelmed by a white bloc voting in opposition to their candidate of choice.

56. Plaintiff Southcentral Coalition of People of Color for Redistricting is a Washington non-profit organization whose members include Latino registered voters who reside in the Yakima Valley region and Yakima County.

57. Plaintiff Southcentral Coalition of People of Color for Redistricting's mission of "[p]romoting public awareness of voting rights and representation in southcentral Washington" is directly related to securing fair representation of the Latino community in the Yakima Valley region.

58. Plaintiff Southcentral Coalition of People of Color for Redistricting will bear the additional burden of expending resources to ensure that Latinos are able to elect candidates of choice under the current Commission-approved map.

59. Defendant Steve Hobbs is being sued in his official capacity as the Secretary of State of Washington. Hobbs, as Secretary of State, “shall be the chief election officer for all federal, state, county, city, town, and district elections.” RCW 29A.04.230. The Secretary of State shall accept and file documents including declarations of candidacy. RCW 29A.04.255. The Secretary of State oversees and implements elections that take place once adopted redistricting plans take effect and ensures that elections are conducted in accordance with those plans.

60. Defendant Laurie Jinkins is being sued in her official capacity as the Speaker of the Washington State House of Representatives. As Speaker of the Washington State House of Representatives, Jinkins has the power to call for a vote to reconvene the Washington Redistricting Commission for purposes of modifying the redistricting plan. RCW 44.05.120.

61. Defendant Andy Billig is being sued in his official capacity as Majority Leader of the Washington State Senate. As the Senate Majority Leader, Billig has the power to call for a vote to reconvene the Washington Redistricting Commission for purposes of modifying the redistricting plan. RCW 44.05.120.

LEGAL BACKGROUND

62. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301(a), prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color” A violation of Section 2 is established if it is shown that “the political processes leading to nomination or election” in the jurisdiction “are not equally open to participation by [a racial minority group] 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.” *Id.* § 10301(b).

63. The dilution of Latino voter strength “may be caused by the dispersal of [Latino voters] into districts in which they constitute an ineffective minority of voters or from the concentration of [Latino voters] into districts where they constitute an excessive majority.” *Thornburg v. Gingles*, 478 U.S. 30, 46 n.11 (1986).

64. In *Gingles*, the Supreme Court identified three necessary preconditions (“the *Gingles* preconditions”) for a claim of vote dilution under Section 2: (1) the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”; (2) the minority group must be “politically cohesive”; and (3) the majority must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” 478 U.S. at 50-51.

65. The second and third preconditions refer to the existence of racially polarized voting. “This legal concept ‘incorporates neither causation nor intent’ regarding voter preferences, for ‘[i]t is the difference between the choices made by [minorities] and whites—not the reasons for that difference—that results’ in the opportunity for discriminatory laws to have their intended political effect.” *N. Carolina State Conf. of NAACP v. McCrory*, 831 F.3d 204, 221 (4th Cir. 2016) (citing *Gingles*, 478 U.S. at 62-63).

66. In addition to the preconditions, the statute directs courts to assess whether, under the totality of the circumstances, members of the racial group have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. 52 U.S.C. § 10301(b). The Supreme Court has directed courts to consider the non-exhaustive list of factors found in the Senate Report on the 1982 amendments to the Voting Rights

Act in determining whether, under the totality of the circumstances, the challenged electoral device results in a violation of Section 2.

67. The Senate Factors include: (1) the history of official voting-related discrimination in the state or political subdivision; (2) the extent to which voting in the elections of the state or political subdivision is racially polarized; (3) the extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group; (4) the exclusion of members of the minority group from candidate slating processes; (5) the extent to which members of the minority group bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; (6) the use of overt or subtle racial appeals in political campaigns; and (7) the extent to which members of the minority group have been elected to public office in the jurisdiction.

68. Courts also consider whether there is a lack of responsiveness on the part of elected officials to the particularized needs of the minority community, *see Luna v. Cty. of Kern*, 291 F. Supp. 3d 1088, 1139 (E.D. Cal. 2018), and whether the policy underlying the state or political subdivision's use of the challenged standard, practice, or procedure is tenuous, *see Hall v. Louisiana*, 108 F. Supp. 3d 419, 427 (M.D. La. 2015).

69. "There is no requirement that any particular number of factors be proved, or that a majority of them point one way or other." *United States v. Marengo Cty. Comm'n*, 731 F.2d 1546, 1566 n.33 (11th Cir. 1984) (quoting S. Rep. No. 97-417, at 29 (1982)); *see also id.* ("The statute explicitly calls for a 'totality of the circumstances' approach and the Senate Report indicates that no particular factor is an indispensable element of a dilution claim.").

70. Section 2 of the Voting Rights Act also prohibits intentional discrimination.

71. A court, when evaluating whether discriminatory intent motivated a redistricting plan, undertakes a “sensitive inquiry into such circumstantial and direct evidence of intent as may be available.” *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 266 (1977). “Challengers need not show that discriminatory purpose was the ‘sole[]’ or even a ‘primary’ motive for the legislation, just that it was ‘a motivating factor.’” *McCrorry*, 831 F.3d at 220 (4th Cir. 2016) (quoting *Arlington Heights*, 429 U.S. at 265-66) (emphasis in original).

72. In making such an evaluation, the court utilizes a non-exhaustive list of factors, including “the historical background of the challenged decision; the specific sequences of events leading up to the challenged decision; the legislative history of the decision; and [] the disproportionate impact of the official action -- whether it bears more heavily on one race than another.” *Id.* at 220-21 (internal citations and brackets omitted).

73. “Once racial discrimination is shown to have been a ‘substantial’ or ‘motivating’ factor behind enactment of the law, the burden shifts to the law’s defenders to demonstrate that the law would have been enacted without this factor.” *Hunter v. Underwood*, 471 U.S. 222, 228 (1985).

74. Courts have found Section 2 violations where the district drawn was majority-minority citizen voting age population or voting age population, but the minority group still did not have the ability to elect candidates of choice. *See, e.g., Thomas v. Bryant*, 366 F. Supp. 3d 786, 809 (S.D. Miss. 2019), *aff’d*, 938 F.3d 134 (5th Cir. 2019) (rejecting the defense’s argument that a majority-minority district cannot be found to be dilutive in violation of Section 2) (citing *Monroe v. City of Woodville*, 881 F.2d 1327 (5th Cir. 1989)); *Mo. State Conf. of the NAACP v. Ferguson–Florissant Sch. Dist.*, 894 F.3d 924, 933 (8th Cir. 2018)).

75. The Supreme Court has stated that “it may be possible for citizen voting-age majority to lack a real electoral opportunity” in a district. *LULAC*, 548 U.S. at 428.

76. A redistricting plan that intentionally draws a district that has a majority of a minority group but minimizes voter registration and turnout such that the district does not elect the minority group’s candidate of choice is a violation of Section 2. *See Perez v. Abbott*, 250 F. Supp. 3d 123, 148 (W.D. Tex. 2017).

77. Where the data show that the State has used race to create a nominal Latino majority district that will not functionally perform for Latino voters—where alternative options that would perform are possible—it has unlawfully diluted Latinos’ voting strength “to create the façade of a Latino district.” *LULAC*, 548 U.S. at 441; *Perez*, 250 F. Supp. 3d at 884-85 (finding intentional racial discrimination where race was used “not . . . to provide or protect Latino voter opportunity but rather to create the façade of a Latino district.” (internal quotation marks omitted)).

FACTUAL ALLEGATIONS

A. 2020 Demographic Changes in Washington State

78. Washington State’s Latino population surpassed one million in 2020 according to the 2020 United States Decennial Census.

79. Washington now has the twelfth largest Latino population out of the fifty states.

80. Under 13 U.S.C. § 141(c), commonly referred to as Public Law 94-171 (“P.L. 94-171”), the Secretary of Commerce must complete, report, and transmit to each state the detailed tabulations of population for specific geographic areas within each state. States ordinarily use the P.L. 94-171 data to redraw district lines.

81. Washington received P.L. 94-171 data on August 12, 2021.

82. Under RCW 44.05.140, the Commission is required to adjust the 2020 census redistricting data (PL 94-171) by relocating specified incarcerated or involuntarily committed populations from their location of confinement to their last known place of residence.

83. According to P.L. 94-171 data, Washington State's population grew by 980,741 residents from 2010 to 2020, a growth rate of 14.5%.

84. Washington's overall population growth was driven by the growth of its Latino population, which grew at a rate 3.5 times greater than that of non-Latinos.

85. The Latino population in Washington grew by 303,423 for a growth rate of 40.1%, compared to a growth rate of 11.3% for non-Latinos.

86. The growth of the Latino population has been especially large in the Yakima Valley region and is concentrated in that region.

87. The Yakima Valley region consists of Yakima, Benton, and Franklin Counties, and includes Latino population centers in the City of Yakima, Toppenish, Sunnyside, Grandview, and the Tri-Cities.

88. Yakima County added more than 20,000 Latinos over the decade.

89. The total population of Yakima County in 2020 was 256,728.

90. The Latino population of Yakima County in 2020 was 130,049, with Latinos growing from 45% to 51% of the County's total population.

91. Franklin County added more than 12,000 Latinos over the decade.

92. Franklin County's total Latino population is now 54% of the total population or 52,445.

93. Benton County added 16,645 Latinos, a growth of 51% in 10 years, and reported a total of 49,339 Latinos in 2020.

94. According to the Census Bureau's 2019 1-Year American Community Survey ("ACS") estimates, in 2019, Yakima County's HCVAP was 46,611.

95. According to the Census Bureau's 2019 1-year ACS estimates, in 2019, Franklin County's HCVAP was 16,931.

96. According to the Census Bureau's 2019 1-year ACS estimates, in 2019, Benton County's HCVAP was 17,526.

97. Combined, the three-county Yakima Valley region had a total Latino population of 223,027 (2019 ACS) and 231,833 (2020 Census) and a total HCVAP of 81,068 (2019 ACS).

98. The Latino population in the Yakima Valley region is sufficiently large and geographically compact to constitute the majority in a legislative district.

B. The Washington State Redistricting Commission

99. Article II, Section 43 of the Washington Constitution mandates the creation of a bipartisan Washington State Redistricting Commission every decade to complete redistricting in Washington for both congressional and state legislative districts.

100. The Commission is composed of five members; including four voting members and one non-voting member who acts as a chairperson. *See* WASH. CONST. Art II, § 43(2).

101. Four members of the Commission are appointed by the legislative leaders of the two largest political parties in each house of the legislature. *Id.* The fifth member is selected by the four appointed members by an affirmative vote of at least three. *Id.*

102. Article II, Section 43(6) states that the Commission "shall complete redistricting as soon as possible following the federal decennial census, but no later than November 15th of each year ending in one. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations

provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.”

103. Under RCW 44.05.100, “[i]f three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by April 30th of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6).”

104. State legislative redistricting plans in Washington State must adhere to the requirements set out in RCW 44.05.090. Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census as adjusted by RCW 44.05.140. And to the extent consistent with the equal-population requirement, insofar as practical: (a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible; (b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; (c) Whenever practicable, a precinct shall be wholly within a single legislative district. RCW 44.05.090.

105. After the approval of a redistricting plan by three of the voting members of the Commission, the Commission submits its plan to the legislature. RCW 44.05.110.

106. Once a plan is submitted, the legislature has thirty days during any regular or special session to amend the Commission's plan by an affirmative vote of two-thirds of the members in each house. *Id.*

107. The amended edits by the legislature "may not include more than two percent of the population of any legislative or congressional district." *Id.*

108. "If a commission has ceased to exist, the legislature may, upon an affirmative vote in each house of two-thirds of the members elected or appointed thereto, adopt legislation reconvening the commission for the purpose of modifying the redistricting plan." RCW 44.05.120.

109. All districting plans must comply with the VRA and the United States Constitution.

C. 2021 Washington State Redistricting Commission's Official Actions and Approval of Final Maps.

110. Commissioners Brady Piñero Walkinshaw and April Sims were appointed to the Washington Redistricting Commission on December 10, 2020, as the two Democratic Party representatives.

111. On January 15, 2021, Paul Graves and Joe Fain were appointed to the Washington Redistricting Commission as the two Republican Party representatives.

112. The four voting members, Brady Piñero Walkinshaw, April Sims, Paul Graves, and Joe Fain, voted unanimously to appoint Sarah Augustine as Chair of the 2021 Washington Redistricting Commission on January 30, 2021.

113. Between February 2021 and November 16, 2021, the Commission had Regular Business Meetings, Special Business Meetings, and Public Outreach Meetings to develop districting plans.

114. On September 21, 2021, all four voting Commissioners each submitted publicly proposed legislative maps.

115. None of the four state legislative maps proposed by any of the Defendant Commissioners included a Latino-majority CVAP district in the Yakima Valley region.

116. Commissioner Graves's map split the Latino population in the Yakima Valley into three districts: districts 14, 15, and 16.

117. None of these three proposed districts in Commissioner Grave's map had a Latino CVAP of over 34%.

118. Commissioner Fain's map split the Latino population in the Yakima Valley into four districts: districts 13, 14, 15, and 16.

119. None of these four proposed districts in Commissioner Fain's map had a Latino CVAP of over 34%.

120. Commissioner Sims's map split the Latino population in the Yakima Valley into two districts: districts 14 and 15.

121. Neither of these proposed districts in Commissioner Sims's map had a Latino CVAP of over 47.6%.

122. Commissioner Sim's original proposed map does not include the Latino population of Pasco, which was put into district 16.

123. Commissioner Piñero Walkinshaw's original proposed map also split the Latino population in the Yakima Valley into two districts: districts 14 and 15.

124. Commissioner Piñero Walkinshaw's original proposed map does not include the Latino population of Pasco, which was put into district 16.

125. None of the districts in Commissioner Piñero Walkinshaw's original map had a Latino CVAP of over 43.2%.

126. On October 19, 2021, Dr. Matt A. Barreto, UCLA Political Science & Chicana/o Studies Professor and Faculty Director of the UCLA Voting Rights Project, released a research presentation analyzing the geographic size and location of Latino voters and the existence of racially polarized voting in the Yakima Valley Region. Matt A. Barreto, Assessment of Voting Patterns in Central/Eastern Washington and Review of the Federal Voting Rights Act, Section 2 Issues, (Oct. 19, 2021), <https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf>.

127. Dr. Barreto was hired to provide analysis on voting patterns and compliance with the Federal Voting Rights Act to the Washington Senate Democrat Caucus.

128. Dr. Barreto's analysis determined that Latino voters in the Yakima Valley region are sufficiently large and geographically compact to form a performing majority-minority district.

129. Using ecological inference methodology, Dr. Barreto also determined that elections in the Yakima Valley region demonstrate racially polarized voting between Latino and White voters.

130. Dr. Barreto evaluated the four maps and concluded that the maps proposed by Defendant Commissioners Graves and Fain displayed "[t]extbook cracking of [the] Latino population" in the Yakima Valley. He further concluded that the original maps proposed by Commissioners Sims and Piñero Walkinshaw fell short of the necessary Latino CVAP to establish a performing VRA-compliance district.

131. Dr. Barreto, and the methods he used in his analysis, have been accepted and relied upon by state and federal courts throughout the country. *See e.g., Clerveaux v. E. Ramapo Cent. Sch. Dist.*, 984 F.3d 213 (2nd Cir. 2020).

132. Dr. Barreto presented his report and analysis to the Washington State Redistricting Commission.

133. News outlets in Washington wrote articles about his analysis and quoted Dr. Barreto stating that there was a clear finding of racially polarized voting. *See, e.g.,* Melissa Santos, *Proposed WA Redistricting Maps May Violate Voting Rights Act*, CROSSCUT (Oct. 21, 2021), <https://crosscut.com/politics/2021/10/proposed-wa-redistricting-maps-may-violate-voting-rights-act>.

134. Dr. Barreto's research presentation was publicly available for over three weeks before the Commission's November 15 deadline.

135. The Commissioners were aware of Dr. Barreto's presentation, had access to it, and reviewed it.

136. On October 25, 2021, Commissioner Graves texted Washington House Representatives Jeremie Dufault and Chris Corry to "take a look at slides 22 and 23 in [Dr. Barreto's] presentation and then give me a call."

137. Slides 22 and 23 of Dr. Barreto's presentation proposed two options for a performing VRA-compliant legislative district in the Yakima Valley. *See* Barreto, *supra* ¶ 126.

138. On slide 22 there is a VRA-compliant legislative district that follows the Yakima-Columbia River Valley and has a Latino CVAP of 60%. *See id.* at 22.

139. On slide 23 there is a VRA-complaint legislative district that grouped together the City of Yakima and the Yakama Nation and that has a Latino CVAP of 52%. *See id.* at 23.

140. Both map options were presented to the Commission.

141. On October 21, 2021, Commissioner Piñero Walkinshaw stated publicly, “I think for me, as the first ever Latino commissioner, it has been extremely important for me to lift up and elevate Hispanic voters, and undo patterns of racially polarized voting, particularly in the Yakima Valley. This is something that, under federal law, has to be done.” Santos, *supra* ¶ 133.

142. On October 25, 2021, Commissioners Piñero Walkinshaw and Sims submitted revised maps for public comment six days after Dr. Barreto released his research presentation.

143. The maps proposed by Commissioner Piñero Walkinshaw included legislative districts in the Yakima Valley region that would perform for Latino-preferred candidates.

144. The Commission was required to approve and vote on final redistricting maps for both congressional and state legislative districts on November 15, 2021.

145. The Commission, however, failed to adopt maps on this date.

146. During their chaotic meetings spanning November 15, 2021 and November 16, 2021, the Commissioners spent much of the time in closed-door negotiations discussing matters in private.

147. The Commission did not approve maps for transmittal to the state legislature until the morning of November 16, 2021.

148. Over the course of the 2021 redistricting process, multiple versions of state legislative maps compliant with Section 2 of the Voting Rights Act were presented to the Commission.

149. On December 3, 2021, the Washington Supreme Court declined to exercise authority to adopt a state legislative or congressional redistricting plan, finding that the state legislative and congressional plans adopted by the Commission met the constitutional adoption

deadline. *See Order Regarding the Washington State Redistricting Commission's Letter to the Supreme Court on November 16, 2021 and the Commission Chair's November 21, 2021, Declaration*, Order No. 25700-B-676 (Dec. 3, 2021).

150. The Washington Supreme Court did not consider or rule on the compliance of the districting plans with respect to Section 2 of the VRA. *Id.* at 4 (“The court has not evaluated and does not render any opinion on the plan’s compliance with any statutory and constitutional requirement other than the November 15 deadline.”).

D. Elections in the Yakima Valley Region Exhibit Racially Polarized Voting.

151. Voting in the Yakima Valley region is racially polarized.

152. Dr. Barreto’s report, which the Commission reviewed, demonstrated the existence of racially polarized voting in the Yakima Valley Region. *See Barreto, supra* ¶ 126.

153. Dr. Barreto employed ecological inference methodology to analyze candidate elections from 2012 to 2020 for offices that were consistent across a 5-county region of Yakima, Benton, Grant, Franklin, and Adams counties. Contests included races for President, U.S. Senate, U.S. House, Governor, and Attorney General in each relevant year. *Id.*

154. Clear and consistent patterns emerged from more than a dozen elections.

155. Latino voters in the Yakima Valley region are politically cohesive and vote together for candidates of choice.

156. Latino voters in the Yakima Valley region prefer the same candidates at margins of 2-to-1 or even 3-to-1.

157. This is well above the bar for what courts have relied on in finding cohesiveness.

158. Spanish-surnamed candidates have consistently run in and lost elections for the state legislature in Legislative District 15 for more than 10 years.

159. Latino-preferred candidates have consistently run in and lost elections for the state legislature in Legislative District 15 for more than 10 years.

160. According to ecological inference analysis of precinct results for Legislative District 15 under the 2011 state legislative district map, Latino voters preferred Pablo Gonzalez in 2012 for State Representative, but he lost to David Taylor, who was greatly preferred by White voters.

161. In the 2014 State Senate election for Legislative District 15, Gabriel Muñoz was preferred by Latino voters but lost to Jim Honeyford, who was greatly preferred by White voters.

162. In the 2014 State Representative election for Legislative District 15, Teodora Martinez-Chavez was preferred by Latino voters but lost to David Taylor, who was greatly preferred by White voters.

163. In the 2018 State Senate election for Legislative District 15, Plaintiff Aguilar was preferred by Latino voters but lost to Jim Honeyford, who was greatly preferred by White voters.

164. The most recent Latino candidate to run for state legislature was Plaintiff Aguilar in 2018.

165. Aguilar received an estimated 73% support from Latinos, but only 15% support from White voters.

166. In Yakima County Precinct 104, which is majority Latino, Aguilar won 72.6% of the vote.

167. In Yakima County Precinct 501 which is majority Latino, Aguilar won 70% of the vote.

168. The pattern of Aguilar, a Latino candidate winning over 70% of support in Latino-dense precincts but garnering little support in White dense precincts, is clear across the 11 precincts in Legislative District 15 that were majority Latino.

169. All 11 Latino-majority precincts in the Legislative District 15 race under the 2011 map voted majority support for Aguilar.

170. White voters in the Yakima Valley region are also politically cohesive.

171. In the 2018 Legislative District 15 race under the 2011 map, White voters voted together as a bloc against Latino candidates of choice.

172. In Yakima County Precinct 4616, which is majority White, Aguilar won only 21.5% of the vote.

173. In Yakima County Precinct 4106, which is majority White, Aguilar won just 22% of the vote. This pattern is clear across the 21 precincts that are majority white, all of which voted against Aguilar.

174. Elections for the Washington state legislature are partisan and regularly feature a Republican-declared and Democratic-declared candidate vying for office.

175. Latino voters in the Yakima Valley region consistently prefer the Democratic candidates for state legislature and other political offices.

176. Latinos vote cohesively in favor of Democratic candidates by over a 2-to-1 margin.

177. Due to historical advantages and higher socioeconomic status, White voters in the Yakima Valley region have higher voter registration and turnout rates than Latinos.

178. In the Legislative District 15 approved by the 2021 Commission, White voters have greater voting strength than Latinos and will consistently be able to elect their Republican candidates of choice.

179. White voters in the Yakima region overwhelmingly prefer different candidates and vote as a bloc to usually defeat Latino voters' candidates of choice.

180. In many races, Latino voters vote close to 75-25 in favor of their candidates of choice, while whites vote 75-25 in favor of different candidates, in complete opposite voting blocs.

181. As precincts increase in Latino population and voting strength, support for Latino candidates of choice increases.

182. This split, in which candidates who win a majority of the vote in high-density Latino voting precincts receive low support in high-density non-Latino precincts, is emblematic of racially polarized voting.

183. A federal court recently held that racially polarized voting exists in the Yakima region and ordered, in 2014, the City of Yakima to create two majority-Latino districts for City Council elections. *See Montes v. City of Yakima*, 40 F. Supp. 3d 1377 (E.D. Wash. 2014).

184. Likewise, in the first ever lawsuit filed under the Washington Voting Rights Act (WVRA), Latino plaintiffs challenged the election system in place for the Yakima County Board of Commissioners and alleged that racially polarized voting exists in Yakima County elections and that the County's election system diluted Latino voting strength in violation of the WVRA. The parties in that case agreed to and a state court accepted a settlement, leading to the creation of a majority-Latino district for Yakima County Board of Commissioner elections. *See Aguilar et al. v. Yakima County et al.*, No. 20-2-0018019 (Kittitas Cty. Sup. Ct. July 13, 2020),

185. In the *Aguilar* case, Plaintiffs' expert Dr. Grumbach analyzed several state legislative elections in the Yakima Valley area for racially polarized voting, including the 2012 Legislative District 15 primary and general elections, the 2016 Legislative District 14 primary and general elections, and the 2018 Legislative District 15 primary and general elections, which all

featured Latino candidates running against white candidates. He found that voting was racially polarized in all of these elections.

186. A federal court also found that racially polarized voting exists in elections in Pasco, Washington, *see Glatt v. City of Pasco*, Case No. 4:16-CV-05108-LRS, (E.D. Wash. Jan. 27, 2017), and similarly, a state court found that racially polarized voting exists in elections in Franklin County as a whole.

187. There is also qualitative evidence of racially polarized voting in elections in the Yakima Valley region. *See, e.g., Luma v. County of Kern*, 291 F. Supp. 3d 1088, 1126 (E.D. Cal. 2018) (stating that in addition to quantitative evidence, courts often “look to [non-statistical] evidence...since “[t]he experiences and observations of individuals involved in the political process are clearly relevant to the question of whether the minority group is politically cohesive.”).

188. Latino candidates for public office in the region encounter hostility from white voters.

189. For example, Plaintiff Susan Soto Palmer received such a hostile reception in predominantly white areas while campaigning for a seat on the Yakima County Board of Commissioners that she had to replace herself with white surrogates out of concern for her personal safety.

190. It is clear that there is racially polarized voting in the Yakima Valley Region and in the region’s main Latino-population centers of Yakima City and Pasco, Washington.

E. The Washington Redistricting Commission's Approved State Legislative Map Dilutes the Strength of Latino Voters in the Yakima Valley Region.

191. The Commission's approved state legislative district map cracks Latino voters in the Yakima Valley region, diluting their voting strength by placing them in several legislative districts with white voting majorities.

192. Under the Commission's approved state legislative district map, Latino voters in the Yakima Valley region will not be able to elect candidates of their choice and the map does not create a district in the Yakima Valley area that complies with the Voting Rights Act.

193. District 15 in the Commission's approved map has a Latino CVAP of 50.02%.

194. Legislative District 15 was crafted to ensure it would not elect Latino voters' candidates of choice.

195. This was an intentional decision by the Commission.

196. In a text message exchange between Commissioner Graves and Commissioner Fain, Fain stated that "[w]e will need to draw a dem leaning Latino district in Yakima that doesn't include any Yakima."

197. They did not do so.

198. The Commission's version of Legislative District 15 also excludes majority-Latino areas such as areas of the City of Yakima and the cities of Wapato, Toppenish, and Mabton, intentionally cracking apart these adjacent Latino communities.

199. Latinos in areas excluded from the Commission's Legislative District 15, such as Wapato, Toppenish, and Mabton, are politically active and regularly elect Latino candidates of choice to local office.

200. The Commission's approved District 15 contains large pockets of rural voting precincts that are heavily White and vote against Latino voters' candidates of choice.

201. Moreover, District 15 reaches across large swaths of rural white areas to include at its northeastern tip the city of Othello in Adams County.

202. The inclusion of Othello—a majority HCVAP community—is what gets District 15 *just* above 50% HCVAP (50.02%).

203. Election data reveal that Othello Latinos are far less politically active than the Yakima County Latinos whom the Commission excluded from District 15.

204. The Commission included 16,147 Adams County voters in and around Othello, with a CVAP of 50.8%.

205. Regression analysis of voter turnout rates across the region finds that Latino voters in Adams County turnout at a statistically significant lower rate than Latino voters in both Yakima County and Franklin County.

206. Regression analysis of voter turnout rates across the region finds that Latino voters in Adams County turnout at a statistically significant lower rates than White voters in Adams County. While the Latino population is large in Adams, Latino voting strength has historically been muted.

207. Republican candidates carry the included area (in Adams?), with Trump receiving 60.7% of the vote among these voters in 2020. Of the Adams County precincts included in District 15, Biden carried only three—those with HCVAPs of 74.5%, 72.2%, and 60.0%.

208. Election results from the 2020 election reveal that voters who reside in the new District 15 as adopted in the 2021 plan voted to elect Republican Donald Trump for President, Republican Culp for Governor, and Republican Larkin for Attorney General. In 2018, voters in

the new District 15 voted to elect Republican Newhouse for U.S. Congress and Republican Hutchison for U.S. Senate. In 2016, voters in the new District 15 voted to elect Republican Donald Trump President and Republican Bryant Governor.

209. As drawn and adopted, the new District 15 does not perform for Latino candidates of choice and was deliberately drawn in such a manner.

210. The strategy of drawing a district that is majority Latino, but which in practice does not functionally allow Latino voters to elect their candidates of choice, is unlawful. *See e.g., Perez v. Abbott*, 250 F. Supp.3d 123 (W.D. Tex. April 20, 2017) (three-judge court

211. The Latino CVAP in the Yakima Valley region is sufficiently large and geographically compact to constitute a majority in a newly configured District 15 that would provide Latino voters with an equal opportunity to elect their candidates of choice.

F. The Totality of the Circumstances Demonstrates That Latino Voters in the Yakima Valley Region Have Less Opportunity Than Others to Participate in the Political Process and Elect Candidates of Choice.

212. The totality of the circumstances demonstrates that Latino voters have less opportunity than other members of the electorate to participate in the political process and to elect representatives of choice. *See* 52 U.S.C. § 10301(b).

213. There is a history of official voting-related discrimination in the Yakima Valley region. *See Montes v. City of Yakima*, 40 F. Supp. 3d 1377 (E.D. Wash. 2014); *see also Glatt v. City of Pasco*, No. 4:16-CV-05108 (E.D. Wash. Jan. 27, 2017).

214. In 2004, Yakima County entered into a consent decree with the United States Department of Justice after being sued for failing to provide Spanish-language voting materials and voter assistance as required by Section 203 of the federal Voting Rights Act. *See U.S. v. Yakima County*, No. 04-cv-3072 (E.D. Wash. Sept. 3, 2004).

215. As explained above, voting in the Yakima Valley region is substantially racially polarized.

216. Latino voters in the Yakima Valley region also bear the effects of discrimination in education, employment, health, and other areas of life, which hinders their ability to participate effectively in the political process. *See Luna*, 291 F. Supp. 3d at 1137. “Under this [] factor, plaintiffs must demonstrate both depressed political participation and socioeconomic inequality, but need not prove any causal nexus between the two.” *Id.*

217. Racial tensions between white and Latino communities in the region persist today.

218. According to a report from Dr. Luis Fraga in the *Montes* case, “[t]he Yakima Valley has a long history of racial animus and hostile responses by Whites to minority groups seeking to gain more power or better position.”

219. A 2015 report by the Yakima Herald-Republic explained that the “cultural conflict” between Latino and white communities in Yakima is “apparent in public where Latinos and non-Latinos gather at different parks and many businesses, and on the Internet, where forums and comment boards for local audiences can often be loaded with xenophobic vitriol.” *See Mike Faulk, Yakima’s Cultural Divide*, Yakima Herald (Oct. 16, 2015) https://www.yakimaherald.com/news/elections/yakima_city_council/yakimas-cultural-divide/article_590c92b4-7416-11e5-949e-dbf62c94960.html.

220. Latinos in the Yakima Valley also bear the impacts of discriminatory policing.

221. On February 10, 2015, local Pasco police, themselves not racially reflective of the community, shot Antonio Zambrano-Montes seventeen times and killed him after he was allegedly throwing rocks at cars. Weeks of demonstrations calling for justice and more scrutiny over Pasco’s policing of the Latino community followed.

222. Officials in Yakima and Franklin Counties have expressed anti-immigrant sentiment against the area's immigrant population—an overwhelming majority of which is Latino.

223. U.S. Census statistics reveal a number of disparities between the white and Latino communities in the Yakima Valley area.

224. Latino residents in Franklin County are much less likely to have a high school diploma than white Franklin residents.

225. Only 7.1% of Latinos in Franklin County have a bachelor's degree or higher, compared to 29.9% of whites.

226. 7.5% of Franklin County's white population lives below the poverty line, but more than one out of five Latinos in the County live below the poverty line.

227. Socioeconomic indicators show clear and significant disparities between Latino and white residents in Yakima County.

228. 21.9% of Latino residents had an income below poverty level, a rate almost double that of white residents (11.4%).

229. Of all persons in Yakima County with an income below the poverty level, 62.3% were Latino, while only 28.2% were white.

230. While the median income for households in Yakima County is \$51,637, the median household income for white residents is higher, at \$57,398, while the median household income for Latino residents is lower, at \$45,880.

231. Over half—51.6%—of the Latino population over the age of 25 in Yakima County does not have a high school diploma or its equivalent, compared to only 9.6% of white residents.

232. This trend continues for higher education, where only 5.7% of Yakima County's Latino residents over the age of 25 have a bachelor's degree, compared to 24.1% of white residents.

233. The unemployment rate for the Latino population in Yakima County is 7.8%, almost double the rate of unemployment among white residents, which is only 4.2%.

234. Latino residents of Yakima County also face major disadvantages in housing compared to white residents.

235. There are an estimated 30,687 occupied housing units in Yakima County with a Latino householder, compared to 46,921 housing units with white residents. Of the units with a Latino householder, only 31.3% are owner-occupied, compared to 63.3% for whites.

236. A report prepared by the Homeless Network of Yakima County found that “Hispanics are twice as likely as non-Hispanics to be denied financing when applying for conventional loans to purchase housing and to obtain refinancing of existing mortgages thereby limiting their housing choices.”

237. Latino residents in Yakima County also bear the effects of past discrimination with respect to health and healthcare access.

238. 19.6% of Yakima County’s Latino population does not have health insurance, compared to only 5.9% of white residents.

239. The Latino community in Yakima County has been disparately impacted by the COVID-19 pandemic.

240. As of December 2, 2021, the County’s own public website reported that 38% of COVID-19 positive individuals in the County are Hispanic or Latino, compared to 16.3% that are white.²

² See Yakima Health District, *Race and Ethnicity Breakdown of COVID-19 Positive Individuals*, <https://www.yakimacounty.us/2440/Confirmed-Cases-Race-Ethnicity> (last updated Dec. 2, 2021).

241. Latinos in Yakima County have also been disproportionately impacted by other serious health issues like water contamination, including high nitrate levels and fecal matter in wells.

242. Voter registration and turnout levels in Yakima County are substantially lower among Latino residents than white residents.

243. January 2021 data from the Yakima County Elections Office demonstrates there are 127,512 registered voters countywide, but only 35,150 of those are “Spanish surnamed registered voters.”

244. According to the County’s own publicly available and regularly collected data, there is a clear disparity in political participation between Latino and white voters.

245. Statistics collected by the Yakima County Auditor show that for the 2020 general election, ballots were issued to 37,978 voters with a Spanish surname, but only 21,281 (56%) of those ballots were returned. By comparison, of the 89,713 ballots issued to voters with a non-Spanish surname, 75,704 (84%) of those ballots were returned.³

246. Latino voters in Eastern Washington, including both Yakima County and Franklin County, have their ballots challenged and rejected at higher rates than white voters.

247. According to an investigation, Latino voters in Yakima County had their ballots rejected for signature mismatch at 7.5 times the rate of non-Latino voters in the November 2020 election. See Joy Borkholder, *Investigation Finds Latino Ballots in WA More Likely to Be Rejected*, CROSSCUT (Feb. 15, 2021), <https://crosscut.com/politics/2021/02/investigation-finds-latino-ballots-wa-more-likely-be-rejected>.

³ 2020 General Election Voter Participation by Surname, Yakima County, <https://www.yakimacounty.us/ArchiveCenter/ViewFile/Item/1130> (last visited Dec. 9, 2021).

248. Latino voters in Franklin County had their ballots rejected for signature mismatch at 3.9 times the rate of non-Latino voters in the November 2020 election. *Id.*

249. On May 7, 2021, an individual Latino voter, along with the Latino Community Fund and League of United Latin American Citizens, filed suit in federal court against Yakima County and two other counties alleging that the County's system for verifying ballot signatures discriminates against Latino voters. *See, e.g., Reyes v. Chilton*, No. 4:21-cv-05075 (E.D. Wash. 2021).

250. Campaigns in the Yakima Valley region have also featured overt and subtle racial appeals.

251. In 2014, when Plaintiff Soto Palmer campaigned on behalf of Gabriel Muñoz, a Latino candidate for State Senate in Legislative District 15, she knocked on doors in the predominantly white town of Union Gap. At one home, a white resident who saw the campaign literature for Mr. Muñoz immediately said: "I'm not gonna vote for him, I'm racist."

252. In the 2016 election for Yakima County Board of Commissioners, in a campaign that covered all of Yakima County, candidate Ron Anderson shared a public Facebook post stating that "Illegals are being seduced into America by Democrats to steal our elections. Act of Treason, Arrest all involved!"

253. In a campaign for a seat on the Yakima City Council, Latina candidate Dulce Gutierrez was told by a white resident to "Go back to Mexico" while she was handing out campaign flyers, and had another individual ask her why they "had to vote for a Mexican" while she was campaigning.

254. Jose Trevino, the Mayor of Granger—a city in the Lower Valley which has a total population of 3,756, of whom 88.4% are Latino—experienced multiple incidents while

campaigning for various offices in Yakima County. For example, Mr. Trevino attributed his 2015 loss in the Granger mayoral race to a rumor spread during the campaign that he “was going to fire all the white people in the city.”

255. Mr. Trevino also attributed his loss in the 2014 race for Yakima County Clerk, 2018 race for Yakima County Commissioner District 3, and his pulling out of the 2020 appointment process for a vacant Yakima County Board seat to negative coverage in the Yakima Herald-Republic, and commented that his opponents in those races, all but one of whom were white, did not receive similar treatment, and that he was the “only [candidate] they picked on” because “it was easier to pick on the Republican Mexican than anyone else.”

256. Further, county officials and elected officials have made overt and subtle racial appeals while in office.

257. During a September 21, 2021, Franklin County Commissioners’ meeting, Commissioner Mullen stated, in reference to the discussion of Latino citizen voting age population in the current commissioner districts, that he “believes that there are non-citizens that are voting in the elections.” See Franklin County Commissioners Meeting (Sept. 21, 2021), <https://media.avcaptureall.cloud/meeting/e3e60dfb-87c0-4b8f-bb49-14dbe5167045> at 1:12:00-1:12:30.

258. In 2016, a Franklin County official shared an image of a white farmer with the caption, “When is white history month?” and on the corner of the image, there was a white raised fist used by white supremacists with the words “100% White, 100% Proud.”

259. Few Latino candidates have been elected to public office in the Yakima Valley region except to hyperlocal offices in areas and districts with high majority Latino CVAP.

260. Latino candidates for public office are routinely defeated.

261. Although several Latino candidates have run for election in Legislative District 15 in the last decade for both state house and senate, including at least Pablo Gonzalez, Teodora Martinez-Chavez, and Bengie Aguilar, none have won.

262. Legislative District 15 is currently represented by two white men in the state house, Bruce Chandler and Jeremie Dufault, and a white man in the state senate, Jim Honeyford.

263. Jim Honeyford has made racial appeals during his tenure as a Washington Representative.

264. At a 2015 legislative hearing, Jim Honeyford twice referred Latinos and other people of color as “coloreds” and said that they are “commit more crimes.”⁴

265. Latino candidates have also run for Legislative District 14, including Susan Soto Palmer in 2016, but were not elected to office.

266. Legislative District 14 is currently represented by two white representatives in the state house, Chris Corry and Gina Mosbrucker, and a white man in the state senate, Curtis King.

267. Latino voters lack representation at the County level in the Yakima Valley region.

268. Only one Latino candidate, Jesse Palacios, has *ever* been elected to the Yakima County Board of Commissioners, and he was last elected almost 20 years ago, in 2002.

269. No Latino-preferred candidates have been elected to the Franklin County Board of Commissioners.

⁴ *Sen. Honeyford sorry for calling minorities ‘coloreds,’* The Columbian (Mar. 6, 2015), <https://www.columbian.com/news/2015/mar/06/sen-honeyford-sorry-calling-minorities-coloreds/>; Ansel Herz, *Republican State Senator: Poor, “Colored” People Are More Likely to Commit Crimes,* The Stranger (Mar. 2, 2015), <https://www.thestranger.com/blogs/slog/2015/03/02/21799665/washington-republican-poor-colored-people-are-more-likely-to-commit-crimes>.

270. Elected officials in the Yakima Valley region are not responsive to the particularized needs of Latinos in the region.

271. The policy underlying the Commission's crafting of a district that does not give Latinos the opportunity to elect their candidates of choice is tenuous.

272. These and other factors demonstrate that the totality of the circumstances show that Latino voters have less opportunity than other voters to participate in the political process and elect their candidates of choice.

CLAIMS FOR RELIEF

Count 1

Race and Language Minority Discrimination, Discriminatory Results in Violation of Section 2 of the Voting Rights Act 52 U.S.C. § 10301

273. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in this paragraph, all allegations in this Complaint.

274. Section 2 of the Voting Rights Act prohibits the enforcement of any voting qualification or prerequisite to voting or any standard, practice, or procedure that results in the denial or abridgement of the right of any U.S. citizen to vote on account of race, color, or membership in a language minority group. 52 U.S.C. § 10301(a).

275. The district boundaries of state legislative districts in the Commission's approved map crack Latino voters in the Yakima Valley region across multiple state legislative districts, resulting in dilution of the strength of the area's Latino voters, in violation of Section 2 of the Voting Rights Act.

276. Under Section 2 of the Voting Rights Act, the Commission was required to create a majority-Latino state legislative district in the Yakima Valley region in which Latino voters have the opportunity to elect their candidates of choice.

277. Latino voters in the Yakima Valley region are sufficiently large and geographically compact to constitute a majority in a legislative district.

278. Latino voters in the Yakima Valley region are politically cohesive, and elections in the area demonstrate a pattern of racially polarized voting that allows a bloc of white voters usually to defeat Latino voters' preferred candidates, including in the version of Legislative District 15 included in the Commission's approved map.

279. The totality of circumstances show that the Commission's approved map has the effect of denying Latino voters in the Yakima Valley region an equal opportunity to participate in the political process and to elect their candidates of choice, in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

280. Absent relief from this Court, Defendants will continue to engage in the denial of Plaintiffs' Section 2 rights.

281. Latino voters are thus entitled, under Section 2 of the Voting Rights Act, to a majority-Latino district that would provide them with an effective opportunity to elect the candidate of their choice to the Washington State Legislature.

Count 2
Race and Language Minority Discrimination,
Discriminatory Intent in Violation of Section 2 of the Voting Rights Act
52 U.S.C. § 10301

282. Plaintiffs repeat, replead, and incorporate by reference, as though fully set forth in this paragraph, all allegations in this Complaint.

283. The state legislative map approved by the Commission was adopted with the intent to discriminate on the basis of race, national origin, and/or language minority group status and has a discriminatory effect on that basis, by intentionally cracking Latino voters to ensure that Latino voters in the region are unable to elect candidates of choice.

PRAYER FOR RELIEF

Plaintiffs request that the Court:

- a) Declare that the Washington State Redistricting Commission's Approved Final State Legislative Map results in vote dilution in violation of Section 2 of the Voting Rights Act by failing to draw an effective Latino-majority state legislative district in which Latino voters would have an equal opportunity to elect their candidate of choice to the Washington Legislature;
- b) Declare that the Washington State Redistricting Commission's Approved Final State Legislative Map was drawn to intentionally dilute Latino voting strength in the Yakima Valley region in violation of Section 2 of the Voting Rights Act;
- c) Preliminarily and permanently enjoin Defendants from administering, enforcing, preparing for, or in any way permitting the nomination or election of members of the Washington State Legislature from the illegal state legislative districts under the Washington State Redistricting Commission's Approved Final State Legislative Map. Plaintiffs have no adequate remedy at law other than judicial relief sought herein, and unless Defendants are enjoined from using the Commission's Approved Final State Legislative Map, Plaintiffs will be irreparably injured by the continued violation of their statutory rights;

- d) Order the implementation and use of a valid state legislative plan that includes a majority-Latino state legislative district in the Yakima Valley region that does not dilute, cancel out, or minimize the voting strength of Latino voters;
- e) Award Plaintiffs their costs, expenses, disbursements, and reasonable attorneys' fees pursuant to Fed. R. Civ. P. 54, 42 U.S.C. § 1988, and 52 U.S.C. § 10310(e);
- f) Retain jurisdiction and render any and further orders that the Court may find necessary to cure the violation; and
- g) Grant any and all further relief to which Plaintiffs may show themselves to be entitled or that the Court deems proper.

Dated this the 19th day of January 2022.

Respectfully submitted,

By: /s/Edwardo Morfin

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CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 24th day of November, 2021, via the Court's CM/ECF system.

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Expert Report of Dr. Loren Collingwood

Loren Collingwood

2022-11-02

Executive Summary

I have been retained by plaintiffs as an expert and have been asked to analyze whether there is racially polarized voting (RPV) in the Yakima Valley and surrounding areas; to analyze demographic data and examine maps proposed or drafted during the 2021 redistricting process, the Enacted Plan, and Plaintiffs' demonstrative plans; and to conduct electoral performance analyses for a number of plans.

RPV refers to a sustained pattern of voting decisions where race or ethnicity determines electoral outcomes in whole or in part. RPV occurs when white voters cast ballots for the same set of candidates and minority voters cast ballots for a different set of candidates. Specifically, in order to determine the extent of RPV, I was asked to examine whether Latino voters in the Yakima Valley and surrounding areas are politically cohesive and whether white voters vote sufficiently as a bloc to usually prevent Latino voters from electing their candidates of choice.¹

Across 25 elections in and around the Yakima Valley and surrounding areas, featuring statewide elections, state legislative elections, and county elections, several involving Latino candidates, I find very clear patterns of RPV between Anglo and Latino voters in 23 out of 25 (92%) contests. I describe the methods I used to examine RPV and findings in further detail below in my report.

I also conducted what is referred to as a performance analysis (or reconstituted elections analysis). An electoral performance analysis reconstructs previous election results based on new district boundaries to assess whether a minority-preferred or white preferred candidate is most likely to win in different district configurations (i.e., a newly adopted legislative district vs. a demonstrative plan). I only examined previous elections held in jurisdictions (i.e., statewide) that can cover the new enacted map or Plaintiffs' demonstrative plans because district boundaries change from one redistricting cycle to the next. I conducted a performance analysis for Legislative District 15 (LD 15) in the Enacted Plan, as well as three demonstratives for Legislative District 14 (LD 14) provided by Plaintiffs.

¹ Throughout the report I refer to white, Anglo, and non-Hispanic white voters interchangeably. I refer to Latino and Hispanic voters interchangeably.



Additionally, I analyzed redistricting criteria, like compactness, of the LD 15 Enacted and LD 14 demonstrative district plans. Across all criteria, the Demonstrative plans perform comparatively to the Enacted plan. I also reviewed a timeline of the draft maps from the Washington State Redistricting Commission. The timeline shows that several of the maps considered by the Commission would have produced a district in the Yakima Valley that would very likely provide Latino voters the ability to elect legislative candidates of choice.

Moreover, I conducted a voter turnout analysis by race/ethnicity. The results show that white voters gain a turnout advantage in off years (i.e., 2018) vs. in presidential years (i.e., 2020). Thus, the labeling of the district as LD 15 vs. LD 14 reduces Latino voters' ability to elect a candidate of choice. I also analyzed the precincts with large Latino populations that the Commission included in Adams and Grant Counties and those it excluded in Yakima County and find that the included precincts have lower Latino voter registration and disproportionately whiter electorates (relative to voter registration) than the excluded Yakima County precincts.

Based on my analysis, I conclude the following:

- RPV between white and Latino voters is present in 23 of 25 elections I analyzed across 5 election cycles.
- I analyzed votes in elections spanning the whole region as well as elections in specific parts of the region, including county district offices and relevant parts of legislative districts. The results are consistent: RPV is present.
- Latino voters are politically cohesive. Latino voters consistently vote as a group for the same candidates, regularly casting ballots between 75-80% for the Democratic candidate in the partisan contests I analyzed. Meanwhile, a similar share of white voters consistently cast ballots for the Republican candidate.
- I also analyzed a variety of contests featuring Spanish-surname candidates. Latino voters consistently vote as a group for the same candidates, regularly casting ballots between 65-90% for the Spanish-surname candidate. Meanwhile, a similar share of white voters consistently cast ballots for the non-Spanish-surname candidate.
- In the enacted Legislative District 15, white voters voted with sufficient cohesion to defeat the minority-preferred candidate in 7 out of 10 contests that I analyzed, for a block rate of 70%.² Thus, I conclude that white voters usually defeat Latino voters' candidates of choice.

² Between my initial declaration and the drafting of this report, I updated my methodology for evaluating split precincts. I discuss the approach at length further into the report. The result is that one contest, the presidential 2020, switched from narrowly preferencing Trump to narrowly preferencing Biden. My updated approach produces almost identical performance results as those observed in Dave's Redistricting software – a free online

- In Plaintiffs' Demonstrative Map 1, Latino voters' preferred candidate prevailed in 10 of 10 contests that I analyzed.
- In Plaintiffs' Demonstrative Map 2, Latino voters' preferred candidate prevailed in 10 of 10 contests that I analyzed.
- In Plaintiffs' Demonstrative map 3; Latino voters' preferred candidate prevailed in 9 of 10 contests that I analyzed.
- Plaintiffs' demonstrative maps perform similarly on redistricting criteria as compared to the enacted map, including on compactness scores, contiguity, population deviation, and county and precinct splits. All three of Plaintiffs' demonstrative maps contain a Legislative District 14 with over 50% Latino Citizen Voting Age Population (CVAP).
- A review of the Commission timeline shows that several of the maps considered by the Commission would have produced a district in the region that would very likely provide Latino voters the ability to elect legislative candidates of choice. Instead, the Commission chose a district that maximally reduces Latinos' ability to elect candidates of choice.
- Anglo voters vote at higher rates than Latino voters in both the 2020 and 2018 general elections. However, the voter turnout gap between the two groups widens in 2018 (when LD 15 would be up for election) relative to 2020 (when LD 14 would be up). Further, the Commission failed to include several high-density Latino precincts into the plan, instead opting to include precincts with fewer Latinos who also vote at a lower rate.

My opinions are based on the following data sources: Washington State general election precinct returns from 2012-2020; individual-level voter file data produced from the Secretary of State's (SoS) office capturing voters who cast ballots in the 2012, 2014, 2016, 2018, and 2020 general elections; the 2012 and 2020 individual voter file capturing voting in those years' primary elections; 2010 and 2020 US Census block data; the 2010 Census surname database; the shape files for the Enacted Plan; and geojson, block assignment, or shape files for the Commission's draft maps and Plaintiffs' demonstrative maps provided by Plaintiffs' counsel. My opinions are also based upon my general expertise and experience. My work is ongoing in this matter, and my opinions are based on the information available to me as of the date of this report. I reserve the right to supplement or amend my findings based on additional information.

I am being compensated at a rate of \$400/hour. My compensation is not contingent on the opinions expressed in this report, on my testimony, or on the outcome of this case.

database analysts used to evaluate redistricting plans. The very minor change does not alter my overall opinions.

The rest of the report explains my methods and presents my results, including: 1) a review of the method I used to estimate precinct racial demographics; 2) a list of the elections analyzed, 3) 5-County RPV analysis using statewide contests and one congressional contest; 4) Spanish-surname candidate analysis; 5) electoral performance analysis of both enacted and alternative maps; 6) compactness and district characteristics analysis; 7) analysis of the redistricting commission's timeline; and 8) voter turnout analysis by race.

Background and Qualifications

I am an associate professor of political science at the University of New Mexico. Previously, I was an associate professor of political science and co-director of civic engagement at the Center for Social Innovation at the University of California, Riverside. I have published two books with *Oxford University Press*, 39 peer-reviewed journal articles, and nearly a dozen book chapters focusing on sanctuary cities, race/ethnic politics, election administration, and RPV. I received a Ph.D. in political science with a concentration in political methodology and applied statistics from the University of Washington in 2012 and a B.A. in psychology from the California State University, Chico, in 2002. I have attached my curriculum vitae, which includes an up-to-date list of publications, as Exhibit 1 to this report.

In between obtaining my B.A. and Ph.D., I spent 3-4 years working in private consulting for the survey research firm Greenberg Quinlan Rosner Research in Washington, D.C. I also founded the research firm Collingwood Research, which focuses primarily on the statistical and demographic analysis of political data for a wide array of clients, and lead redistricting, map-drawing, and demographic analysis for the Inland Empire Funding Alliance in Southern California. I was the redistricting consultant for the West Contra Costa Unified School District's independent redistricting commission in California, where I was charged with drawing court-ordered single-member districts. I am contracted with the Roswell, NM, Independent School District to draw single member districts.

I served as a testifying expert for the plaintiff in the Voting Rights Act Section 2 case *NAACP v. East Ramapo Central School District*, No. 17 Civ. 8943 (S.D.N.Y.), on which I worked from 2018 to 2020. In that case, I used the statistical software eiCompare and WRU to implement Bayesian Improved Surname Geocoding (BISG) to identify the racial/ethnic demographics of voters and estimate candidate preference by race using ecological data. I am the quantitative expert in *LULAC v. Pate* (Iowa), 2021, and have filed an expert report in that case. I am the BISG expert in *LULAC Texas et al. v. John Scott et al.*, No. 1:21-cv-0786-XR, 2022. I filed two reports and have been deposed in that case. I was the RPV expert for the plaintiff in *East St. Louis Branch NAACP, et al. v. Illinois State Board of Elections, et al.*, and filed two reports in that case. I was the Senate Factors expert for plaintiff in *Pendergrass v. Raffensperger* (N.D. Ga. 2021), and filed a report in that case. I served as the RPV expert for plaintiff in *Johnson, et al. v. WEC, et al.*, No. 2021AP1450-OA, and filed three reports in that case. I was the RPV expert for plaintiff in *Faith Rivera, et al. v. Scott Schwab and Michael Abbott*. I filed a report, was deposed, and testified at trial in that case. I served as the RPV expert for the intervenor in *Walen and Henderson v. Burgum and Jaeger*, No 1:22-cv-00031-PDW-CRH, where I filed a report and testified at trial. I am the RPV expert in *Lower Brule Sioux Tribe v. Lyman County*, where I filed a report and testified at trial.

I. Racially Polarized Voting

RPV occurs when minority voters regularly vote for one candidate or set of candidates, and white voters regularly vote for another candidate or set of candidates. The favored candidate of minority voters is called a “candidate of choice.” To assess RPV in the present case, we test whether Hispanic voters back the same candidate and whether Anglo voters favor a different candidate.

As a general rule, RPV scholars turn to precinct vote returns and estimates of racial demographics in the same geolocation to assess the presence or absence of RPV. I analyze multiple elections across five election years (2012, 2014, 2016, 2018, and 2020) to determine whether a pattern of RPV is present in the Yakima Valley region and surrounding areas and within specific electoral districts (i.e., previous legislative district 15). I look at these five years of elections because Secretary Hobbs provided historical voter files for those same years, which is my source of demographic voting data, and because these years feature Latino or Spanish-surname candidates.

RPV does not necessarily mean voters are racist or intend to discriminate. However, in situations where RPV is present, majority voters may often be able to block minority voters from electing candidates of choice by voting as a broadly unified bloc against minority voters’ preferred candidate. At issue in this report, however, is whether the enacted state legislative map dilutes Latino voters’ votes in and around Legislative District 15 in the Enacted Plan. Figure 1 highlights the specific counties in which I conduct an RPV analysis: Adams, Benton, Franklin, Grant, and Yakima.

Figure 1. Yakima Valley and surrounding areas, WA 5-County Focus Area.

A. Racially Polarized Voting Estimation Approach

To determine if RPV exists in different geographic areas, it is generally necessary to infer individual level voting behavior from aggregate data – a problem called ecological inference. The analysis attempts to observe how groups of voters (i.e., Latinos or non-Hispanic whites) voted in a particular election based on precinct vote returns and the demographic composition of the people who live in those precincts.

There are several methods for analyzing whether RPV exists: homogeneous precinct analysis (i.e., taking the vote average across high density white precincts vs. high density Hispanic precincts), ecological regression (ER), ecological inference (EI), and ecological inference Rows by Columns (RxC). In this report, I rely on the ecological inference (EI) and the Rows by Column (RxC) methods to assess whether voting is racially polarized, using functions in the eiCompare R package (Collingwood et al. 2020). I focus my attention on the two top-of-the-ticket candidates in each contest. I present vote-choice estimates for Latino and non-Hispanic white voters.

My assessment is based on 21 general election contests and four primary contests using two different types of statistical analyses, each producing vote choice by race. The results of

my analysis show that RPV between Latino and non-Hispanic white voters is clearly present in 23 of the 25 contests I analyzed (92%).

B. List of General Elections Analyzed

Tables 1 and 2 list the 21 general and four primary elections I analyzed, with columns indicating year, contest, type (general or primary), whether the contest is partisan, Democratic and Republican candidate names in the context of partisan contests, Spanish-surname and non-Spanish surname in the case of non-partisan contests, and whether RPV is present. I focus on contests between 2012-2020 because those are the years for which I have historical voter file data that I use to generate precinct demographic estimates and because these are the most probative elections. I analyze the statewide contests subset to the 5-county region, but in some of the local contests I only analyze the results in one county (i.e., county supervisor). In my discussion of the results, I note the geography subsets explicitly.

Table 1. List of partisan contests analyzed, between 2012-2020.

Year	Contest	Type	Partisan	DemCandidate	GOPCandidate	RPV
2020	President	General	YES	Biden	Trump	YES
2020	Governor	General	YES	Inslee	Culp	YES
2020	Attorney General	General	YES	Ferguson	Larkin	YES
2020	Treasurer	General	YES	Pellicciotti	Davidson	YES
2018	U.S. Senate	General	YES	Cantwell	Hutchinson	YES
2018	U.S. Rep D4	General	YES	Brown	Newhouse	YES
2018	LD 15 State Senate	General	YES	Aguilar	Honeyford	YES
2016	U.S. Senate	General	YES	Murray	Vance	YES
2016	President	General	YES	Clinton	Trump	YES
2016	Governor	General	YES	Inslee	Bryant	YES
2012	LD 15 Position 2	Primary	YES	Gonzalez	Taylor	YES
2012	LD 15 State Rep.	General	YES	Gonzalez	Taylor	YES
2014	LD-15 State Senate	Primary	YES	Munoz	Honeyford	YES
2014	LD-15 position 2	Primary	YES	Martinez-Chavez	Taylor	YES
2014	LD 15 State Senate	General	YES	Munoz	Honeyford	YES
2014	LD 15 State Rep.	General	YES	Martinez-Chavez	Taylor	YES
2016	LD-14 Position 1	General	YES	Soto Palmer	Johnson	YES
2020	LD-13 Position 1	Primary	YES	Castaneda Diaz	Dent	YES
2020	LD 13 Position 1	General	YES	Castaneda Diaz	Dent	YES

Table 2. List of non-partisan contests analyzed, between 2012-2020.

Year	Contest	Partisan	SpanishSurname	NonSpanishSurname	RPV
2020	Franklin County Commish D2	NO	Peralta	Mullin	YES
2020	State Supreme Court, Seat 3	NO	Montoya-Lewis	Larson	YES
2020	Sup. of Public Instruction	NO	Espinoza	Reykdal	NO
2018	State Supreme Court, Seat 8	NO	Gonzalez	Choi	NO
2018	Yakima County Board D3	NO	Soto Palmer	Childress	YES
2016	Yakima County Board D2	NO	Manjarrez	Anderson	YES

C. Data Preparation

To conduct the RPV analysis, I gathered precinct election returns from the Washington Secretary of State election results website³ and the Redistricting Data Hub.⁴ I also downloaded precinct shape files from the Secretary of State's website,⁵ and the Redistricting Commission's website.

Beginning with the precinct vote returns, for each election contest I analyze, I divide each candidate's vote by the total number of votes in that election, as well as the total number of estimated voters in that precinct. For example, in a precinct with 1,000 voters, if Biden scored 800 votes and Trump 200, I produce a Percent Biden value of 0.8 (80%) and a Percent Trump value of 0.2 (20%). However, my approach also lets me capture possible voter drop off for different election contests. Thus, while 1000 people might have voted in the presidential contest, maybe just 850 cast ballots for another contest in the same election year. Thus, I further account for no vote in these down-ballot races. In the statistical model, I then weight each precinct by its total vote size to account for variation in precinct population size.

Next, I generate the demographic statistics of each voting precinct. Analysts can generate precinct demographics in a variety of ways all containing some degree of estimation. One common approach is to use citizen voting age population (CVAP) data from the American Community Survey (ACS) 5-year estimates. The ACS is a roughly 2% sample of all American households per year. Thus, by stacking the ACS across five years, a mid-point estimate captures roughly 10% of American households. The advantage of the ACS over the U.S. Census is that it is ongoing instead of only every 10 years, and the ACS includes questions about citizenship status. This latter advantage is crucial in estimating Latino voting since

³ <https://www.sos.wa.gov/elections/research/election-results-and-voters-pamphlets.aspx>

⁴ <https://redistrictingdatahub.org/state/washington/>

⁵ <https://www.sos.wa.gov/elections/research/precinct-shapefiles.aspx>

many U.S. Latinos are not citizens and thus using voting age population as a demographic indicator can vastly over-estimate the size of the Latino electorate.

Using ACS data requires statisticians to estimate precinct demographics using spatial interpolation methods from block group to the precinct. This is because precinct lines and block groups do not overlap completely and/or are not nested.

Another method is to gather voter file data, which provides information about who actually voted in each election and in which precinct each voter lives. Because both the vote return data and the voter file contain precinct information, this method of precinct demographic composition does not suffer from the spatial interpolation challenge posed with ACS or Census demographic data. In some states, each voter's race is listed as a column in the voter file; however, this is not the case in Washington. Therefore, in order to generate an estimate of a precinct's racial demographics, I estimate each voter's racial distribution then aggregate all voters' racial distributions within a precinct together. I opt for this latter approach because it provides greater demographic composition precision – especially in the context of lower turnout primary elections. When estimating RPV across groups who vary significantly in population size and voter turnout (as is the case between whites and Latinos here, as I will show in the report's section on voter turnout), greater precision in who voted enables a more precise vote choice estimate by racial group.

To generate my demographic estimates, I gathered voter file data from the Secretary of State for general election years 2012, 2014, 2016, 2018, and 2020, and for the 2012, 2014, and 2020 August primaries. The files include all registered voters recorded shortly after that fall's general election (or the primary). The file includes first name, surname, address, and a column recording the date of each individual voter's last recorded vote. I subset each file to the relevant 5-county region, and further subset to people who cast a ballot in each general election contest. I then geocoded these data using Geocodio to extract each unique household's latitude and longitude (coordinates).⁶ Geocodio is a leading geocoding service that interfaces with various statistical software programs for relatively straightforward individual record geocoding. Experts in my field can select a variety of geocoders (e.g., Geocodio, Google, Opencage). I have used all these services and they produce highly similar results.

I then forward geocoded these lat/long coordinates into the appropriate Census blocks, using 2010 blocks for 2012 and 2014, and 2020 blocks for 2016-2020. This entails a geospatial points-to-polygons approach where I locate each coordinate in its appropriate Census block by overlaying a spatial points layer onto a spatial polygons layer. This process adds the 13-digit Census block FIPS code to each record, which I need to conduct Bayesian Improved Surname Geocoding (BISG) – which is a straightforward method for

⁶ <https://www.geocod.io/>

probabilistically estimating an individual's race based on surname and neighborhood racial composition.⁷

The data now contain all the ingredients necessary to use the BISG algorithm to estimate individual-level race probabilities, including: surname, residential address, latitude, longitude, county, precinct, and vote history.

BISG is a widely used and reliable method researchers use to estimate individual-level race prediction. The California Secretary of State uses the method to help them better understanding voter turnout by race, and the Washington State Auditor's office recently used the approach in a performance audit. Furthermore, BISG uses publicly available data (publicly available lists of voters in this case, and Census block population counts) to transparently estimate individual-level race estimation. At a very basic level, for each voter in the voter file, the BISG formula combines information about that voter's surname and where that voter lives. We can do this because many surnames are indicative of race. This is especially the case for people with Spanish surnames. For instance, a surname such as Hernandez is much more likely to be held by a person of Hispanic descent, whereas a surname like Collingwood is more likely to be held by a non-Hispanic white person. The 2010 Census tabulated the racial distribution of all surnames occurring at least 100 times in the United States, and thus, this surname list serves as one data point as to each voter's race probability.⁸

The second bit of information draws on where each voter lives. I locate each voter within a Census block, which is the smallest geographic unit in which the Census provides demographic counts. Thus, if that same voter with the Hernandez surname lives in a block that is 97% Hispanic, the probability of them being Hispanic will increase. However, if that same voter with the surname Hernandez lives in a block that is just 25% Hispanic, then the probability that they are Hispanic will decrease. The BISG formula will provide five probabilities for each voter: the probability they are non-Hispanic white, Black, Hispanic, Asian/Pacific Islander, or Race Other.

Of the files I received from the Secretary of State's office, I rely on eight files of registered voters containing information on who voted (and who did not vote) in the last general election - or in the last primary election. Each file contains all registered voters in the state as of the date listed, and is the first file to list vote history for the previous relevant election. Thus, the 2016 file captures individual level behavior for the 2016 general election; the 2018 file captures individual level behavior for the 2018 general election; and the 2020 file captures individual level behavior for the 2020 general election. I gather the historical voter file closed to each date because it best captures what the electorate looked like at the time. It is not sufficient, for instance, to gather the latest Washington registered voter file,

⁷ Later in the report I conduct a voter turnout analysis on 2020 and 2018 general election registrants. For this part, I geocoded and performed BISG for all registered voters in the 5-county region.

⁸ https://www.census.gov/topics/population/genealogy/data/2010_surnames.html

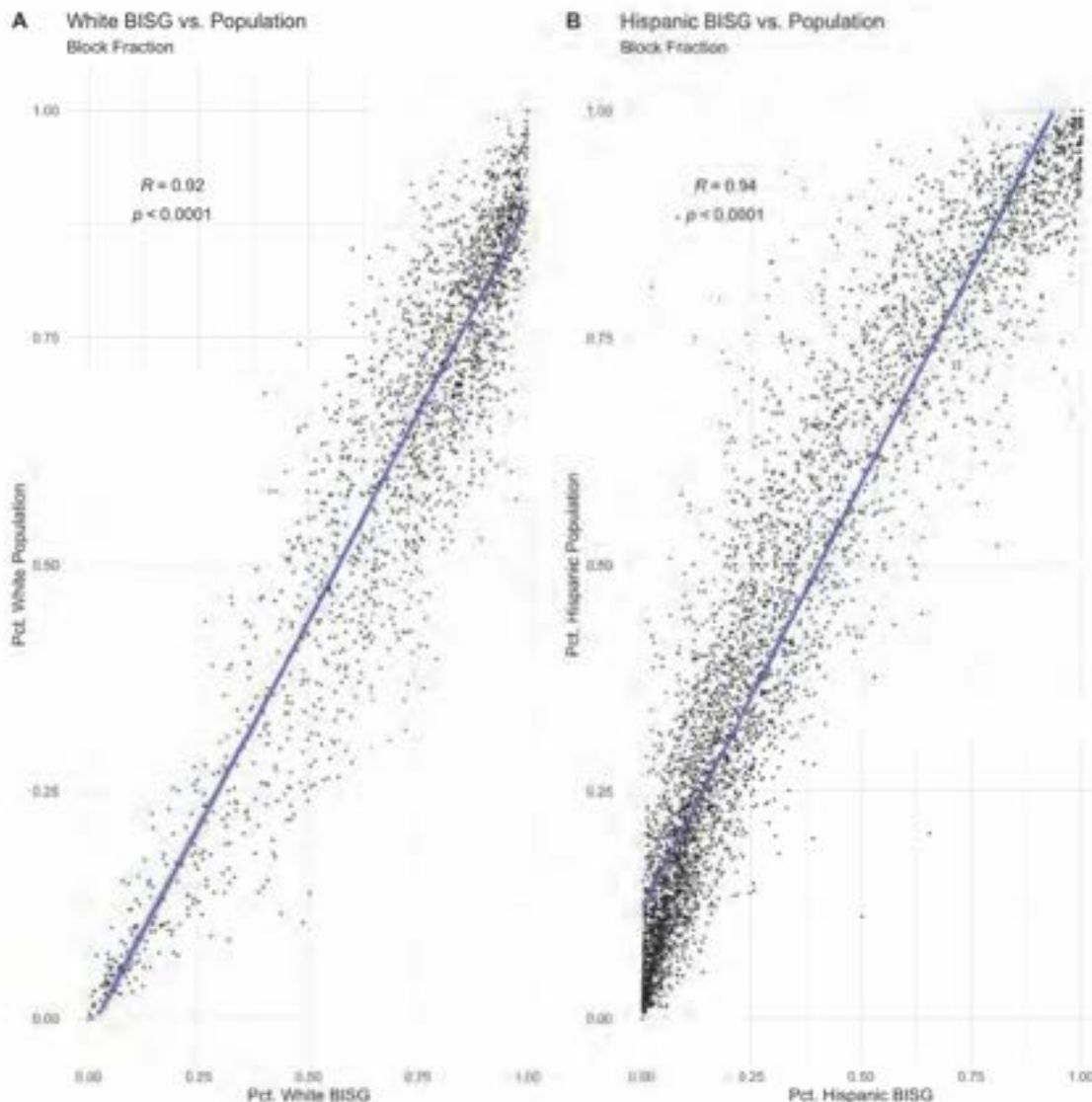
then subset to people who cast ballots in the requisite elections because people have since moved within and outside of the state, and within and outside of the various focus counties.

I use the `bigR` package (Decter-Frain and Sachdeva 2021) – an extension of the `eiCompare` software suite—to estimate the race probability of all voters because I can use 2020 Census population data rather than 2010 Census counts. I also attach these Census counts onto each individual voter record so that I can validate BISG prediction accuracy. I loaded either 2010 or 2020 Census block level population estimates into my statistical software using the U.S. Census data file known as P.L. 94-171 data, which the U.S. Census Bureau created from the 2010 and 2020 Census data. These files contain population (i.e., demographic) counts for all Census blocks in the United States. The P.L. 94-171 data is the main dataset used in redistricting every 10 years. If, for instance, we want to know how many people live in Block X we must turn to the P.L. data for the answer. Because I am only interested in Washington voters, I narrow the P.L. data to Washington.

Using the P.L. 94-171 data, I develop block-level demographic counts for non-Hispanic single race white, Hispanic, non-Hispanic single race AAPI (Asian American Pacific Islander), non-Hispanic single race Black, and race other. These counts are then sent into the BISG algorithm and used as the geographic probability side of the BISG formula.

By way of validation, I aggregated the 2020 voter file with BISG probabilities attached by race to the Census Block by summing each racial group's probability. We should observe a robust positive relationship between BISG and population data at the aggregate level. To apply this to the subject data set, I calculated the percentage of individuals from each racial group per block and did the same at the population level. Figure 2 plots out the relationship between percent race by BISG and percent race by population (for non-Hispanic white and Hispanic). The correlation for the two ethno-racial population groups hovers between 0.92-0.94, the regression line (blue) is positive and statistically significant. This result indicates that the BISG formula worked correctly in this case and as we would expect, with a high correlation.

Figure 2. BISG vs. population scatterplots at the block level by classified non-Hispanic white and Hispanic voters.



To enter the surname race probabilities, the BISG package incorporates the 2010 U.S. Census surname database. This database includes race probabilities for the same five racial categories of every name occurring in the United States at least 100 times. Names that are uncommon are imputed to the surname racial probability average. With these two bits of information, the BISG method uses Bayes' Theorem to produce a race estimate for the five aforementioned racial groups for every voter. The BISG Bayes formula in the Appendix provides the details of the formula.

The final step is to aggregate each racial probability to the precinct then join with the election data using unique county precinct identifiers. For example, in a precinct with 1,000 2020 voters, each voter will have a probability between 0-1 for white, Black, Hispanic,

AAPI, and other. For instance, there might be a Collingwood who lives in a block within this precinct. BISG might assign this voter a 0.917 probability of being white, a 0.059 probability of being Black, a 0.006 probability of being Hispanic, a 0.002 of being Asian, and a 0.015 probability of being race: other. To generate the percentage of voters in the precinct that are Hispanic, for instance, I sum each voters' probability of being Hispanic then divide by 1,000. That percentage is then my racial Hispanic demographic estimate in that precinct.

Finally, and as noted, I opt for the BISG method as my source of demographic input into the ecological model instead of using voting age population (VAP) or CVAP counts for reasons of turnout variation by race. According to U.S. Census estimates, 77% of eligible whites in Washington State cast ballots in 2020 general election, whereas 54% of eligible Hispanics cast ballots in the same election.⁹ In the United States as a whole, 53.7% of citizen voting age Hispanics reported to have voted in the 2020 general election. Meanwhile, 70.9% of citizen voting age non-Hispanic whites reported to have voted in the same election. Further, as my turnout analysis later in the report demonstrates, this turnout gap between white and Hispanic voters grows further in off-year midterm elections. Thus, by relying on VAP or CVAP as my demographic input, I would not be able to account for this gap in racial turnout as cleanly.

D. Racially Polarized Voting

Once all the precinct data are cleaned and joined, for each contest, I subset the precincts to the appropriate geographic unit – either all five counties in the case of statewide contests and legislative seats fully contained in the 5-county region, or relevant portions of legislative seats within the region. I use two methods to estimate racially polarized voting between non-Hispanic whites and Latinos: 1) Ecological Inference (EI); and 2) Rows by Columns (RxC). These are two of the commonly used and reliable methods to estimate vote choice by race using precinct data. Both approaches produce very similar estimates: Out of the 25 contests, both methods produce RPV in 23 contests for a rate of more than 92%.

Figure 3 presents the EI results of the contests that do not feature Spanish-surname candidates. The colored bar and number represent the point estimate – the most likely vote estimate given the underlying data. The little black bars represent the statistical uncertainty inherent in the model, in this case the 95% confidence or credible interval. In short, with the confidence interval, we can be 95% confident that the true vote estimate lies somewhere in between the low and high point represented by the error bar. The top row presents the RPV results for the 2020 Treasurer contest. Column one reports results for the Democratic candidate, Column 2 results for the Republican candidate.

⁹ <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>

For example, EI estimates that in the 2020 Treasurer contest, Latino voters preferred Pellicciotti (77% - 23%) whereas white voters preferred Davidson (79% - 21%). In the 2020 presidential election, EI estimates that 78% of Latino voters backed Biden, whereas just 27% of whites did so. Turning to Column 2, the pattern is reversed with just 22% of Latinos backing Trump and 73% of whites backing Trump. These results are consistent with a pattern of racially polarized voting.

The gubernatorial contest (Row 3) reveals a similar pattern of RPV: 75% of Latino voters backed Inslee, whereas just 24% of white voters did so. Instead, white voters gave 76% of their support to Culp, whereas just 25% of Latinos did. A similar pattern emerges for attorney general: Bob Ferguson notched 79% of the Latino vote but just 25% of the white vote. Instead, white voters backed Larkin with 75% of their vote, and Latinos voted 21% for Larkin. Again, these results demonstrate racially polarized voting.

The 2018 statewide contests show once again a similar pattern: About 80% of Latino voters backed Senator Cantwell in her re-election contest against Hutchinson. White voters, however, preferred Hutchinson with about 74% of their vote. The Congressional District 4 contest also shows significant racial polarization: 78% of Latinos backed Brown, whereas 74.3% of white voters backed the Republican Newhouse.

Finally, the 2016 statewide contests subset to the 5-county region reveals strong Latino support for the Democratic candidates of Murray for U.S. Senate (84%), Clinton for U.S. President (79%), and Inslee for Governor (82%). White voters, however, backed the Republican candidate, respectively, 69% for Vance, 71% for Trump, and 73% for Bryant.

Figure 3. Racially Polarized Voting assessment in statewide contests subset to the Yakima Valley 5-county region: Adams, Benton, Franklin, Grant, Yakima. Ecological Inference (EI) method.

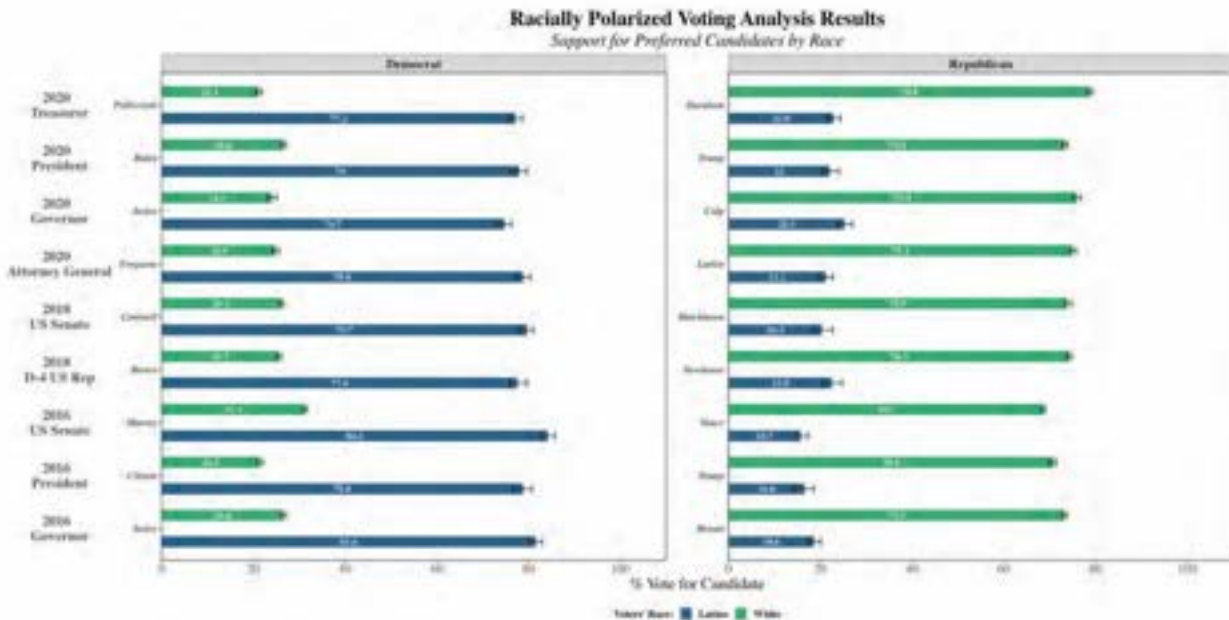
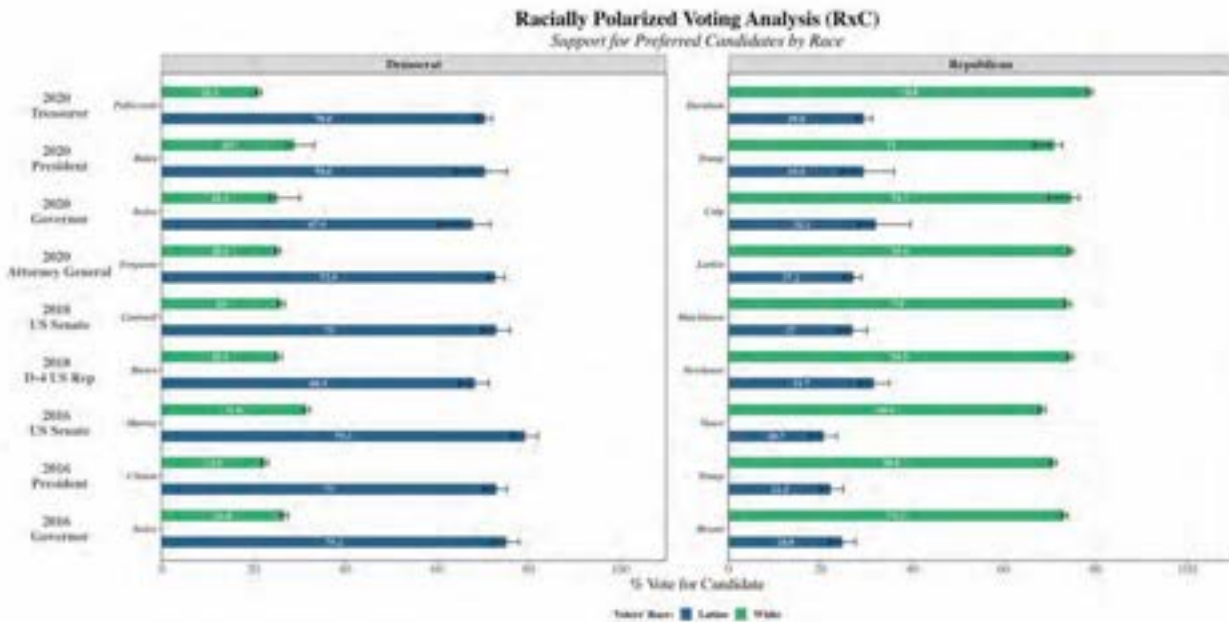


Figure 4 presents the same contests but analyzed with the RxC method. In the model, I incorporated variables for “other candidates” (often a smattering of candidates or write-ins achieving maybe 2% of the vote), no votes, and a catch-all “race other.” For presentation, I only show the white and Latino estimates for the top two candidates. The results are exceedingly consistent with the ecological inference approach presented above and show high levels of racially polarized voting between Latino and white voters in the 5-County area.

Figure 4. Racially Polarized Voting assessment in statewide contests subset to the Yakima Valley 5-county region: Adams, Benton, Franklin, Grant, Yakima. Rows by Columns (RxC) method.



I then analyzed 16 contests featuring Spanish-surname candidates. Each of these candidates are Latino except for Manjarrez (Yakima County District 2), who is married to a Latino individual thereby taking his surname. Because we know that voters often proxy ethnicity based on surname (Barreto 2010), I include that candidate as well. Four of these contests are primary contests which are denoted “primary” in the left-hand contest label.

RPV exists in 14 of these 16 contests, with Latino voters strongly backing the Spanish-surname candidate in each contest. In just one contest do white voters also back the Spanish-surname candidate (Gonzalez in the 2018 non-partisan State Supreme Court Seat 8). However, in the 2018 state supreme court election, neither candidate was white, and the challenger (Choi) was not considered to be a serious challenger due to Choi’s lack of fundraising, lack of endorsements, late start in campaigning, and a prior lawsuit where the Attorney General sued him for not making required campaign disclosures.¹⁰ In the 2020

¹⁰ For example, see <https://www.spokesman.com/stories/2018/sep/17/two-of-three-incumbents-unchallenged-in-state-supr/>

Superintendent of Public Instruction election, whites nearly evenly split their vote. Specifically, in the 2020 contest for Superintendent of Public Instruction, 67.8% of Latinos backed the Latino candidate Espinoza, whereas 49.6% of whites did so.

Analyzing the elections with Spanish surname candidates, in the 2020 State Supreme Court Position 3 contest, 73% of Latinos backed Montoya, whereas Anglos preferred Larson by a margin of 66%. In the 2020 Legislative District 13 Position 1, 70% of Latino voters supported Castañeda Diaz whereas white voters backed Dent with 87% of their vote.¹¹ The 2020 Legislative District Position 1 primary produced fairly similar RPV results: 89% of white voters backed Dent, with 61% of Latino voters backing Castañeda Diaz. Note how the primary contest has larger statistical uncertainty (observed by the wider confidence bands) due to lower turnout which has the statistical effect of reducing the size of the Latino population across the precinct distribution.

In the 2020 Franklin County District 2 contest, Latino voters supported Peralta by a margin of 89%, with only 11% for Mullen. Anglo voters, however, backed Mullen by a margin of 87%, with only 13% for Peralta.

Turning next to three 2018 contests, I analyzed Yakima County District 3, State Supreme Court Position 8, and State Senate Legislative District 15. In Yakima D3, 83% of Latino voters backed Soto Palmer, whereas 77% of non-Hispanic white voters backed Childress. In the State Supreme Court contest, 75% of Latino voters preferred Gonzalez, but so did 51% of Anglo voters (see additional analysis above). Finally, in the State Senate 15 contest, Latinos preferred Aguilar (81%), whereas Anglos preferred Honeyford (82%).

In 2016, I analyzed Yakima County District 2, where 74% of Latino voters supported Manjarrez while 62% of whites preferred Anderson. In Legislative District 14 Position 1 (Yakima County only), 88% of Latino voters preferred Soto Palmer, but 83% of white voters preferred Johnson.

I analyzed four 2014 contests and two 2012 contests. In the 2014 State Senate District 15 primary election contest, Munoz received 69% of Latino support, whereas Honeyford attracted 86% of white support. In the 2014 State Representative District 15 primary election, Martinez Chavez notched 79% of the Latino vote, whereas the white vote preferred Taylor with 88%.

In the 2014 State Senate District 15 general election contest, Munoz received 65% of Latino support, whereas Honeyford attracted 86% of white support. In 2014 State Representative District 15 general election, Martinez Chavez notched 68% of the Latino vote, whereas the white vote preferred Taylor with 85%.

Finally, in the 2012 State Representative District 15 contest, Gonzalez received 89% of the Latino vote, whereas Taylor scored 85% of the white vote. In the primary that same year,

¹¹ In this analysis I include only precincts located in Grant County, because that region is included is part of the 2021 enacted and/or plaintiff's demonstrative map.

Table 3. List of legislative or county/local elections featuring contests with Spanish Surnames, between 2012-2020, candidate vote totals, and whether White voters blocked the Latino-preferred candidate from winning.

Year	Contest	Type	Partisan	SpanishSur	PercentSp	NonSpanishSur	PercentNsp	Blocked
2020	LD-13 Position 1	Primary	YES	Castaneda Diaz	22.81	Dent	74.35	Yes
2020	LD 13 Position 1	General	YES	Castaneda Diaz	28.57	Dent	71.33	Yes
2020	Franklin Commish D2	General	NO	Peralta	40.79	Mullen	59.07	Yes
2018	LD 15 State Senate	General	YES	Aguilar	39.41	Honeyford	60.59	Yes
2018	Yakima Board D3	General	NO	Soto Palmer	40.29	Childress	59.71	Yes
2016	LD-14 Position 1	General	YES	Soto Palmer	33.95	Johnson	66.05	Yes
2016	Yakima Board D2	General	NO	Manjarez	48.22	Anderson	51.78	Yes
2014	LD-15 State Senate	Primary	YES	Munoz	24.49	Honeyford	75.51	Yes
2014	LD-15 position 2	Primary	YES	Martinez-Chavez	24.67	Taylor	75.33	Yes
2014	LD 15 State Senate	General	YES	Munoz	27.24	Honeyford	72.76	Yes
2014	LD 15 State Rep.	General	YES	Martinez-Chavez	27.59	Taylor	72.41	Yes
2012	LD 15 Position 2	Primary	YES	Gonzalez	38.92	Taylor	61.08	Yes
2012	LD 15 State Rep.	General	YES	Gonzalez	29.97	Taylor	70.03	Yes

Second, I examine whether the minority-preferred candidate wins in contests featuring racially polarized voting in statewide/exogenous elections subset to the enacted LD 15 and to several demonstrative plans. Specifically, I test whether majority-bloc voting is sufficient to prevent minority voters from electing their candidate of choice by analyzing whether alternative district maps can be drawn that are more likely to result in minority voters electing their preferred candidates of choice than under the enacted district map.

To do so, I conducted electoral performance analyses on Legislative District 15 in the Enacted Plan, as well as a set of demonstrative alternative plans provided to me by counsel for the Plaintiffs. An electoral performance analysis reconstructs previous election results based on new district boundaries to assess whether a minority or white preferred candidate is most likely to win in a given jurisdiction under consideration (i.e., a newly adopted legislative district).

This type of inquiry informs a RPV analysis in districts that have not yet had elections because it tests whether different plans would provide a more equal ability for minority voters to participate in the electoral process and to elect candidates of choice. Thus, the performance analysis shows that a remedy is possible.

I gathered precinct results across the same set of statewide elections (and the 4th congressional district) in which I conducted my RPV assessment.¹² To examine how a candidate performs in the enacted District 15, I then subset the precincts to only those falling within the new District 15 boundary. I use the same method to assess Plaintiffs' demonstrative districts with different boundaries.

This approach often results in a generally small number of precincts being split across district boundaries, leaving the choice as to whether to allocate all votes in that precinct to

¹² Note, I do not include the two statewide contests in which RPV is not present because blocking is not possible in those instances.

District 15, none, or some. This concern is resolved by taking an additional step with regard to precincts that are split across district boundaries. I overlaid the voting tabulation district (vtd) polygon shape file with the 2020 block polygon shape file and join population-level data including voting age population (VAP). Because blocks are fully nested inside vtDs in this instance, I can make adjustments to precinct vote totals by weighting split precinct votes by total voting age population. In precincts that split between districts, I take blocks on the one side of the district boundary to estimate the share of the VAP that is inside/outside of the district.¹³ This helps to improve the vote estimate.

As a point of comparison, one way to address this issue may be to turn to geographic distribution instead of population distribution. For example, a precinct might be geographically split 50-50 between a hypothetical District 4 and District 8. If there are 100 votes in the precinct, I could assign 50 votes to the part of the precinct in the district, and divide all candidate votes in half. If Trump had received 70 of the precinct's initial 100 votes, and Biden 30, I would assign Trump 35 votes (70×0.5) and Biden 15 (30×0.5) totaling 50 votes.

A more appropriate method is to take account of where the population lives within the precinct by using blocks – a much smaller and more compact geographic unit. Each block contains a tally for voting age population (VAP); therefore, I can sum the VAP for all blocks for the part of the precinct falling inside of District 4, and for the part of the precinct outside of D4. This method more adequately accounts for population distribution within the precinct instead of relying on geographic area alone. It could be the case that 70% of the VAP resides in the part of the precinct falling into D4, and 30% in a neighboring district. So instead of multiplying the initial 100 votes by 0.5, for District 4, I multiply the precinct's initial 100 votes by 0.7. In this scenario, Trump would receive 49 of the 70 votes and Biden 21 votes. While the candidate vote share ratio might be the same the Trump net differential moves from plus 20 ($35-15$) to plus 28 ($49-21$).

Once I have accounted for split precincts, I combine all precincts and their candidate votes together. For each contest, I then sum votes for candidate 1 and candidate 2, respectively, and divide by total votes cast. I replicate this procedure for the enacted and three Plaintiff demonstratives maps.

Summary of Electoral Performance Results

This section presents electoral performance plots showing comparisons between the Enacted Plan (Legislative District 15) and the three demonstrative plans Plaintiffs provided for an alternative Legislative District 14. The question I am examining is whether the enacted plan and alternative demonstrative plans provide Latino voters a greater ability to elect candidates of choice in the Yakima Valley and surrounding areas.

¹³ <https://www.census.gov/cgi-bin/geo/shapefiles/index.php?year=2020&layergroup=Blocks+%282020%29>;
<https://redistrictingdatahub.org/dataset/washington-block-pl-94171-2020/>

I found that the enacted LD 15 does not provide Latino voters in the district an equal opportunity to elect candidates of choice, while the Plaintiffs illustrative maps do provide Latino voters with an ability to elect such candidates.

To determine the competitiveness of the district, I examined eight elections subset to the district boundaries. The maps of the district boundaries I analyzed are shown below in Figures 7 - 10.

Figure 7. Enacted Washington House Legislative District 15.

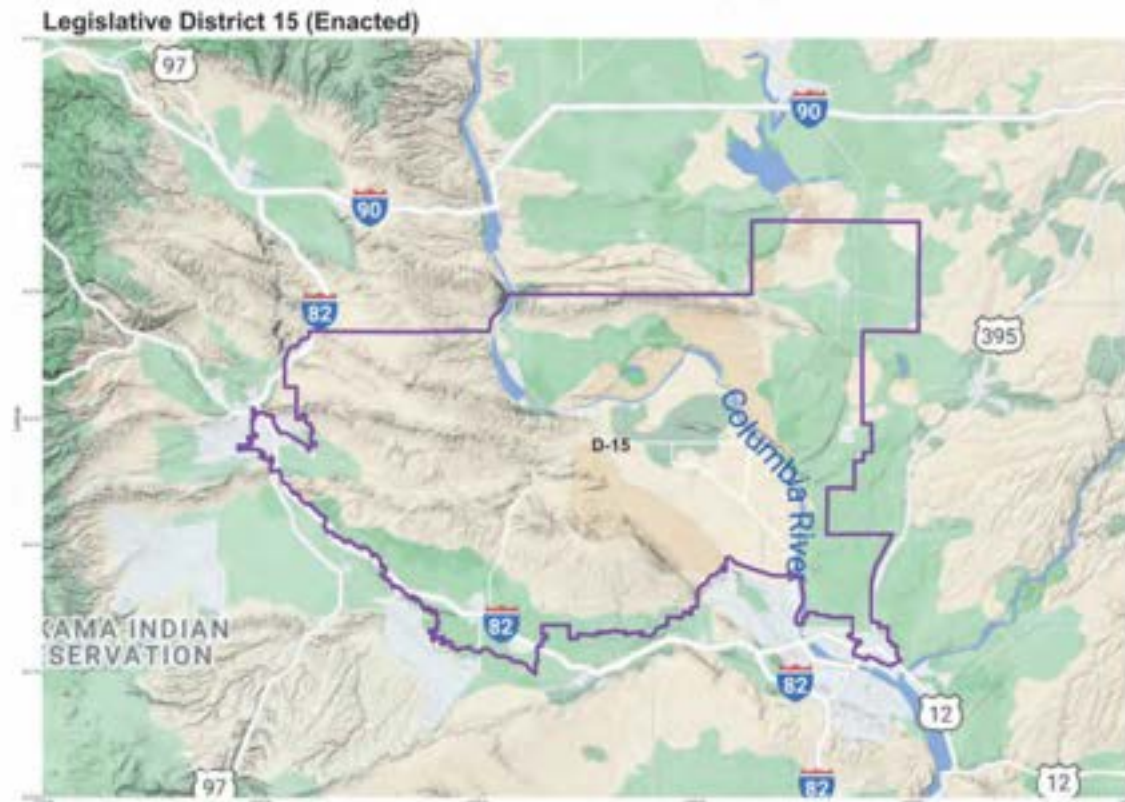


Figure 9. Washington House Legislative District 14, Plaintiffs' Demonstrative 2.

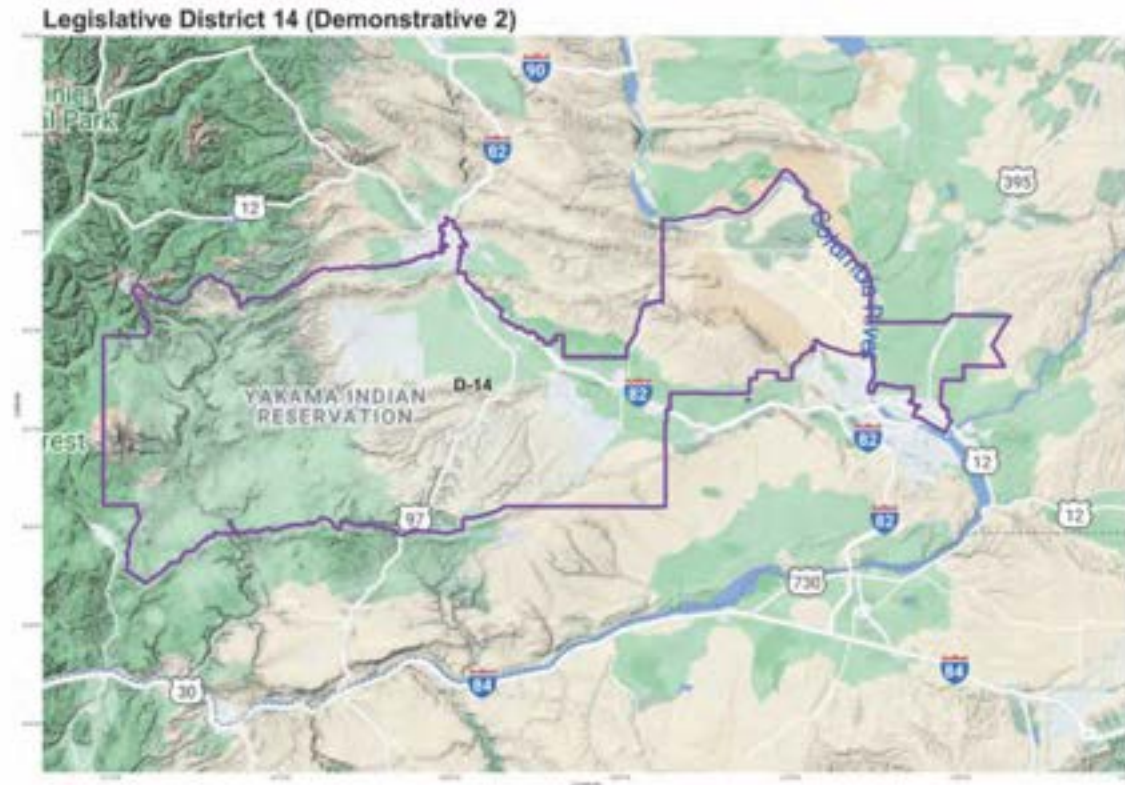


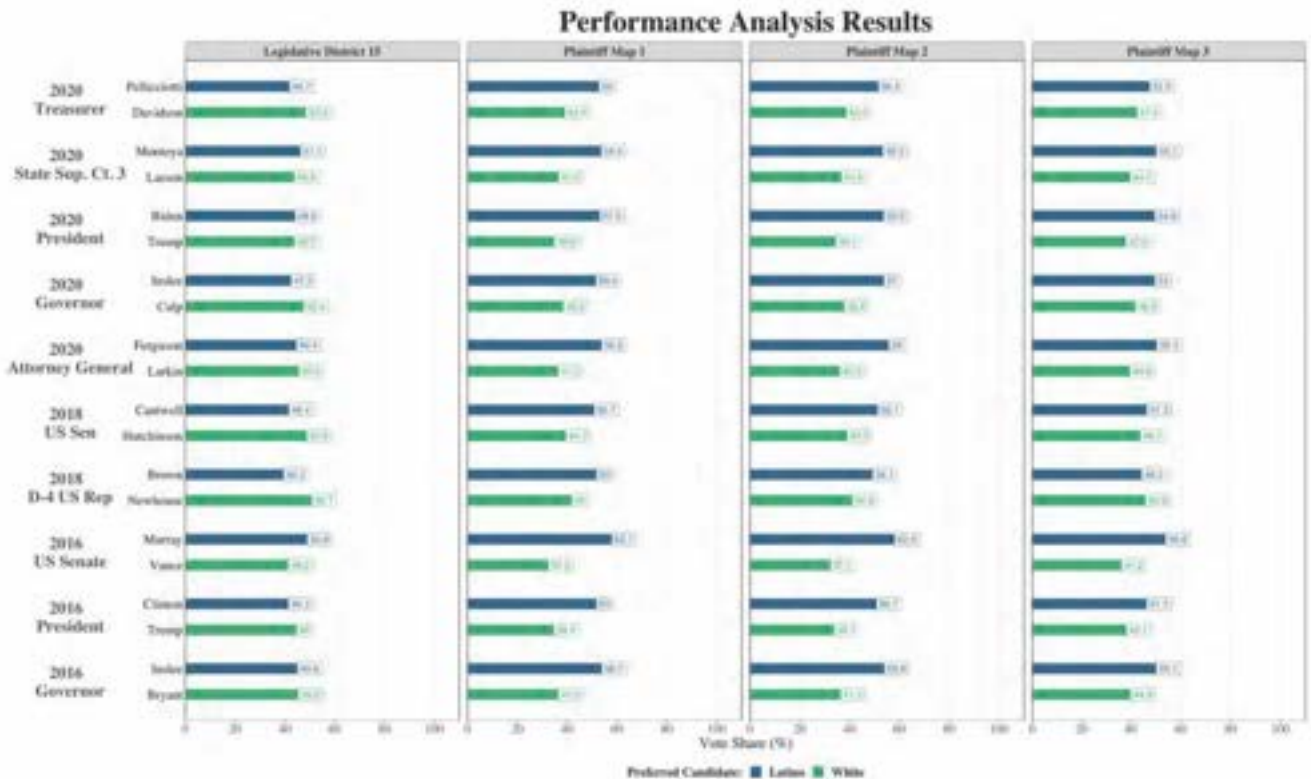
Figure 10. Washington House Legislative District 14, Plaintiffs' Demonstrative 3.

Turning to the results, Figure 11 shows four columns: Column 1 presents results subset to the enacted map, Column 2 is Plaintiffs' Demonstrative map 1, Column 3 is Plaintiffs' Demonstrative map 2, and Column 4 is Plaintiffs' Demonstrative map 3.

Performance analysis of the enacted map shows the white-preferred candidate winning 7 of 10 contests. Latino-preferred candidates win in only three contests: the 2020 Presidential election, the 2020 State Supreme Court Position 3, and the 2016 U.S. Senate race. Thus, the Latino-preferred candidate loses 70% of the time.

Plaintiffs' demonstrative plans provide Latino voters with a much greater chance of electing candidates of choice and gaining representation in this geographic area. Both Plaintiffs' demonstratives 1 and 2 show the Latino-preferred candidates winning all 10 contests for a win-rate of 100%. Plaintiffs' Demonstrative map 3 shows the Latino-preferred candidates winning 9 of 10 contests for a win-rate of 90%.

Figure 11. Electoral Performance analysis, 2016-2020 statewide general elections, paneled by enacted LD 15, LD 14 Plaintiff Demonstratives 1-3.



The performance analyses of the enacted and demonstrative plans provide strong evidence of white bloc voting – that is, the enacted LD 15 map will enable the white majority to block Latino voters’ ability to elect candidates of choice. However, Plaintiffs’ alternative districts provide Latino voters with an opportunity to elect candidates of their choice.

II. District Characteristics Analysis

Using Dave’s Redistricting software,¹⁴ I gathered statistics about the enacted LD 15 as well as the Plaintiffs’ three demonstrative plans showing their level of adherence to traditional redistricting criteria. Table 3 outlines several statistics about each plan, including: total population, population deviation, percent white CVAP, percent Latino CVAP, district compactness (Reock and Polsby), overall plan compactness (Reock and Polsby), county-district and district-county splits, and precinct splits.

Compactness scores range from 0-1, with 1 being perfect compactness, like a circle. County-district splits measure how much the map splits counties across districts and vice

¹⁴ Dave’s Redistricting is a free and publicly available software and database map drawers use to develop redistricting plans. Washington’s own Redistricting Commission employed this software during the map drawing process.

versa for district-county splits. In both cases, for splits the smaller the number, the more desirable from a mapping perspective.

Overall, on measures of population deviation, demographics, compactness, and splits, the Plaintiffs' demonstrative maps perform similarly to or better than the enacted LD 15. The population deviation of the enacted LD 15 and Plaintiffs' demonstratives are all very close to zero and virtually identical.

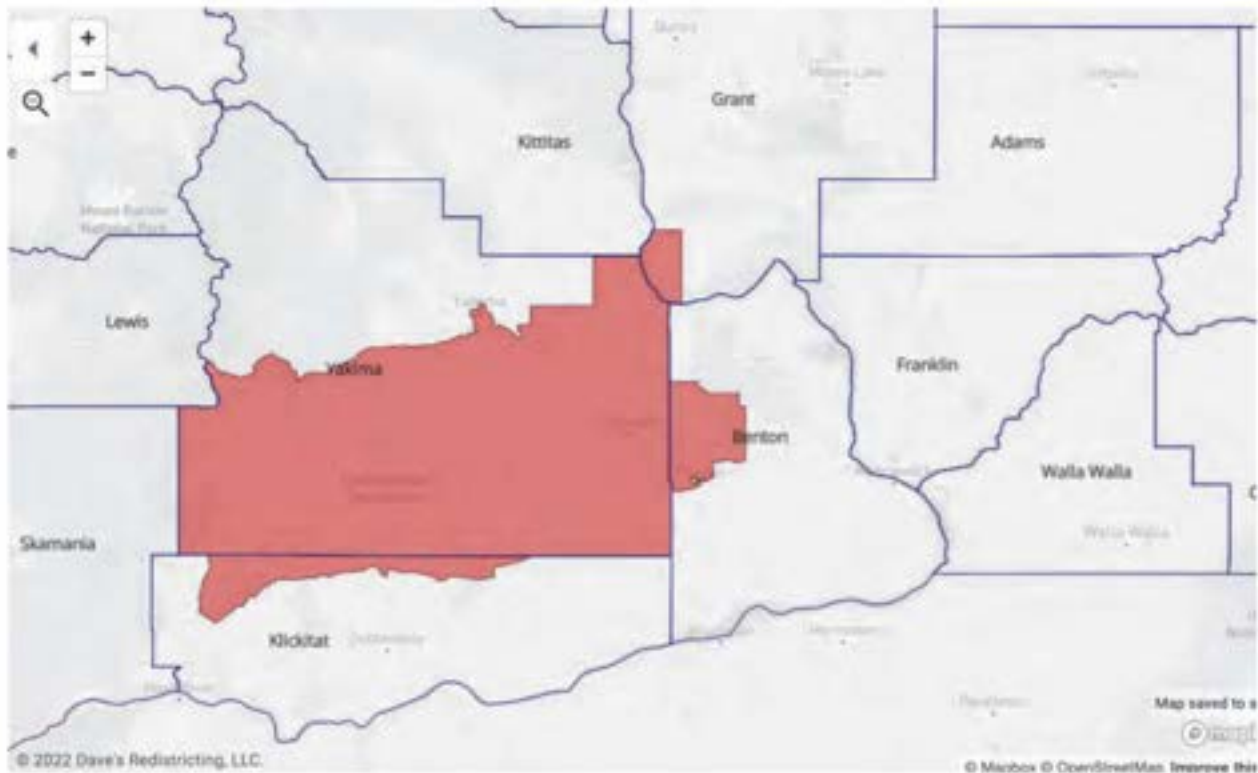
Table 4. Enacted and Demonstrative map statistics.

Statistic	Enacted	Alt 1	Alt 2	Alt 3
Population	157253	157247	157269	157223
Pop. Dev.	-0.0001	0	0.0001	-0.0002
WCVAP20	43.2	37	35.7	40.1
LCVAP20	51.5	52.5	53.6	50.2
District Reock	0.3226	0.2142	0.1766	0.3312
District Polsby	0.2372	0.2131	0.1812	0.3168
Map Reock	0.3993	0.3883	0.3918	0.395
Map Polsby	0.3204	0.3119	0.3114	0.3189
County-District	1.61	1.56	1.6	1.61
District-County	1.25	1.21	1.25	1.25
Precinct Splits	284	279	280	280

As Table 4 demonstrates, LD 14 in all three of Plaintiffs' demonstrative maps has a Latino CVAP of over 50%. Demonstrative 1 has LD 14 with a 52.5% Latino CVAP, Demonstrative 2 has LD 14 with 53.6% Latino CVAP, and Demonstrative 3 has LD 14 with a Latino CVAP of 50.2%.

On population deviation, all three of Plaintiffs' demonstrative plans match or beat enacted LD 15. For compactness scores for the relevant district, Plaintiffs' Demonstrative 3 has a higher Reock and Polsby-Popper score than the Enacted LD 15. Plaintiffs' Demonstrative 1 and 2 have slightly lower Reock scores, but Polsby-Popper scores that are very similar, and all of the demonstrative districts' compactness scores are reasonable. Further, all of the statewide demonstratives provided by Plaintiffs have higher or very similar Reock and Polsby-Popper scores for the overall map.

In terms of splits, all three of Plaintiffs' demonstrative districts contain the same or fewer county-district or district-county splits as the enacted map. And as shown in Figure 12, LD 14 in Demonstrative 3 splits only 4 counties (Yakima, Benton, Franklin, and Grant), while enacted LD 15 splits 5 (Benton, Yakima, Franklin, Adams, and Grant). Plaintiffs' demonstrative districts include a portion of Klickitat County to match the boundary of the Yakama Nation Reservation. Finally, all three of Plaintiffs' demonstratives contain fewer precinct splits.

Figure 12. County View of Plaintiffs' Demonstrative 3, LD 14.

III. Commission's Draft Maps and Decision Timeline

The Washington State Redistricting Commission consisted of five people: 1 independent non-voting chair, Sarah Augustine; two Democratic appointees, April Sims and Brady Walkinshaw; and two Republican appointees, Paul Graves and Joe Fain. In the redistricting process, the commissioners and/or their staff drafted and considered a number of maps, including various configurations of LD 14 and LD 15. Plaintiffs' counsel provided me with the links and shapefiles/block assignment files for these maps.

Table 5 compares these LD 14 and 15 drafts, including the name of each draft, the district numbering (whether 15 or 14), the Latino CVAP according to the 2019 5-Year ACS data (the data considered by commissioners during their map-drawing process), the Latino CVAP according to the most recent 2020 5-Year ACS data, and the Latino-preferred candidate's vote share across eight statewide election contests. These eight election contests are drawn from the statewide contests that I used to assess performance above, and for which I have identified a Latino-preferred candidate, and thus they allow us to see whether the draft maps perform for Latino voters.

Table 5. Decision Timeline.

Map	Dist #	'19 5-Yr ACS Latino CVAP %	'20 5-Yr ACS Latino CVAP %	Vote Share of Latino-Preferred Candidate (shaded if > white-preferred candidate's vote share)								
				2020 Pres% Biden	2020 Gov% Inslee	2020 AG% Ferguson	2020 Treas.% Peltola/Sitt	2018 U.S. Senate% Cantwell	2016 Pres% Clinton	2016 Gov% Inslee	2016 U.S. Senate% Murray	
9.8 LD Draft Dominique Meyers to Sims	15	44.9	46.4	53	51.5	53.6	50.9	50.1	49.4	53.4	56.8	
9.21 Fain Proposal Fain public release	15	33.8	35.5	46.2	44.4	46.2	43.3	43.7	41.9	46.7	49.8	
9.21 Graves Proposal Graves public release	15	34.2	36.3	40.6	38.8	40.7	37.7	38.8	37.3	42.1	45.7	
9.21 Sims Proposal Sims public release	15	44.7	46.1	54.1	52.5	54.6	51.9	51.4	50.4	54.4	58	
9.21 Walkinshaw Prop Walkinshaw public release	14	40.4	41.5	55.4	53.7	55.8	53.1	53.7	51.5	55.3	59.4	
10.25 Sims Proposal Sims public release	14	51.6	53	56.1	54.4	56.8	54.1	53.5	53.3	56.8	60.7	
10.25 Walkinshaw Prop Walkinshaw public release	14	51.6	53	56.1	54.4	56.8	54.1	53.5	53.3	56.8	60.7	
11.3 Graves LD 14 (2) Graves proposal	14	50.6	52.0	55.6	53.9	56.3	53.6	53.2	52.8	56.4	60.3	
11.7 New leg proposal Anton Grose to Paul Graves	14	50.9	52.6	50.7	49.3	51.3	48.7	48.2	48.3	51.7	55.7	
11.8 Fain V2 Fain proposal	15	50.6	52.0	52.4	50.8	52.9	50.2	50.0 ¹⁵	50.0	53.4	57.4	
11.10 BW 11.10 new VRA Walkinshaw proposal	14	52.6	54	58.8	57.3	59.5	56.9	56.8	56.0	59.6	63.6	
11.11 Base proposal Brady Walkinshaw	14	51.6	53	56.1	54.4	56.8	54.1	53.5	53.3	56.8	60.7	
11.11 Graves1110LD Anton Grose to Graves, Sims	14	50.3	52	49.7	48.2	50.3	47.6	47.3	47.4	50.8	54.8	
11/12¹⁶ April Sims to Paul Graves	15	49.2	50.6	47.9	46.3	48.3	45.7	45.4	45.4	48.9	52.8	
11.12 Graves Draft Nov12 (1) Paul Graves and staff	15	50.2	51.6	49.0	47.4	49.5	46.8	46.5	46.5	50.0	53.9	
11.13 BW leg proposal Ali O'Neil to Fain staff	14	51.6	53	56.1	54.4	56.8	54.1	53.5	53.3	56.8	60.7	
11.15 Copy of 11/14 7:30pm Merged D Map Walkinshaw/Sims	15	49.2	50.5	47.9	46.3	48.4	45.7	45.5	45.4	48.9	52.8	
11.15 R Prop Rebalanced Osta Davis to Ali O'Neil	15	50	51.5	48.9	47.3	49.4	46.7	46.4	46.3	49.8	53.8	
Enacted Plan	15	50	51.5	48.9	47.3	49.4	46.6	46.3	46.3	49.8	53.7	

¹⁵ Light shade indicates a percentage tie (50%-50%).¹⁶ The numbers here are different than those presented in my initial report submitted in August. In discovery, Plaintiffs' counsel discovered that the Dave's Redistricting App file I previously used had been modified after November 12. Plaintiffs' counsel received the correct version of the file in a production from DRA in response to a subpoena and gave me the appropriate geojson file which I used to generate these numbers.

This analysis first shows that commissioners proposed and considered maps that would have provided Latino voters at least an equal opportunity to elect candidates of choice, although the commissioners ultimately did not select those. In addition, the drafts demonstrate that proposals making the Latino opportunity district LD 14, rather than LD 15, were considered and presented by commissioners. Finally, the drafts in the table, which are displayed chronologically, show that as the map-drawing progressed and negotiations continued, the performance for Latino preferred candidates was systematically reduced, ending with the Enacted Plan.

IV. Voter Turnout Comparison and Justification for Even District Number

The commission's decision to label the Latino opportunity district LD 15 versus LD 14 has ramifications for whether Latino voters will be able to elect candidates of choice in this seat. This is because Latino turnout in the 5-county region is lower than white turnout in non-presidential years (LD 15) compared to presidential years (LD 14), and LD 14 has more elections in the presidential election year.

For each LD in Washington, there are three seats (two house representatives, and one state senator). Each state representative is elected every two years, while state senators are elected every four years. But the election years vary by district. For instance, all three of LD 15's positions will be up for election in 2022 (off-year); the next state house election will then be in 2024, while the next state senate election will be in the off-year 2026. By comparison, only two of LD 14's positions will be up for election in 2022 (the house seats), but all three seats will then be up for election in 2024 (with the senate seat always lined up with the presidential and gubernatorial election).

Turnout as Percent of Voter Registration

Using BISG voter file calculations from the 2018 and 2020 general elections, Table 6 presents estimated voter turnout by race/ethnicity (Anglo, Latino) in the 5-county region. To calculate turnout, I split the voter file based on who voted in 2020 and who did not, then sum the probability white column across the region. I then divide the total estimated number of white voters by the total number of estimated white registrants. I then do the same for the probability Hispanic column.

The 2020 general turnout information is presented in the first two columns of Table 6, followed by the 2018 general turnout information in the third and fourth columns. Overall, the findings show that registered Anglos are more likely to vote in both the 2020 general and the 2018 general. The overall 2020 white advantage in turnout is 21%. Specifically, 80% of white registered voters voted in the 2020 general, whereas just 59% of Latino voters did.

Voter turnout for both groups declined in the 2018 general election. I estimate that 65.4% of white registrants voted in the 2018 general election compared to just 38.4% of Latino voters, resulting in a white advantage of 27 percentage points. Compared to the 2020

general, white voters have an additional 6.1% turnout advantage over Latino voters in the 2018 general. Thus, by labeling the district LD 15 rather than LD 14, regardless of the CVAP numbers, white voters will have a disproportionately larger electoral composition advantage than if the commission had chosen to label the district LD 14, given that LD 14 holds more elections in line with the presidential election year.

Table 6. Voter turnout comparison across 2020 and 2018 general elections by Anglo and Hispanic/Latino registrants. Data calculated using BISG on voter files for both years.

Race	Pct. Voted 20G	White - Hisp. 20G	Pct. Voted 18G	White - Hisp. 18G	Diff 18G - Diff 20G
White	0.798		0.654		
Hispanic	0.589	0.209	0.384	0.27	0.061

Turnout as a Percent of Citizen Voting Age Population (CVAP)

I also calculated voter turnout as a function of Citizen Voting Age Population (CVAP). To do so, I take the estimated number of white and Latino actual voters, respectively, and divide by the CVAP estimates for the same groups. I gathered county-level CVAP data from the Redistricting Data Hub Washington State page, which provides 2016-2020 CVAP estimates, and 2014-2018 CVAP estimates based on the 5-year American Community Survey (ACS).¹⁷

The results are similar to the voter registration results, although somewhat attenuated in terms of differences in turnout across the two groups and across the two years.

Table 7 shows the 2020 general election turnout differences across Anglo and Hispanic voters relative to 2020 CVAP in the 5-county region. The table also includes a relative turnout difference between the two racial groups across the two election years. In 2020, I estimate that 200,501 white and 51,596 Latino registrants, respectively, cast a ballot. Taking these numbers and dividing by each group's CVAP, I place white turnout at 74.3% and Latino turnout at 51.1%, for a white turnout advantage of 23.2%.

Table 7. Voter turnout comparison in 2020 general elections by Anglo and Hispanic/Latino, as percent of CVAP. Data calculated using BISG on voter files for both years and CVAP as denominator.

Total CVAP	White CVAP	Hispanic CVAP	White Vote	Hispanic Vote	White TO	Hispanic TO	Difference	Off Year Adv.
398735	269880	100960	200501	51596	0.743	0.511	0.232	0.022

Table 8 shows the 2018 general election turnout differences across Anglo and Hispanic voters relative to 2018 CVAP in the 5-county region. In 2018, I estimate that 154,316 white and 29,033 Latino registrants, respectively, cast a ballot. Taking these numbers and

¹⁷ <https://redistrictingdatahub.org/state/washington/>.

dividing by each group's 2018 CVAP estimates, I place white turnout at 57.5% and Latino turnout at 32.1%, for a white turnout advantage of 25.4%.

Table 8. Voter turnout comparison in 2018 general elections by Anglo and Hispanic/Latino, as percent of CVAP. Data calculated using BISG on voter files for both years and CVAP as denominator.

Total CVAP	White CVAP	Hispanic CVAP	White Vote	Hispanic Vote	White TO	Hispanic TO	Difference
384995	268330	90365	154316	29033	0.575	0.321	0.254

Comparing Latino Electoral Composition in Included vs. Excluded Precincts

Finally, I analyzed Latino and white turnout rates and electoral composition in high-density Latino communities from Grant and Adams Counties that are included in the enacted LD 15, and compare that against other nearby high-density Latino communities in Yakima County that were excluded from the district. While these are all high Latino CVAP areas, my analysis shows that the included areas produce a higher white electoral composition than do the excluded regions of the map. In other words, while the high-density Latino communities from Grant and Adams Counties that were included in the district were necessary to achieve a bare HCVAP majority, those communities' electorates are disproportionately white compared to the Yakima County precincts that were excluded from the district.

The enacted map includes the following high-Latino precincts: Adams (413, 415, 511, 512) and Grant (26). These include parts of the communities of Othello and Mattawa. A 2018 general election voter file analysis reveals that these precincts contain about 633 registered Anglo voters, and 1,881 registered Latino voters.

However, due to turnout differential in the 2018 general election, (white = 64%, Hispanic = 37%), white voters made up 36% of election day voters despite being 25% of registrants. The pattern is replicated in the 2020 general election, where white voters were 28% of the electorate despite being 23% of registrants. This illustrates the deleterious effect of the decision to give the district the number 15 rather than 14: the electorate in these precincts is 8 points whiter in the off-year election than in the presidential election.

By contrast, the enacted plan excludes from the district the following neighboring high-density Latino precincts in Yakima County: 901, 2101, 2102, 2103, 2501, 2502. These include parts of the communities of Wapato, Toppenish, and Mabton. I estimate that as of the 2018 general election 428 white voters were registered in these precincts, while 4,579 Latino voters were on the rolls. Therefore, whites only comprised about 8% of registered voters. Accounting for turnout, the white composition of the 2018 electorate bumped up a bit to 11%. By 2020, the white share of registered voters dropped slightly to 7%, with electoral composition at 8%.

Table 9 below illustrates these findings.

Table 9. Comparison of included versus excluded precincts.

Precincts	Registered Voter Share (2018)	2018 Election Electorate Composition	Net White Advantage over Registration Share (2018)	Registered Voter Share (2020)	2020 Election Electorate Composition	Net White Advantage over Registration Share (2020)
Included Adams & Grant Latino Precincts	73% Latino, 25% white	61% Latino, 36% white	+23%	75% Latino, 23% white	70% Latino, 28% white	+10%
Excluded Yakima Latino Precincts	83% Latino, 8% white	80% Latino, 11% white	+6%	84% Latino, 7% white	83% Latino, 8% white	+2%

The commission's choice to include the Adams and Grant County precincts and exclude the Yakima County precincts has two notable effects. First, the Adams and Grant County precincts have lower shares of Latino registered voters compared to the Yakima precincts (73% v. 83%). Second, the Adams and Grant County precincts have disproportionately white *electorates* relative to their voter registration, whereas in the Yakima County precincts Latino vote share narrowly trails Latino registration. This is particularly pronounced in the 2018 off-year election, where the white advantage in the Adams and Grant County precincts is four times greater than in the Yakima County precincts.

The commission's decision of which high-density Latino precincts to include and exclude, coupled with the decision to label the district LD 15 with senate elections in off-years, thus helps explain why the district will not perform to provide Latino voters an equal opportunity to elect their candidates of choice.

Conclusion

In conclusion, racially polarized voting between white and Latino voters is present in the Washington Yakima Valley and surrounding 5-county region. The pattern is overwhelming. I examined 25 elections, and 23 demonstrate clear patterns of RPV using both the ecological inference and the rows by columns methods.

Further, in past elections, white voters voted sufficiently as a bloc to usually defeat minority voters preferred candidates in 7 of 10 statewide (plus congressional) elections analyzed in this report. When I examined white blocking of Latino preferred candidates, I observed 11 white voting blocks in 11 legislative or county/local elections. Despite this, the state drew legislative boundaries that affords these same minority voters fewer opportunities to elect candidates of choice than what their population and voting strength suggests.

In addition, Plaintiffs provided three demonstrative plans that contain majority-Latino configurations of LD 14, which compare similarly or superior to the enacted plan on redistricting criteria, and that allow Latino candidates an equal opportunity to elect their candidates of choice. In contrast, the enacted plan has produced a map that blocks minority voters' ability to elect candidates of choice, although draft maps proposed and considered during the redistricting process provided districts in the Yakima Valley and surrounding areas that would have provided Latino candidates with an equal opportunity to elect candidates of choice. Moreover, the choice to label the relevant district LD 15 rather than LD 14, especially given the number of elections in presidential years in each legislative district and lower Latino voter turnout especially in the off-year, further limits the ability of Latinos to elect candidates of their choice in LD 15. Finally, the nonperformance of the district is illustrated by the commission's decision to include Latino precincts with lower registration and turnout rates than neighboring Latino precincts that were excluded from the district.

Appendix

BISG Formula

Given the voter's surname $s \in \mathcal{S}$, geographic area $g \in \mathcal{G}$, and race $r \in \mathcal{R}$, the probability of a voter i being of race $R_i = r$ given their geographic area $G_i = g$ and surname $S_i = s$ is given by Bayes' Theorem as:

$$\Pr(R_i = r | S_i = s, G_i = g) = \frac{\Pr(G_i = g | R_i = r) \Pr(R_i = r | S_i = s)}{\sum_{r' \in \mathcal{R}} \Pr(G_i = g | R_i = r') \Pr(R_i = r' | S_i = s)}$$

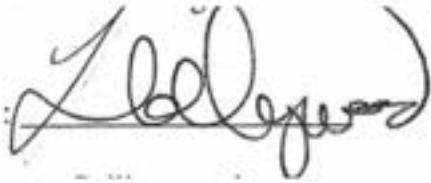
References

Barreto, Matt. 2010. *Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation*. University of Michigan Press.

Collingwood, Loren, Ari Decter-Frain, Hikari Murayama, Pratik Sachdeva, and Juandalyn Burke. 2020. "eiCompare: Compares Ecological Inference, Goodman, Rows by Columns Estimates." *R Package Version 3* (0).

Decter-Frain, Ari, and Pratik Sachdeva. 2021. *Bisg: Bayesian Improved Surname Geocoding*.

Pursuant to 28 U.S.C. § 1746, I, Loren Collingwood, declare that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Loren Collingwood", written over a horizontal line.

Dr. Loren Collingwood
Dated: November 2, 2022

Supplemental Expert Report of Dr. Loren Collingwood

Loren Collingwood

2023-01-25

Executive Summary

I have been retained by plaintiffs as an expert, and have been asked to analyze whether there is racially polarized voting (RPV) in the Yakima Valley region, to analyze demographic data, and to conduct electoral performance analyses.

In this report I present an analysis of RPV in the most recent 2022 Legislative District 15 election for Washington State Senate. I also examined the supplemental and initial reports of Intervenor Defendants' expert, Mark Owens.

In line with my previous findings, my analysis of this election does not change my opinion that contests are generally polarized by race in LD-15 and the Yakima Valley generally. Using the same methodology as in my previous reports, I find that non-Hispanic white voters cohesively backed candidate Nikki Torres between 84-88%, meanwhile, Latino voters backed the other candidate, Lindsey Keesling between 60-68%. These findings are consistent with patterns of racially polarized voting.

My opinions are based on the following data sources: Washington State 2022 general election precinct returns downloaded from the Secretary of State's (SOS) website,¹ and ballot status reports from the SOS website.² My work is ongoing in this matter, and my opinions are based on the information available to me as of the date of this report. I reserve the right to supplement or amend my findings on the basis of additional information.

I am being compensated at a rate of \$400/hour. My compensation is not contingent on the opinions expressed in this report, on my testimony, or on the outcome of this case.

Background and Qualifications

I am an associate professor of political science at the University of New Mexico. Previously, I was an associate professor of political science and co-director of civic engagement at the Center for Social Innovation at the University of California, Riverside. I have published two books with *Oxford University Press*, 40 peer-reviewed journal articles, and nearly a dozen book chapters focusing on sanctuary cities, race/ethnic politics, election administration, and RPV. I received a Ph.D. in political science with a concentration in political

¹ <https://results.vote.wa.gov/results/20221108/turnout.html>

² <https://www.sos.wa.gov/elections/research/2022-general-election.aspx>

methodology and applied statistics from the University of Washington in 2012 and a B.A. in psychology from the California State University, Chico, in 2002. I have attached my curriculum vitae, which includes an up-to-date list of publications, as Exhibit 1 to this report.

In between my B.A. and Ph.D., I spent 3-4 years working in private consulting for the survey research firm Greenberg Quinlan Rosner Research in Washington, D.C. I also founded the research firm Collingwood Research, which focuses primarily on the statistical and demographic analysis of political data for a wide array of clients, and lead redistricting and map-drawing and demographic analysis for the Inland Empire Funding Alliance in Southern California. I was the redistricting consultant for the West Contra Costa Unified School District, CA, independent redistricting commission in which I was charged with drawing court-ordered single member districts. I am contracted with Roswell, NM, Independent School District to draw single member districts.

I served as a testifying expert for the plaintiff in the Voting Rights Act Section 2 case *NAACP v. East Ramapo Central School District*, No. 17 Civ. 8943 (S.D.N.Y.), on which I worked from 2018 to 2020. In that case, I used the statistical software eiCompare and WRU to implement Bayesian Improved Surname Geocoding (BISG) to identify the racial/ethnic demographics of voters and estimate candidate preference by race using ecological data. I am the quantitative expert in *LULAC vs. Pate (Iowa)*, 2021, and have filed an expert report in that case. I am the BISG expert in *LULAC Texas et al. v. John Scott et al. (1:21-cv-0786-XR)*, 2022. I filed two reports and have been deposed in that case. I was the RPV expert for the plaintiff in *East St. Louis Branch NAACP, et al. vs. Illinois State Board of Elections, et al.*, having filed two reports in that case. I am the Senate Factors expert for plaintiff in *Pendergrass v. Raffensperger (N.D. Ga. 2021)*, having filed a report in that case. I am the RPV expert for plaintiff in *Johnson, et al., v. WEC, et al., No. 2021AP1450-OA*, having filed three reports in that case. I am the RPV expert for plaintiff in *Faith Rivera, et al. v. Scott Schwab and Michael Abbott*. I filed a report, was deposed, and testified at trial in that case. I served as the RPV expert for the intervenor in *Walen and Henderson v. Burgum and Jaeger No 1:22-cv-00031-PDW-CRH*, where I filed a report and testified at trial. I am the RPV expert in *Lower Brule Sioux Tribe v. Lyman County* where I filed a report and testified.

Data Preparation

To conduct the analysis, I gathered precinct election returns and ballot return statistics. The ballot return statistics provide individual-level data on who voted, their name, address, precinct, county, and whether election administrators rejected their ballot. I use the exact same methodology and analytical approach as in my previous reports, so please visit those documents for further details.

First, I subset the ballot return data to only individuals residing in the counties comprising LD-15 (Adams, Benton, Franklin, Grant, Yakima). Second, I subset out any individual whose ballot indicates it was rejected. Third, I geocoded all individuals to extract their residence latitude/longitude coordinates, and placed them in their precinct using a points to

polygons overlay. Fourth, using forward-geocoding, I extracted their GEOID (2020 block) to identify their block.

Fifth, using each individual's name and Census block, I conducted Bayesian Improved Surname Geocoding (BISG) to estimate each individual's probability of being non-Hispanic white, Black, Hispanic, Asian/Pacific Islander, or Race: other. Sixth, I collapsed each individual-level probability to the precinct by summing each individual's respective race probabilities within a precinct. For example, in a precinct with 10 people, if 10 people each have a probability of being white at 0.9, I sum 0.9 10 times which returns 9 (90% white). Finally, I joined these data with the election precinct vote returns based on the common precinct column in both datasets.

Beginning with the precinct vote returns, for each election contest I analyze, I divide each candidate's vote by the total number of votes in that election. For example, in a precinct with 1,000 voters, if Biden scored 800 votes and Trump 200, I produce a Percent Biden value of 0.8 (80%) and a Percent Trump value of 0.2 (20%).

However, my approach also lets me capture possible voter drop off for different election contests. Thus, while 1000 people might have voted in the top of the ticket contest, maybe just 850 cast ballots in LD-15 in the same election year. Thus, I further account for no vote in these down-ballot races. In the statistical model, I then weight each precinct by its total vote size to account for variation in precinct population size.

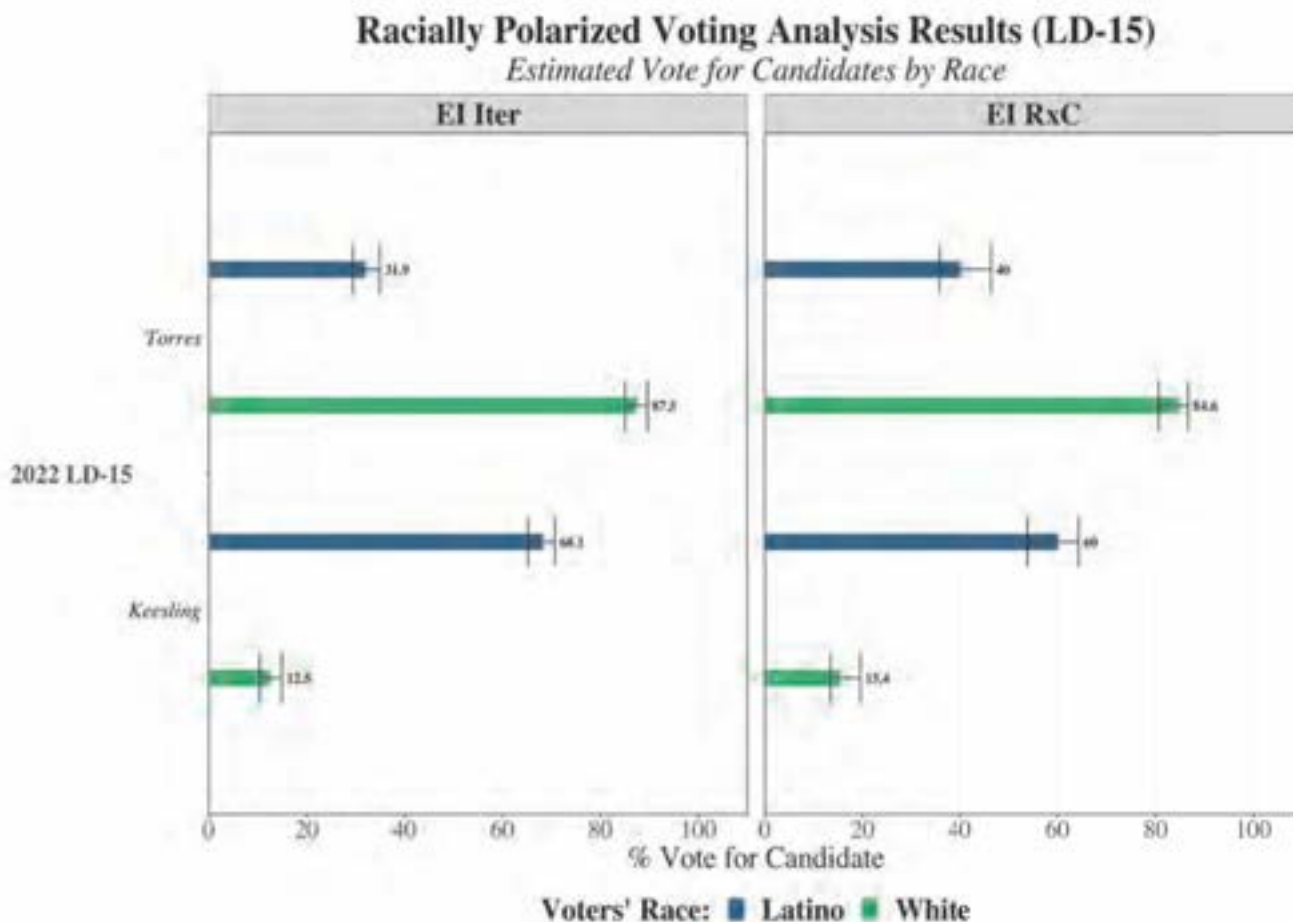
Next, I generate the demographic statistics of each voting precinct. To generate the percentage of voters in the precinct that are Hispanic, for instance, I sum each voters' probability of being Hispanic then divide by 1,000. That percentage is then my racial Hispanic demographic estimate in that precinct.

Racially Polarized Voting Analysis

As with my initial report, I use both Ecological Inference (EI) and Rows by Columns (RxC) to estimate vote choice by race/ethnicity, focusing specifically on non-Hispanic white and Hispanic voters. Figure 1 presents the results. Beginning with the left panel (EI Iter), we see that whites give Torres 87.5% of their vote, whereas Latinos backed Torres with an estimated 32%. Instead, Latinos preferred Keesling at 68%, whereas whites give Keesling just 12.5% of their vote. This is clearly racially polarized voting.

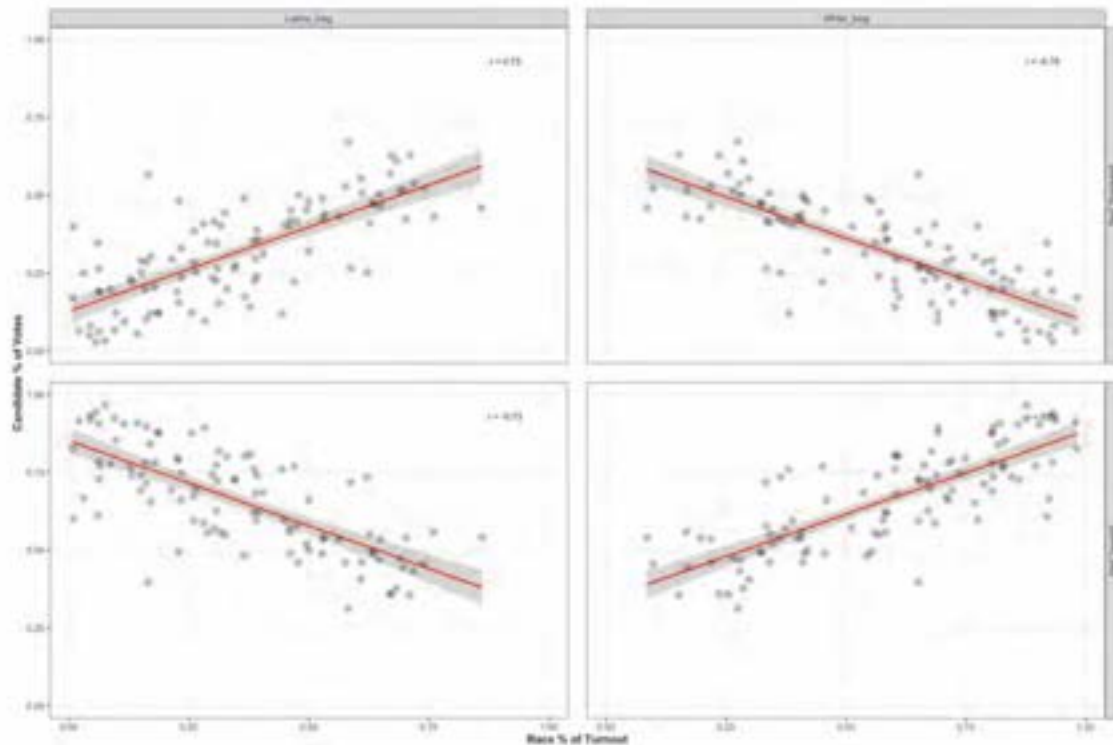
The second panel shows the results for the RxC method, which are consistent with the EI iterative approach although somewhat attenuated. Here, Latinos provide Keesling with a 60-40% margin over Torres. White voters, on the other hand, strongly back Torres (85%) to Keesling (15%).

Figure 1. Racially Polarized Voting assessment in the LD-15 contest between Torres and Keesling.



As another means for assessing polarization, Figure 2 shows a series of bivariate scatterplot further detailing strong racially polarized voting in LD-15. Beginning on the top-left panel, we observe an upward sloping line, showing that as the voting population in a precinct becomes more Latino, the percentage of voters backing Keesling steadily rises. The correlation is 0.73, an extremely strong relationship. Meanwhile, in the lower right quadrant, we observe a similar but even more stark trend – which is that as a precinct becomes more white, the percentage of the vote going to Torres steadily rises.

Figure 2. Racially Polarized Voting assessment in the LD-15 contest between Torres and Keesling.



Comment on Owen's report and Turnout by Race

Dr. Owens finds that Latino voters nearly evenly cast ballots for Keesling and Torres in the most recent 2022 LD-15 election. He suggests that this is evidence of a lack of cohesion among Latino voters. There are a few aspects of Dr. Owens' analysis that suggest his results are likely misleading.

First, Dr. Owens does not use the more commonly used methods to estimate vote choice by race. He does not use King's EI or Rows by Columns – the two methods most often used and accepted. Instead, he used linear regression, or what is commonly known as Goodman's Regression. Goodman's regression does not bound the model between 0-100, so it is possible to get non-sensical values like negative voting and 130%. This is the key reason why King and others developed newer methods.

In addition, Dr. Owens does not account for voter turnout in any way, even though the election returns that report turnout were publicly available at the time he produced his supplemental report. Even when using CVAP or VAP as an estimate for vote, an expert can still attempt to account for variation in voter turnout by race/ethnicity. The way to do this is to divide candidate votes by CVAP, not by total vote; generate a dummy no-vote column, calculate the EI estimates, and then only calculate vote choice by race to voters estimated

to have voted. By not accounting for turnout by race, Dr. Owens assumes that whites and Hispanics vote at the same rate. As I demonstrated in my previous report, this is not the case.

Finally, Dr. Owens does not provide candidate choice estimates for white voters in the 2022 LD 15 race. Rather he simply examines whether Latinos are cohesive, and concludes that since according to his estimates, barely more than 50% of Latino voters are casting ballots for Keesling, they are not cohesive. He provides no context or analysis as to how whites voted, yet concludes that Torres was “the clear candidate of choice among non-Hispanic White voters.” Owens Supplemental Report at 2.

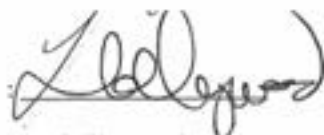
In this report, as in my initial report, the data methods I used enabled my analysis to control for turnout. I can do this by simply summing each voter’s estimated probability of being white, and Hispanic, respectively, then divide by the total number of voters. The data show that 32.5% of the voters in the 2022 LD-15 contest were Hispanic, whereas 61.6% were non-Hispanic white. This is a very stark difference to the 51.5% Hispanic CVAP that comprises the district.

Thus, by not accounting for voter turnout by race in any way, I show here how Dr. Owens’ analysis is flawed. White voters are turning out at significantly higher rates, and so the CVAP inputs into an ecological inference model will bias the results towards white voter’s preferred candidate (Torres). Specifically, a model that does not correct for turnout variation by race will improperly assume a precinct, for instance, is 60% Hispanic (CVAP) when in reality that precinct is not nearly as Hispanic when it comes to people who actually voted. Therefore, this model will show, on average, lower levels of polarization that what actually happened in the election.

Conclusion

In conclusion, racially polarized voting between white and Latino voters is present in the Washington Yakima Valley 5-county region, and in the newly enacted LD-15. The pattern is overwhelming. In my previous report, I examined 25 elections, and 23 demonstrate clear patterns of RPV using both the ecological inference and the rows by columns methods. In this report, I showed evidence of continued racially polarized voting within LD-15. Given these findings, it is clear that the Gingles Test has been met: 1) Plaintiffs have provided plans that produce a compact, majority-Latino district; 2) Racially polarized voting is present between white voters and Latino voters; and 3) The white majority defeats Latino voters’ preferred candidate more often than not, and the enacted plan has produced a map that blocks minority voters’ ability to elect candidates of choice while alternative maps do not.

Pursuant to 28 U.S.C. §1746, I, Loren Collingwood, declare that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Loren Collingwood". The signature is written in a cursive style with a large initial "L".

Dr. Loren Collingwood
Dated: January 25, 2023

October 19, 2021

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

Dr. Matt Barreto, UCLA Political Science & Chicana/o Studies
Faculty Director of the UCLA Voting Rights Project

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ER435



Current Landscape in Washington

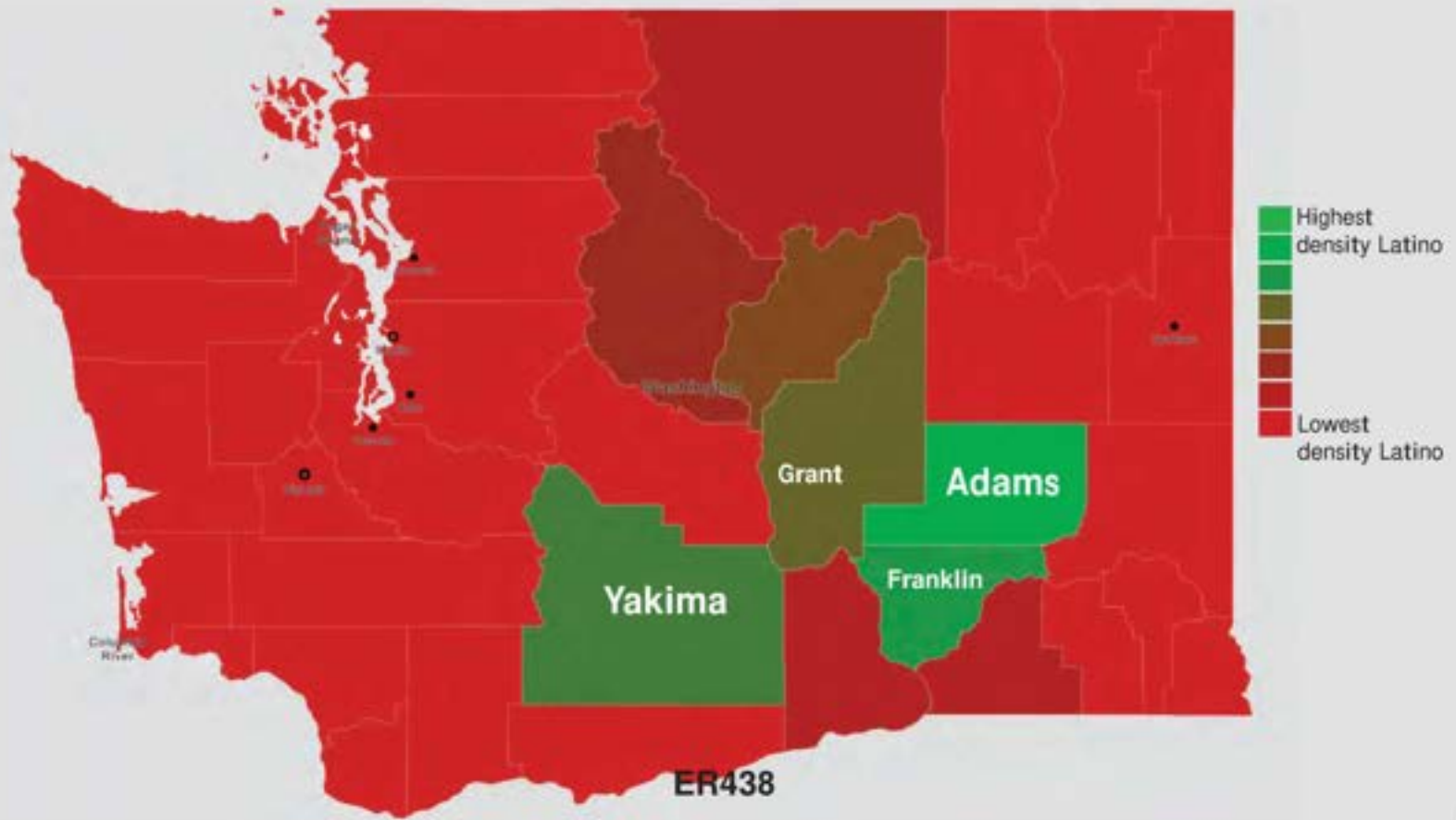
- Washington state Latino population surpassed 1 Million in 2020, now stands at 1,059,213, 12th largest of any state

	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

ER436





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

ER439

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.

ER440

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

ER441

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

ER442

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"?

ER443

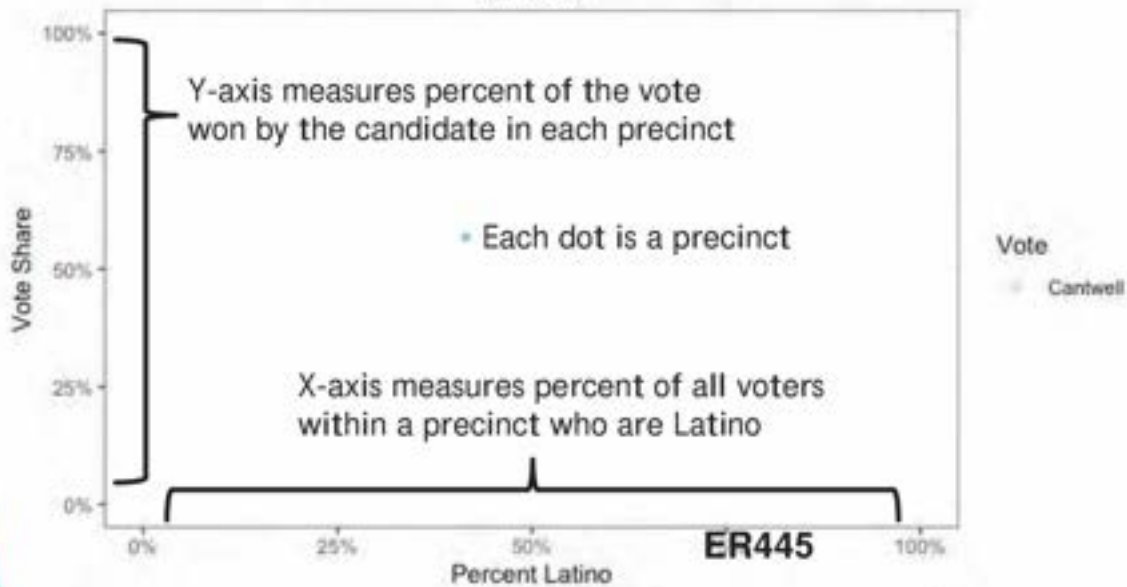
Defining Racially Polarized Voting

- 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

ER444

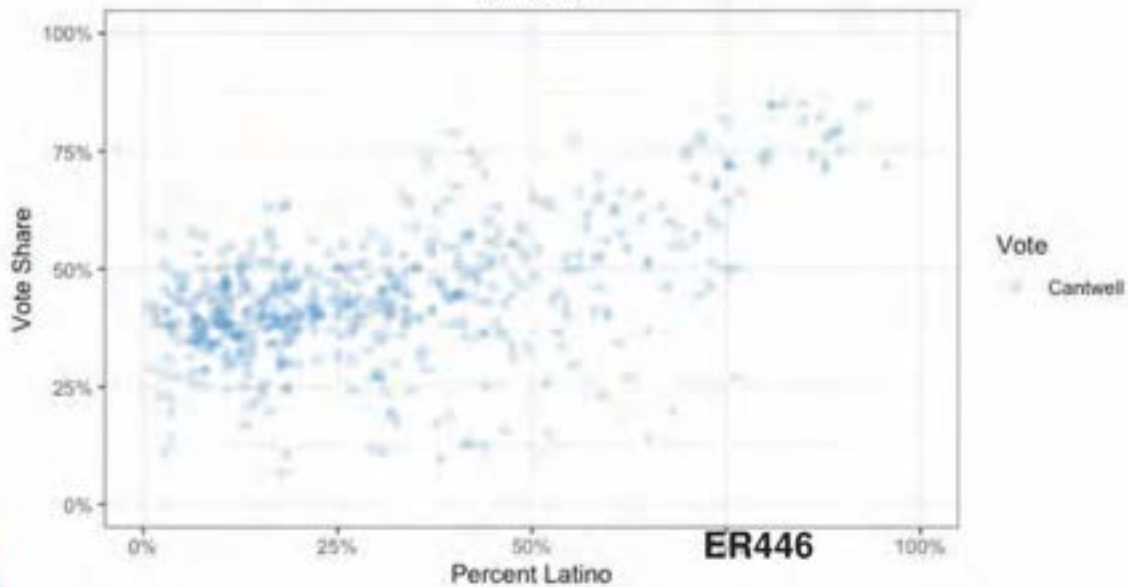
Measuring Racially Polarized Voting

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



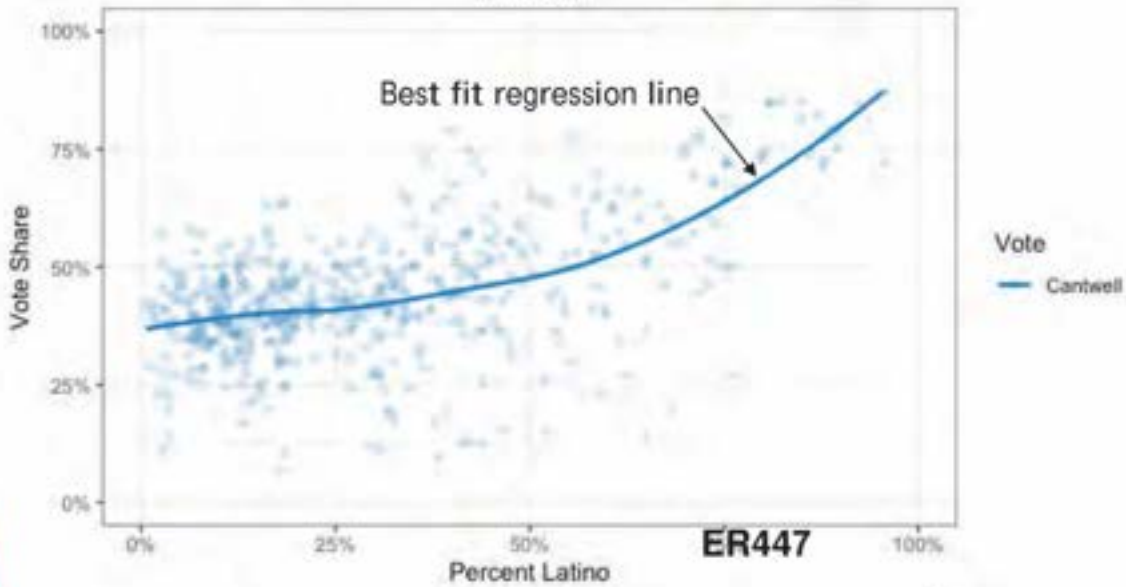
Measuring Racially Polarized Voting

2012 General, Cantwell - 5 WA Counties
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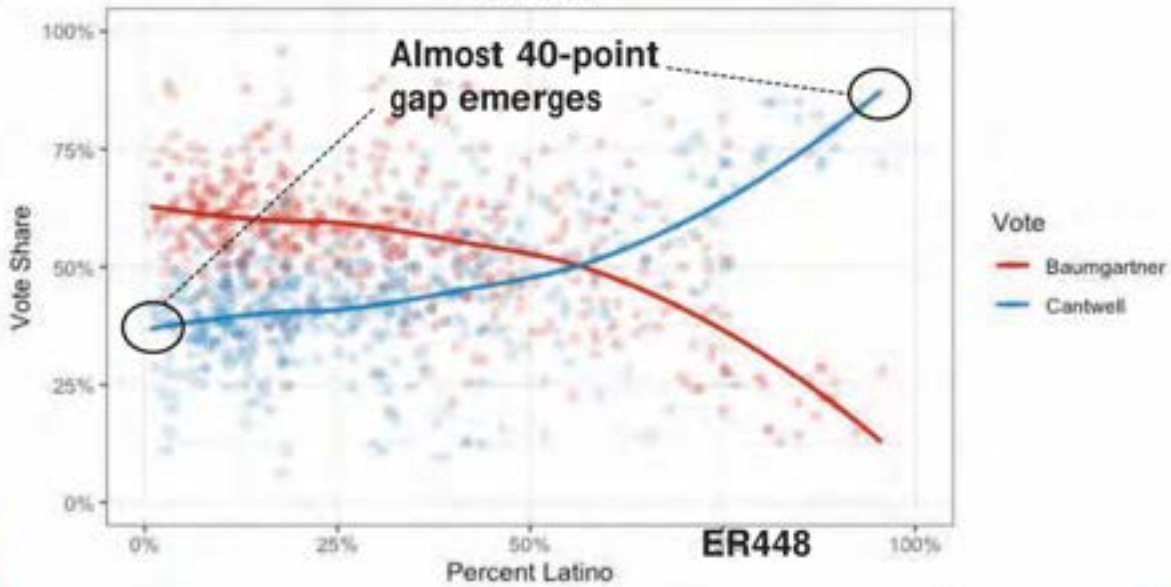
Measuring Racially Polarized Voting

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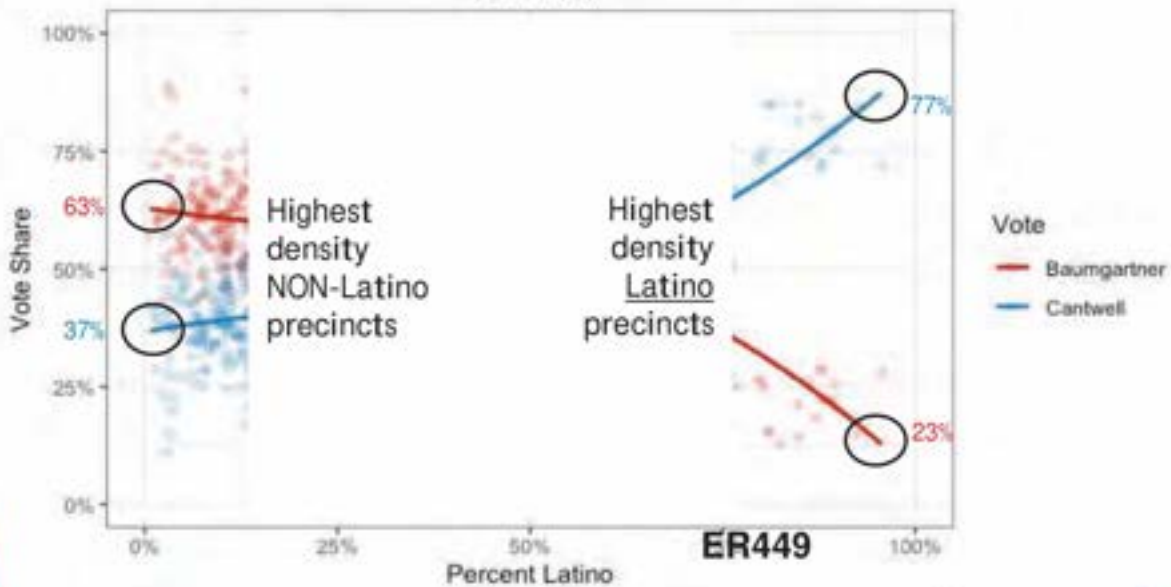
Measuring Racially Polarized Voting

2012 General, Baumgartner v Cantwell - 5 WA Counties
Sorted by Percent Latino within each Precinct
(n=1138)



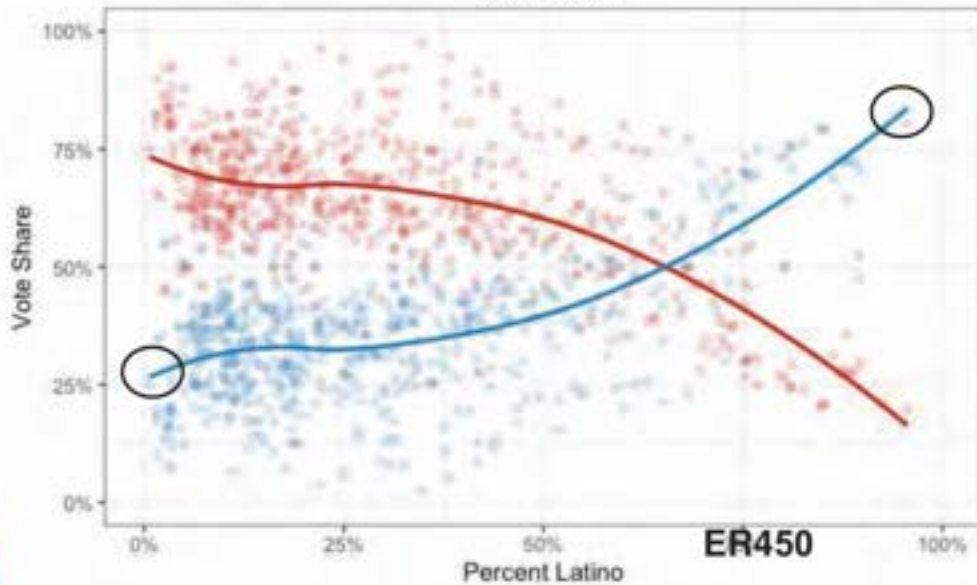
Measuring Racially Polarized Voting

2012 General, Baumgartner v Cantwell - 5 WA Counties
Sorted by Percent Latino within each Precinct
(n=1138)



Voting Patterns in Yakima Valley Region: 2020

2020, Culp v Inslee - 5 WA Counties
Sorted by Percent Latino within each Precinct
(n=1204)



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

Vote

- Culp
- Inslee

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?

ER451

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: 14th = 37% / 15th = 54% / 16th = 41%
 - Latino CVAP: 14th = 22% / 15th = 34% / 16th = 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: 13th = 33% / 14th = 23% / 15th = 55% / 16th = 42%
 - Latino CVAP: 13th = 16% / 14th = 13% / 15th = 34% / 16th = 23%

ER452

Evaluating Different Maps

- House Democrats – Commissioner Sims
 - <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%

- Senate Democrats – Commissioner Piñero Walkinshaw
 - <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% **ER453**

Comparing Latino Pop, VAP, CVAP & Reg

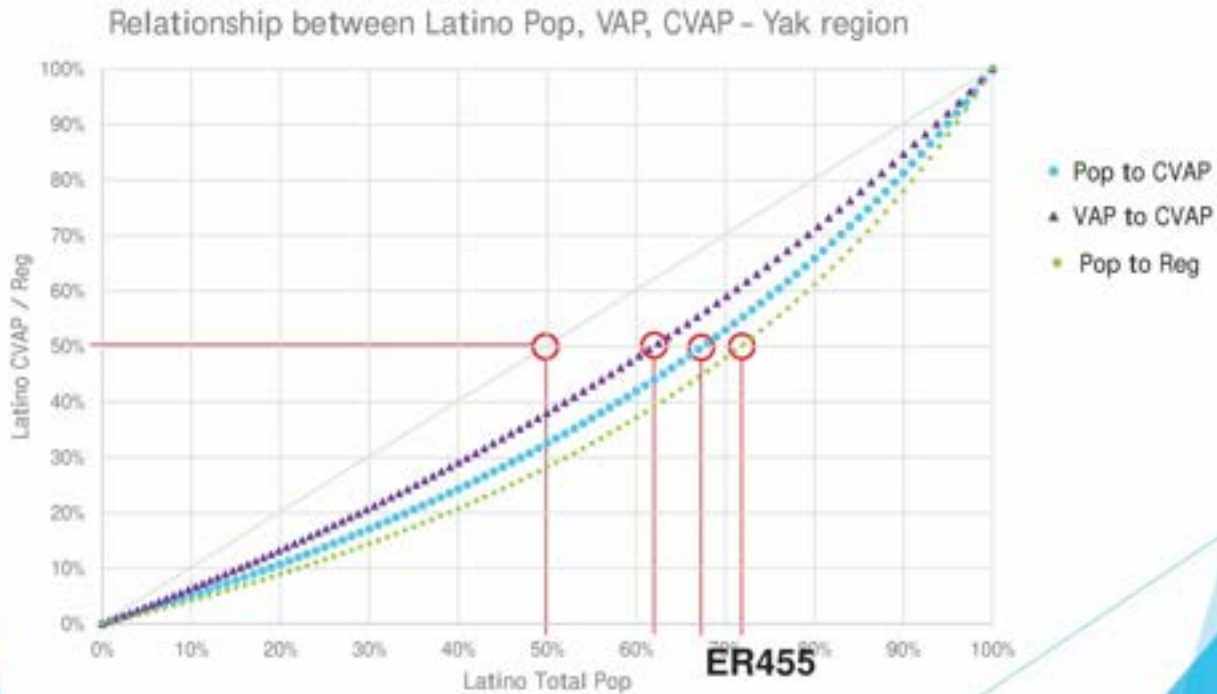
- Total Population is used to balance all Senate districts across the state to the same total population size
 - Courts allow a total population deviation of 10% from largest to smallest district
- However, Citizen Voting Age Population (CVAP) is required by the Courts to establish a performing VRA-compliant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

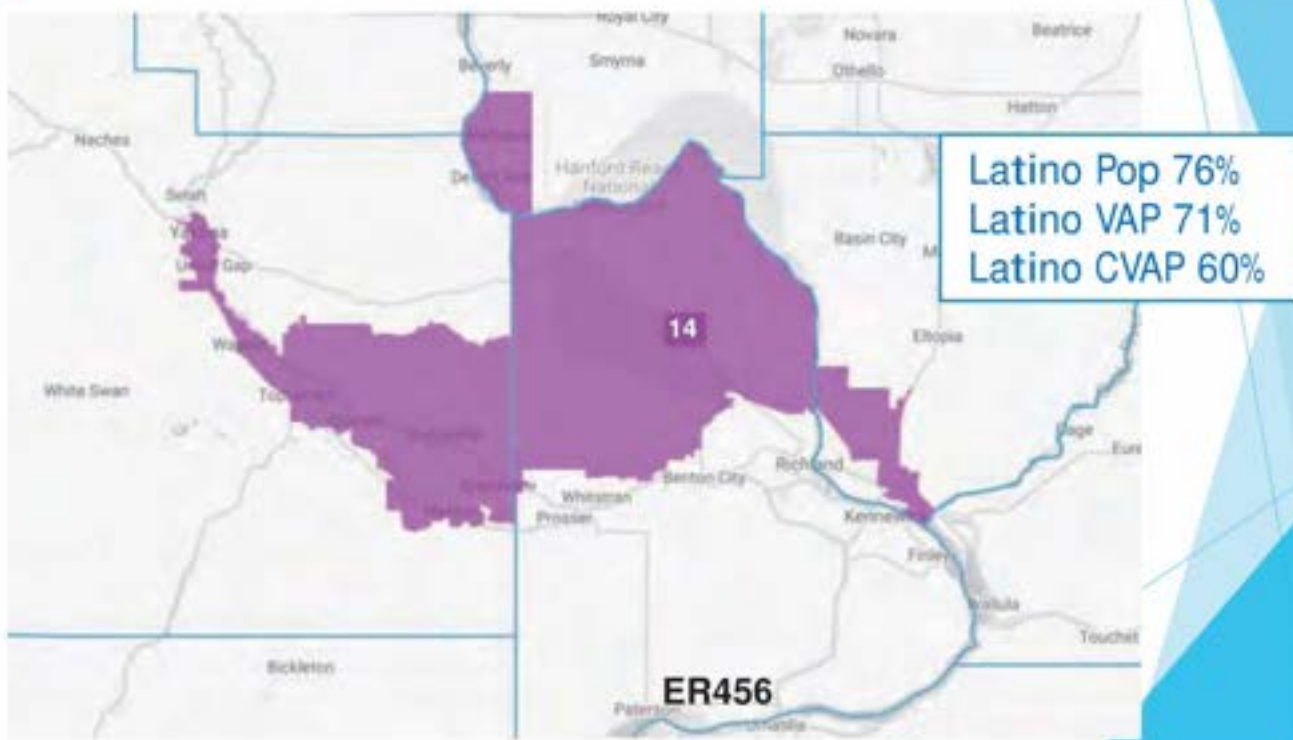
ER454

Comparing Latino Pop, VAP, CVAP & Reg

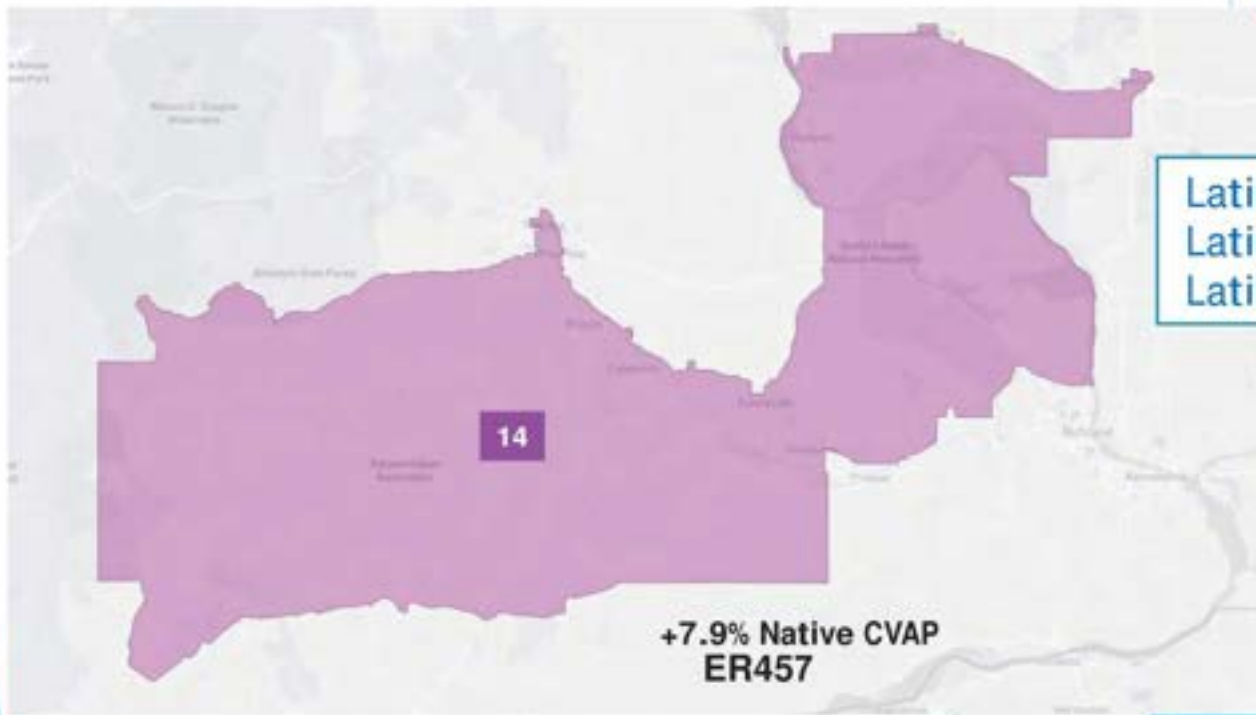


Based on 2019 1-year ACS
VAP and Citizenship for
Latinos in Yakima Region

VRA Compliant Option-1: Yakima-Columbia River Valley



VRA Compliant Option-2: Yakama Reservation



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

ER458

THANK YOU

Dr. Matt Barreto, UCLA Political Science & Chicana/o Studies
Faculty Director of the UCLA Voting Rights Project

matt@uclavrp.org 909.489.2955

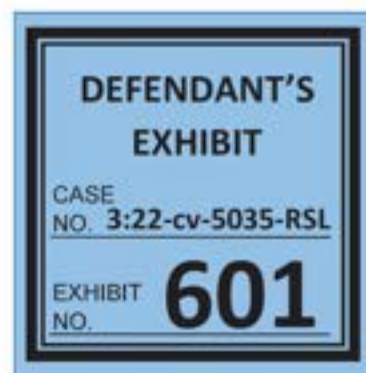
ER459

Expert Report

John Alford

November 2, 2022

1
ER460



In the 2000 round of redistricting, I was retained as an expert to provide advice to the Texas Attorney General in his role as Chair of the Legislative Redistricting Board. I subsequently served as the expert for the State of Texas in the state and federal litigation involving the 2000s, 2010s and 2020s rounds of redistricting for U.S. Congress, the Texas Senate, the Texas House of Representatives, and the Texas State Board of Education.

I have also worked as an expert on redistricting and voting rights cases in Louisiana, New Mexico, Mississippi, Wisconsin, Florida, Georgia, Michigan, New York, Arkansas, Kansas, Washington, Pennsylvania, and Alabama.

The details of my academic background, including all publications in the last ten years, and work as an expert, including all cases in which I have testified by deposition or at trial in the last four years, are covered in the attached CV (Appendix 1).

Data and Sources

In preparing my report, I have reviewed the February 25, 2022, and March 25, 2022, declarations of Plaintiffs' expert Dr. Loren Collingwood, as well as the August 3, 2022, expert report from Dr. Collingwood. I have also relied for my report on the analysis, the associated documentation, and the data provided to date by Dr. Collingwood, as well as election results from the Washington Secretary of State's website (<https://www.sos.wa.gov/elections/research/>) and census demographic data from the Redistricting Data Hub (<https://redistrictingdatahub.org/>).

Focus of Analysis

Dr. Collingwood's declarations and report contend that Latino voters in the Yakima Valley meet each of the three *Gingles* preconditions—that is, (1) they are “sufficiently large and

geographically compact to constitute a majority in a single-member [voting] district”; (2) they are “politically cohesive”; and (3) “the white majority votes sufficiently as a bloc to enable it ... usually to defeat [Latinos’] preferred candidate.” *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986).

The first *Gingles* prong seems to be met here as evidenced by the fact that the Hispanic Citizen Voting Age Population (HCVAP) exceeds 50%, both in the current Legislative District 15 as enacted, and in the alternative demonstrative configurations, in the form of three alternative versions of Legislative District 14 discussed in Prof. Collingwood’s August 3, 2022 report. According to Table 4 (page 26) of Prof. Collingwood’s report (reproduced below as Figure 1), enacted Legislative District 15 has a 51.5% Hispanic CVAP. The Alternative 1 demonstrative version of Legislative District 14 has a Hispanic CVAP of 52.5%, the Alternative 2 demonstrative version of Legislative District 14 has a Hispanic CVAP of 53.6%, and the Alternative 3 demonstrative version of Legislative District 14 has a Hispanic CVAP of 50.2%. Further, the visual appearance of both enacted Legislative District 15 and the three alternative demonstrative version of Legislative District 14 does not suggest that any of these are highly irregular in shape, and this is borne out by the summary indicators for compactness included in Dr. Collingwood’s Table 4, including population deviations and county-district, district-county, and precinct splits. The remaining second and third *Gingles* prongs are addressed in the election analysis section below.

Figure 1: Table 4 of Dr. Collingwood's August 4, 2022 report

Statistic	Enacted	Alt 1	Alt 2	Alt 3
Population	157253	157247	157289	157223
Pop. Dev.	-0.0001	0	0.0001	-0.0002
WCVAP20	43.2	37	35.7	40.1
LCVAP20	51.5	52.5	53.6	50.2
District Reock	0.3226	0.2142	0.1766	0.3312
District Polsby	0.2372	0.2131	0.1812	0.3168
Map Reock	0.3993	0.3883	0.3918	0.395
Map Polsby	0.3204	0.3119	0.3114	0.3189
County-District	1.61	1.56	1.6	1.61
District-County	1.25	1.21	1.25	1.25
Precinct Splits	284	279	280	280

Election Analysis

Dr. Collingwood and I both rely on the statistical technique of Ecological Inference (EI), developed originally by Professor Gary King.² EI is a more efficient technique intended specifically to improve on ecological regression (ER), the analysis technique previously used in VRA lawsuits to assess voter cohesion and polarization. In a nutshell, traditional ecological regression is a mathematical technique for estimating the single best fitting straight line that could be drawn to describe the relationship between two variables in a scatter plot. Applied to voting rights cases, the logic of ecological regression analysis is to determine to what degree, if any, the vote for a candidate increases in a linear fashion as the concentration of voters of a given ethnicity in the precincts increases. In contrast, King's EI procedure utilizes a method of bounds analysis, combined with a more traditional statistical method, to improve on standard ecological regression. While the details are mathematically complex, the differences mostly center on utilizing deterministic bounds information contained in individual precinct results that would not be exploited in ecological regression. In addition, EI relaxes the linear constraint that a traditional ecological regression analysis would

² King, Gary. (1997). *A Solution to the Ecological Inference Problem*. Princeton Univ. Press.

impose on the pattern across precincts. This combination in EI of relaxing some assumptions and utilizing more information typically yields a more efficient estimation of cohesion and polarization when compared to standard ecological regression.

In its original form, King's EI could only be used to estimate voter support when there were two racial groups (e.g., White and Black) and two candidates, hence the label '2 x 2 EI' often applied to the original form. Often there are more than two racial groups (e.g., White, Black, and Latino), or more than two possible vote choices (including the common situation that arises when relying on eligible voter population demographics such as Census Voting Age Population (VAP) or Citizen Voting Age Population (CVAP), where in addition to including the two (or more) candidate choices one must also include a 'no vote' choice to properly model the portion of the voter eligible population that either didn't turn out for the election or did not vote in the specific contest of interest. To accommodate these situations, one would have to run an independent 2 x 2 EI analysis for each race of interest and for each candidate of interest (and for the no voting category), an approach suggested by King and labeled the 'iterative' approach to 'R x C' (Rows by Columns) estimation.³

Shortly after suggesting the iterative method, King published a more advanced theoretical approach to R x C estimation using a Multinomial-Dirichlet Bayesian technique. A fully Bayesian implementation of this approach was viewed by King and his coauthors as computationally impractical, given that it could take as long as a week or more to run a single model on the computers available at that time, and they provided instead an implementation that relied on nonlinear least-

³ In practice, this would involve simulating a two-race analysis by comparing the racial group of interest against a "dummy" group comprising the combination of all the other races. So instead of comparing the Black population against the White population (as one would do if there were actually only two races of interest), one would compare the Black population against the combination of the White and Latino population. Then, because one is interested in each race individually (and not interested in, for example, how the combined White and Latino population voted), one would compare the White population against the Black and Latino population. Finally, one would compare the Latino population against the White and Black population.

squares.⁴ Finally, in 2007 Lau and colleagues, taking advantage of advancements in computing technology, implemented the fully Bayesian estimation procedure outline by King, et al and provided a software module called “eiPack” that included the module ‘ei.MD.bayes’ that allowed for the estimation of the true Bayesian approach.⁵ This is the implementation of EI R x C used here and in Dr. Collingwood’s R x C analysis.

I began my analysis with an attempt to replicate selected results of the Ecological Inference (EI) analysis provided by Prof. Collingwood in his report in this case. To do so, I relied on data (provided in his disclosure) that he used to produce the EI estimates included in his report. The programming and execution of the EI (RxC) routines for this replication were performed by Dr. Randy Stevenson under my direction and control. The replication results for all of the 2020 contests are provided below in a summary format below in Table 1 (for Hispanic and non-Hispanic based on BISG), Table 2 (for Hispanic and non-Hispanic based on Voting Age Population), and Table 3 (for Hispanic and non-Hispanic White based on BISG). The full details of the results from the replication analysis for the 2020 contests in these tables are attached below as Appendix 2.

⁴ See Rosen, Jiang, King, and Tanner., *Bayesian and Frequentist Inference for Ecological Inference: The R x C Case*, 55 STATISTICA NEERLANDICA 134 (2001).

⁵ See Lau, Olivia, Ryan T. Moore, and Michael Kellermann, “eiPack: Ecological Inference and Higher-Dimension Data Management,” *R News*, vol.7, no. 2 (October 2007).

Table 1: EI Analysis of 2020 Elections (Hispanic and non-Hispanic based on BISG)

Election	Office	Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic Support for Candidate	Low 95% CI	High 95% CI
General	President	Dem	Biden	76.7%	73.7%	79.4%	32.7%	32.0%	33.3%
		Rep	Trump	23.3%	20.6%	26.3%	67.3%	66.7%	68.0%
	Governor	Dem	Inslee	73.5%	70.4%	76.4%	29.8%	29.1%	30.5%
		Rep	Culp	26.5%	23.6%	29.6%	70.3%	69.5%	71.0%
	AG	Dem	Ferguson	76.5%	73.7%	79.2%	31.0%	30.4%	31.7%
		Rep	Larkin	23.5%	20.8%	26.3%	69.0%	68.3%	69.6%
	Treasurer	Dem	Pellicciotti	75.0%	72.2%	77.8%	27.1%	26.4%	27.8%
		Rep	Davidson	25.0%	22.2%	27.8%	72.9%	72.2%	73.6%
	Auditor	Dem	McCarthy	75.5%	72.4%	78.3%	32.7%	32.1%	33.5%
		Rep	Leyba	24.5%	21.7%	27.6%	67.3%	66.5%	67.9%
	LD13 pos 1	Dem	Castaneda	70.4%	59.8%	80.1%	16.7%	14.6%	19.0%
		Rep	Dent	29.6%	19.9%	40.2%	83.3%	81.0%	85.4%
	SSC seat 3	Non-Partisan	Montoya-Lewis	73.5%	71.3%	75.9%	38.2%	37.6%	38.7%
		Non-Partisan	Larson	26.5%	24.1%	28.7%	61.8%	61.3%	62.4%
	Franklin CC D2	Non-Partisan	Mullen	11.5%	7.1%	16.8%	78.3%	76.1%	80.1%
		Non-Partisan	Peralta	88.5%	83.2%	92.9%	21.7%	19.9%	23.9%
	SPI	Non-Partisan	Espinoza	67.6%	65.5%	69.6%	50.0%	49.5%	50.5%
		Non-Partisan	Reykdal	32.4%	30.4%	34.5%	50.0%	49.5%	50.5%
Primary	LD13 pos 1	Dem	Castaneda	45.3%	35.7%	54.9%	13.2%	11.3%	15.2%
		Dem	Malan	9.7%	5.5%	13.6%	1.7%	1.0%	2.6%
		Rep	Dent	45.0%	35.6%	55.0%	85.0%	83.0%	87.0%

Table 2: EI Analysis of 2020 Elections (Hispanic and non-Hispanic based on Voting Age Population)

Election	Office	Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic Support for Candidate	Low 95% CI	High 95% CI
General	President	Dem	Biden	84.4%	80.4%	88.0%	35.4%	34.6%	36.2%
		Rep	Trump	15.6%	12.0%	19.6%	64.6%	63.8%	65.4%
	Governor	Dem	Inslee	78.8%	73.9%	83.2%	32.7%	31.9%	33.5%
		Rep	Culp	21.2%	16.8%	26.1%	67.3%	66.5%	68.1%
	AG	Dem	Ferguson	81.5%	76.9%	85.7%	34.2%	33.4%	35.1%
		Rep	Larkin	18.5%	14.3%	23.1%	65.8%	64.9%	66.6%
	Treasurer	Dem	Pellicciotti	82.6%	78.1%	86.4%	30.1%	29.3%	31.0%
		Rep	Davidson	17.4%	13.6%	21.9%	69.9%	69.0%	70.7%
	Auditor	Dem	McCarthy	82.6%	77.6%	86.5%	35.6%	34.8%	36.4%
		Rep	Leyba	17.4%	13.5%	22.4%	64.4%	63.6%	65.2%
	LD13 pos 1	Dem	Castaneda	74.7%	54.9%	89.8%	18.3%	14.8%	21.6%
		Rep	Dent	25.3%	10.2%	45.1%	81.7%	78.4%	85.2%
	SSC seat 3	Non-Partisan	Montoya-Lewis	82.3%	77.7%	86.5%	40.1%	39.4%	40.9%
		Non-Partisan	Larson	17.7%	13.5%	22.3%	59.9%	59.1%	60.6%
	Franklin CC D2	Non-Partisan	Mullen	18.2%	10.2%	28.7%	65.9%	63.4%	68.8%
		Non-Partisan	Peralta	81.8%	71.3%	89.8%	34.1%	31.2%	36.6%
	SPI	Non-Partisan	Espinoza	78.2%	72.5%	83.1%	50.2%	49.6%	51.0%
		Non-Partisan	Reykdal	21.8%	16.9%	27.5%	49.8%	49.0%	50.4%
Primary	LD13 pos 1	Dem	Castaneda	52.3%	33.1%	69.9%	14.6%	11.9%	16.9%
		Dem	Malan	13.2%	7.0%	20.8%	1.9%	1.2%	2.6%
		Rep	Dent	34.5%	16.5%	55.9%	83.5%	81.1%	86.2%

Table 3: EI Analysis of 2020 Elections (Hispanic and non-Hispanic White based on BISG)

Election	Office	Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	White Support for Candidate	Low 95% CI	High 95% CI
General	President	Dem	Biden	72.1%	69.5%	74.6%	26.7%	26.0%	27.5%
		Rep	Trump	27.9%	25.4%	30.5%	73.3%	72.5%	74.0%
	Governor	Dem	Inslee	68.6%	66.0%	71.2%	23.6%	22.8%	24.4%
		Rep	Culp	31.4%	28.8%	34.0%	76.4%	75.6%	77.2%
	AG	Dem	Ferguson	71.9%	69.4%	74.6%	24.9%	24.2%	25.7%
		Rep	Larkin	28.1%	25.4%	30.6%	75.1%	74.3%	75.8%
	Treasurer	Dem	Pellicciotti	70.1%	67.7%	72.5%	20.8%	20.0%	21.5%
		Rep	Davidson	29.9%	27.5%	32.3%	79.2%	78.5%	80.0%
	Auditor	Dem	McCarthy	70.9%	68.3%	73.3%	26.7%	26.0%	27.5%
		Rep	Leyba	29.1%	26.7%	31.7%	73.3%	72.5%	74.0%
	LD13 pos 1	Dem	Castaneda	71.2%	60.6%	80.9%	12.4%	9.7%	15.7%
		Rep	Dent	28.8%	19.1%	39.4%	87.6%	84.3%	90.3%
	SSC seat 3	Non-Partisan	Montoya-Lewis	69.4%	67.1%	71.7%	33.0%	32.3%	33.8%
		Non-Partisan	Larson	30.6%	28.3%	32.9%	67.0%	66.2%	67.7%
	Franklin CC D2	Non-Partisan	Mullen	17.5%	12.7%	22.6%	85.4%	82.6%	87.7%
		Non-Partisan	Peralta	82.5%	77.4%	87.3%	14.6%	12.3%	17.4%
	SPI	Non-Partisan	Espinoza	68.8%	66.7%	71.0%	51.3%	50.4%	52.3%
		Non-Partisan	Reykdal	31.2%	29.0%	33.3%	48.7%	47.7%	49.6%
Primary	LD13 pos 1	Dem	Castaneda	46.0%	36.2%	55.2%	10.4%	8.0%	12.9%
		Dem	Malan	6.7%	3.9%	9.9%	0.8%	0.5%	1.2%
		Rep	Dent	47.2%	38.0%	57.1%	88.8%	86.3%	91.2%

Taken as a whole, the replication results for the elections matched very closely with the estimates reported by Prof. Collingwood, with only the slight variation that one would expect given the inherent variability associated with EI estimation. Given that there were no substantive differences across the reported results (comparing Dr. Collingwood's EI and RxC results), or the replication results, and to make it clear that to the extent that I disagree with Dr. Collingwood it is not on the basis of any difference in the numerical results of our analysis, I have relied for this report primarily on the EI estimates provided by Dr. Collingwood in his report.

Ethnically Polarized Voting Analysis

Dr. Collingwood provides the results of his polarized voting analysis across two methods (EI and RxC) and separately for elections that include a Spanish-surname candidate and those that don't.

This yields four graphical displays of his results (Figures 3, 4, 5 and 6 on pages 14-18). In order to facilitate comparison across all of these contests I have provided these results below in table format using the ‘results’ files provided by Prof. Collingwood in his disclosures. The table format also allows for the inclusion of Prof. Collingwood’s estimated confidence intervals as reported in his disclosure. I have reproduced these results relying where possible on Prof. Collingwood’s RxC analysis⁶, as it is generally accepted as perhaps more appropriate and certainly no worse than the older, iterative EI approach. In any case, this is not a significant choice here, because as Prof. Collingwood notes “both approaches produce very similar estimates” (page 13), an observation borne out by comparing his Figure 3 to his Figure 5, or his Figure 4 to his Figure 6.

Table 4 below combines Prof. Collingwood’s RxC estimates for all Democrat-versus-Republican contests, regardless of whether there was a Spanish-surname candidate in the contest. The only addition to the elections analyzed by Prof. Collingwood is the 2020 State Auditor contest, in which the Republican candidate was Christopher Leyba. Leyba is a Spanish surname according to the Census list.

⁶ In his reports Dr. Collingwood provides his EI results in the form of figures. He also provided these same results in table format with his disclosure materials. The tables here that reproduce Dr. Collingwood’s EI results are based on those disclosed tabular results, all the contests that appear in his ‘ei’ figures were also included in his disclosed tabular results files, but some of the election contests were not included in the disclosed RxC results files. Consequently, the tables below utilize Dr. Collingwood’s RxC results whenever available and report his ‘ei’ results only where the RxC results were not available in tabular form. This is indicated in the tables here in the first column labeled ‘Model’.

Table 4: Collingwood EI Results

Model	Jurisdiction	Election	Year	Contest	Candidate	Spanish-surname?	Candidate Party	Estimate of Hispanic Voter Support	Conf. Interval	Estimate of non-Hispanic White Voter Support	Conf. Interval
rcx	Statewide	General	2020	President	Trump	No	Rep	29.46	(24.65 to 36.05)	70.99	(66.65 to 72.78)
rcx	Statewide	General	2020	President	Biden	No	Dem	70.54	(63.91 to 75.35)	29.01	(27.22 to 33.35)
rcx	Statewide	General	2020	Governor	Culp	No	Rep	32.13	(28.27 to 39.7)	74.74	(69.84 to 76.5)
rcx	Statewide	General	2020	Governor	Inslee	No	Dem	67.87	(60.3 to 71.73)	25.26	(23.5 to 30.16)
rcx	Statewide	General	2020	Attorney General	Larkin	No	Rep	27.23	(25.24 to 28.91)	74.62	(74.03 to 75.21)
rcx	Statewide	General	2020	Attorney General	Ferguson	No	Dem	72.77	(71.09 to 74.76)	25.38	(24.79 to 25.97)
rcx	Statewide	General	2020	Treasurer	Davidson	No	Rep	29.49	(27.92 to 31.28)	78.82	(78.24 to 79.41)
rcx	Statewide	General	2020	Treasurer	Pellicciotti	No	Dem	70.51	(68.72 to 72.08)	21.18	(20.59 to 21.76)
rcx	Statewide	General	2018	US Senate	Hutchinson	No	Rep	27.03	(23.96 to 30.21)	73.95	(73.18 to 74.68)
rcx	Statewide	General	2018	US Senate	Cantwell	No	Dem	72.97	(69.79 to 76.03)	26.05	(25.32 to 26.82)
rcx	CD 4	General	2018	D-4 US Rep	Newhouse	No	Rep	31.71	(28.64 to 35.12)	74.53	(73.78 to 75.21)
rcx	CD 4	General	2018	D-4 US Rep	Brown	No	Dem	68.29	(64.88 to 71.36)	25.47	(24.79 to 26.22)
rcx	Statewide	General	2016	President	Trump	No	Rep	22.28	(20 to 25.04)	70.85	(70.14 to 71.54)
rcx	Statewide	General	2016	President	Clinton	No	Dem	73.05	(70.15 to 75.34)	22.52	(21.74 to 23.28)
ei	Statewide	General	2016	Governor	Bryant	No	Rep	24.81	(22.04 to 27.66)	73.23	(72.48 to 73.94)
ei	Statewide	General	2016	Governor	Inslee	No	Dem	75.19	(72.34 to 77.96)	26.77	(26.06 to 27.52)
ei	Statewide	General	2016	US Senate	Vance	No	Rep	20.73	(17.93 to 23.63)	68.41	(67.58 to 69.14)
ei	Statewide	General	2016	US Senate	Murray	No	Dem	79.27	(76.37 to 82.07)	31.59	(30.86 to 32.42)
ei	LD 13	Primary	2020	LD-13 St House Pos 1	Dent	No	Rep	36.23	(27.33 to 46.29)	83.39	(81.28 to 85.03)
ei	LD 13	Primary	2020	LD-13 St House Pos 1	Castaneda	Yes	Dem	57.05	(48.92 to 64.99)	10.16	(8.54 to 11.74)
ei	LD13 (Grant)	General	2020	LD13 Pos 1 (Grant)	Dent	No	Rep	26.32	(21.15 to 31.28)	87.18	(85.77 to 88.87)
ei	LD13 (Grant)	General	2020	LD13 Pos 1 (Grant)	Castaneda	Yes	Dem	74.62	(70.38 to 79.43)	12.84	(11.21 to 14.86)
ei	Franklin	General	2020	Franklin D2	Mullen	No	Rep	11.86	(9.4 to 14.45)	86.27	(84.33 to 87.81)
ei	Franklin	General	2020	Franklin D2	Peralta	Yes	Dem	88.12	(86.19 to 90.06)	13.51	(11.91 to 14.87)
ei	Yakima	General	2018	Yakima D3	Childress	No	Rep	16.92	(13.88 to 19.74)	76.56	(76.42 to 76.67)
ei	Yakima	General	2018	Yakima D3	Soto Palmer	Yes	Dem	82.95	(80.1 to 85.83)	23.42	(23.35 to 23.53)
rcx	LD 15	General	2018	LD 15 State Senate	Honeyford	No	Rep	22.18	(17.97 to 26.7)	81.8	(79.37 to 84.04)
rcx	LD 15	General	2018	LD 15 State Senate	Aguilar	Yes	Dem	77.82	(73.3 to 82.03)	18.2	(15.96 to 20.63)
ei	LD14 (Yakima)	General	2016	LD14 Pos 1 (Yak)	Johnson	No	Rep	12.22	(9.52 to 15.13)	83.26	(82.67 to 84.02)
ei	LD14 (Yakima)	General	2016	LD14 Pos 1 (Yak)	Sotopalmer	Yes	Dem	87.82	(85.05 to 89.9)	16.44	(15.52 to 17.08)
rcx	LD 15	General	2014	LD 15 State Senate	Honeyford	No	Rep	34.03	(29.21 to 39.21)	86.65	(84.37 to 88.43)
rcx	LD 15	General	2014	LD 15 State Senate	Munoz	Yes	Dem	65.97	(60.79 to 70.79)	13.35	(11.57 to 15.63)
rcx	LD 15	General	2014	LD 15 State Rep	Taylor	No	Rep	32.51	(29.7 to 35.11)	85.34	(84.39 to 86.36)
rcx	LD 15	General	2014	LD 15 State Rep	Martinez Chavez	Yes	Dem	67.49	(64.89 to 70.3)	14.66	(13.64 to 15.61)
?	LD 15	General	2012	LD 15 State Rep	Taylor	No	Rep	10.95	(9.65 to 12.23)	84.61	(83.8 to 85.48)
?	LD 15	General	2012	LD 15 State Rep	Gonzales	Yes	Dem	89.05	(87.77 to 90.35)	15.39	(14.52 to 16.2)
rcx	LD 15	Primary	2012	LD-15 Rep Pos 2	Taylor	No	Rep	20.71	(13.1 to 30.65)	73.34	(71.34 to 75.14)
rcx	LD 15	Primary	2012	LD-15 Rep Pos 2	Gonzales	Yes	Dem	75.97	(63.79 to 83.89)	15.94	(14.03 to 17.93)
This contest was not included in the Collingwood report and the EI results for it are from my analysis											
rcx	Statewide	General	2020	State Auditor	Leyba	Yes	Rep	29.10	(26.7 to 31.7)	73.30	(72.5 to 74.0)
rcx	Statewide	General	2020	State Auditor	McCarthy	No	Dem	70.90	(68.3 to 73.3)	26.70	(26.0 to 27.5)

An examination of Table 4 shows that in elections with partisan candidate information on the ballot, non-Spanish surname Democratic candidates draw moderately cohesive support from Hispanic voters over Republican candidates, and the same is true for Spanish surname Democratic candidates. Likewise, non-Spanish surname Democratic candidates draw little support from White

voters, and the same is true for non-Spanish surname Democratic candidates. These are the same elections and the same results summarized in Prof. Collingwood's Figure 4 (page 15 of the August 3, 2022 report). He characterizes these results as being "exceedingly consistent with the ecological inference approach presented above and show high levels of racially polarized voting between Latino and white voters in the 5-County area" (page 15). The one additional contest added here and not included in Prof. Collingwood's report is the 2020 State Auditor contest, where the Republican candidate has a Spanish surname. That contest reinforces the general pattern of partisan, rather than ethnic, polarization. The level of estimated Hispanic voter support for Leyba, at 29.1% is very similar to the levels of Hispanic voter support for the non-Spanish surname Republican candidates on the same ballot. Likewise, the level of Anglo voter support for Leyba, at 73.3%, is very similar to the levels of Anglo voter support for the non-Spanish surname Republican candidates on the same ballot.

Table 5 below includes all the same election contests as Table 4 above but includes only the Democratic candidates to facilitate comparison (this makes the table easier to scan and does not remove any crucial information as the results for the Republican candidate in a given contest are essentially the inverse of the results for the Democratic candidate, except in the limited case of the two primary elections). In addition, the elections in Table 5 are separated by the ethnicity of the Democratic candidate. In addition, Table 5 separates Spanish surname Democratic candidates from non-Spanish surname Democratic candidates to allow for an easy comparison of these two contexts. The overall results suggest strong evidence of different voting patterns by Hispanic and non-Hispanic voters relative to the party affiliation of a candidate, regardless of whether the Democratic candidate has a Spanish surname or not. However, there is also a modest tendency toward slightly greater support, about 7 percentage points, among Hispanic voters for Spanish surname Democratic candidates over non-Spanish surname Democratic candidates. Similarly, there is a corresponding

modest tendency for Anglo voters to be less supportive, about minus 10 percentage points, of Spanish surname Democratic candidates, relative to non-Spanish surname Democratic candidates. Thus, it appears that partisan cohesion accounts for the bulk of the differences in ethnic voting patterns in these elections, but that there is also a small but consistent increase in the level of polarization when the Democratic candidate has a Spanish surname.

Table 5: Collingwood EI Results – Democratic Candidates Only

Model	Jurisdiction	Election	Year	Contest	Candidate	Spanish-surname?	Candidate Party	Estimate of Hispanic Voter Support	Conf. Interval	Estimate of non-Hispanic White Voter Support	Conf. Interval
rx	Statewide	General	2020	President	Biden	No	Dem	70.54	(63.91 to 75.35)	29.01	(27.22 to 33.35)
rx	Statewide	General	2020	Governor	Inslee	No	Dem	67.87	(60.3 to 71.73)	25.26	(23.5 to 30.16)
rx	Statewide	General	2020	Attorney General	Ferguson	No	Dem	72.77	(71.09 to 74.76)	25.38	(24.79 to 25.97)
rx	Statewide	General	2020	Treasurer	Pellicciotti	No	Dem	70.51	(68.72 to 72.08)	21.18	(20.59 to 21.76)
rx	Statewide	General	2018	US Senate	Cantwell	No	Dem	72.97	(69.79 to 76.03)	26.05	(25.32 to 26.82)
rx	CD 4	General	2018	D-4 US Rep	Brown	No	Dem	68.29	(64.88 to 71.36)	25.47	(24.79 to 26.22)
rx	Statewide	General	2016	President	Clinton	No	Dem	73.05	(70.15 to 75.34)	22.52	(21.74 to 23.28)
ei	Statewide	General	2016	Governor	Inslee	No	Dem	75.19	(72.34 to 77.96)	26.77	(26.06 to 27.52)
ei	Statewide	General	2016	US Senate	Murray	No	Dem	79.27	(76.37 to 82.07)	31.59	(30.86 to 32.42)
					General Election Average			72.27		25.91	
ei	LD 13	Primary	2020	LD-13 St House Pos 1	Castaneda	Yes	Dem	57.05	(48.92 to 64.99)	10.16	(8.54 to 11.74)
ei	LD13 (Grant)	General	2020	LD13 Pos 1 (Grant)	Castaneda	Yes	Dem	74.62	(70.38 to 79.43)	12.84	(11.21 to 14.86)
ei	Franklin	General	2020	Franklin D2	Peralta	Yes	Dem	88.12	(86.19 to 90.06)	13.51	(11.91 to 14.87)
ei	Yakima	General	2018	Yakima D3	Soto Palmer	Yes	Dem	82.95	(80.1 to 85.83)	23.42	(23.35 to 23.53)
rx	LD 15	General	2018	LD 15 State Senate	Aguilar	Yes	Dem	77.82	(73.3 to 82.03)	18.2	(15.96 to 20.63)
ei	LD14 (Yakima)	General	2016	LD14 Pos 1 (Yak)	Sotopalmer	Yes	Dem	87.82	(85.05 to 89.9)	16.44	(15.52 to 17.08)
rx	LD 15	General	2014	LD 15 State Senate	Munoz	Yes	Dem	65.97	(60.79 to 70.79)	13.35	(11.57 to 15.63)
rx	LD 15	General	2014	LD 15 State Rep	Martinez Chavez	Yes	Dem	67.49	(64.89 to 70.3)	14.66	(13.64 to 15.61)
?	LD 15	General	2012	LD 15 State Rep	Gonzales	Yes	Dem	89.05	(87.77 to 90.35)	15.39	(14.52 to 16.2)
rx	LD 15	Primary	2012	LD-15 Rep Pos 2	Gonzales	Yes	Dem	75.97	(63.79 to 83.83)	15.94	(14.03 to 17.93)
					General Election Average			79.23		15.98	
					Difference between Spanish Surname and non-Spanish Surname Averages			6.96		-9.94	

Table 6 below reproduces Prof. Collingwood's RxC estimates for the remaining four elections with Spanish-surname candidates included in his Figures 5 and 6 (pages 17-18 of the August 3, 2022 report). This includes three non-partisan contests (where the political party preference of the candidates was not indicated on the ballot), as well as the one partisan contest where party was indicated on the ballot, but both candidates shared the same party (Republican). These

contests provide additional insight into the role of candidate ethnicity in voting behavior, as the role of candidate party is minimized.

The results indicate that absent a party cue on the ballot, Hispanic voters continue to show moderately cohesive support for candidates, with an average support of 73 percent, only six percentage points below their average support for Democratic Spanish surname candidates (79%).

In contrast, the behavior of non-Hispanic Whites is noticeably different here. The average support provided by non-Hispanic White voters to Hispanic candidates in these contests is 43 percent, a level well above the average 15 percent support for Democratic Hispanic candidates that we see in the two-party partisan contests in Table 2. In two of the four contests the votes of non-Hispanic Whites are clearly not cohesive, splitting essentially 50/50 between the Hispanic candidate and the Anglo candidate, something never even approached in partisan contested election in Table 2. Prof. Collingwood seems to agree, as he treats these two contests as ones in which Racially Polarized Voting is not present.⁷ In the other two contests Anglo voters provide support for the Hispanic candidate in the mid-thirty percent range, well above the average 15 percent support for Democratic Hispanic candidates that we in the two-party partisan contests in Table 2. Also note that according to the performance analysis that Prof. Collingwood reports in his Figure 11 (page 25), the preferred candidate of Spanish-surname voters, Montoya-Lewis, would have won the 2020 State Supreme Court Place 3 contest within the boundaries of enacted Legislative District 15, as would presumably both Espinoza and Gonzalez. Thus, at a minimum, the preferred candidate of Spanish-surname voters would have prevailed in enacted Legislative District 15 in three of these four contests. Likewise, the average 57 percent support provided by non-Hispanic White voters to Hispanic

⁷ These are the two statewide contests that Prof. Collingwood is referring to as contests he excluded from his Figure 11 performance analysis because "RPV is not present" (footnote 14 on page 19).

candidates in these contests is too low, even at a very minimal 60% threshold, to qualify as cohesive opposition to the Hispanic preferred candidates in these elections.

Table 6: Collingwood EI Results – Non-Party Contested Only

Model	Jurisdiction	Election	Year	Contest	Candidate	Spanish-surname?	Candidate Party	Estimate of Hispanic Voter Support	Conf. Interval	Estimate of non-Hispanic White Voter Support	Conf. Interval
ei	Statewide	General	2020	State Sup. Ct. 3	Larson	No	NP	26.01	(24.21 to 27.77)	65.49	(65.02 to 66.01)
ei	Statewide	General	2020	State Sup. Ct. 3	Montoya-Lewis	Yes	NP	73.82	(72.25 to 75.21)	34.21	(33.76 to 34.81)
ei	Statewide	General	2020	Sup Pub. Inst.	Reykdal	No	NP	32.08	(31.35 to 32.71)	49.82	(49.26 to 50.2)
ei	Statewide	General	2020	Sup Pub. Inst.	Espinoza	Yes	NP	67.82	(67.15 to 68.5)	49.57	(49.32 to 49.79)
ei	Statewide	General	2018	State Sup. Ct. 8	Choi	No	NP	24.38	(22.65 to 26.31)	48.99	(48.46 to 49.52)
ei	Statewide	General	2018	State Sup. Ct. 8	Gonzalez	Yes	NP	75.42	(73.82 to 77.69)	50.97	(50.54 to 51.48)
ei	Yakima	General	2016	Yakima D2	Anderson	No	Rep	26.23	(24.76 to 27.31)	62.35	(61.52 to 62.99)
ei	Yakima	General	2016	Yakima D2	Manjarrez	Yes	Rep	73.78	(72.3 to 75.3)	37.62	(36.98 to 38.17)
					Spanish-surname Candidate Average			72.71		43.09	

Performance Analysis

Table 7 below reproduces in Table format the performance analysis results provided by Dr. Collingwood in his Figure 11 (page 25 of his August 3, 2022 report). Based on the data he provides, enacted Legislative District 15 is clearly a highly competitive district. The preferred candidate of Spanish-surnamed voters prevails in three of the ten contests, and two others are very close. Shifting less than a percentage point of the votes would reverse the result in both the 2016 Governor's contest and the 2020 Attorney General's contest. This indicates that enacted Legislative District 15 is a highly competitive district that can elect Hispanic candidates of choices, but that tilts slightly Republican overall, and will likely elect a Republican more often than a Democrat. However, the margin is small, and suggests that a very modest shift in the Democrat makeup of the district—including, potentially, through continued growth of the Hispanic population in the district—could

result in a district that would be expected to elect the Hispanic candidate of choice as often as not. In contrast, the three alternative demonstration districts are much less competitive and tilt decidedly Democratic (especially Alternatives 1 and 2). All move well beyond a district that is as likely as not to elect the Hispanic candidate of choice (the Democrat), as these are districts that based on Prof. Collingwood's performance analysis would be expected to always (10 out of 10 for Alternatives 1 and 2) or almost always (9 out of 10 for alternative 3) elect a Democrat.

Table 7: Collingwood Performance Analysis

Year	Contest	Candidate	Party	LD 15	Margin	Alt 1	Margin	Alt 2	Margin	Alt 3	Margin
2020	Treasurer	Pellicciotti	Dem	46.7	-6.6	56	12.1	56.5	13	52.5	5.1
2020	Treasurer	Davidson	Rep	53.3		43.9		43.5		47.4	
2020	State Sup. Ct. 3	Montoya	NP	51.1	2.5	58.4	17	58.2	16.6	55.1	10.4
2020	State Sup. Ct. 3	Larson	NP	48.6		41.4		41.6		44.7	
2020	President	Biden	Dem	48.9	0.2	57.9	19.3	58.5	19.4	54.6	11.7
2020	President	Trump	Rep	48.7		38.6		39.1		42.9	
2020	Governor	Inslee	Dem	47.3	-5.1	56.4	13.1	57	14.2	53	6.2
2020	Governor	Culp	Rep	52.4		43.3		42.8		46.8	
2020	Attorney General	Ferguson	Dem	49.4	-1.1	58.6	17.3	59	18.1	55.2	10.6
2020	Attorney General	Larkin	Rep	50.5		41.3		40.9		44.6	
2018	US Senate	Cantwell	Dem	46.4	-7.2	55.7	11.4	56.1	12.2	51.3	2.6
2018	US Senate	Hutchinson	Rep	53.6		44.3		43.9		48.7	
2018	D-4 US Rep	Brown	Dem	44.3	-11.4	55	10	54.1	8.2	49.2	-1.6
2018	D-4 US Rep	Newhouse	Rep	55.7		45		45.9		50.8	
2016	US Senate	Murray	Dem	53.8	7.6	62.7	25.4	62.9	25.8	58.8	17.6
2016	US Senate	Vance	Rep	46.2		37.3		37.1		41.2	
2016	President	Clinton	Dem	46.3	-1.7	55	15.6	55.7	17	51.3	8.2
2016	President	Trump	Rep	48		39.4		38.7		43.1	
2016	Governor	Inslee	Dem	49.8	-0.4	58.7	17.4	58.8	17.6	55.1	10.2
2016	Governor	Bryant	Rep	50.2		41.3		41.2		44.9	
			Average Margin		-2.32		15.86		16.21		8.1

Summary Conclusions

As noted above, there does not seem to be any dispute as to *Gingles* 1. Both the enacted and demonstrative districts are majority adult citizen Hispanic. For *Gingles* 2, the level of Spanish-surname voter cohesion is stable in the 70 percent range across election types, suggesting consistent

moderate cohesion. For *Gingles* 3, the picture is more mixed. In partisan contested elections non-Hispanic White voters demonstrate cohesive opposition to Democratic candidates, and their opposition is modestly elevated when those Democratic candidates are also Hispanic. However, in contests without a party cue, non-Hispanic White voters do not exhibit cohesive opposition to Hispanic candidates, and these contests do not exhibit ethnically polarized voting. Finally, the performance evaluation performed by Prof. Collingwood indicates that candidates preferred by Hispanic voters can prevail in enacted Legislative District 15, albeit not as often as they would fail to be elected. Given the highly competitive partisan balance in the election contests it seems likely that a very modest change could shift the district to one equally likely to elect the Hispanic candidate of choice.

November 2, 2022

A handwritten signature in black ink, appearing to read "John R. Alford", written over a horizontal line.

John R. Alford, Ph.D.

Appendix 1

CV

John R. Alford

Curriculum Vitae

November 2022

Dept. of Political Science
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Employment:

Professor, Rice University, 2015 to present.
Associate Professor, Rice University, 1985-2015.
Assistant Professor, University of Georgia, 1981-1985.
Instructor, Oakland University, 1980-1981.
Teaching-Research Fellow, University of Iowa, 1977-1980.
Research Associate, Institute for Urban Studies, Houston, Texas, 1976-1977.

Education:

Ph.D., University of Iowa, Political Science, 1981.
M.A., University of Iowa, Political Science, 1980.
M.P.A., University of Houston, Public Administration, 1977.
B.S., University of Houston, Political Science, 1975.

Books:

Predisposed: Liberals, Conservatives, and the Biology of Political Differences. New York: Routledge, 2013. Co-authors, John R. Hibbing and Kevin B. Smith.

Articles:

"Political Orientations Vary with Detection of Androstenone," with Amanda Friesen, Michael Gruszczynski, and Kevin B. Smith. **Politics and the Life Sciences**. (Spring, 2020).

"Intuitive ethics and political orientations: Testing moral foundations as a theory of political ideology." with Kevin Smith, John Hibbing, Nicholas Martin, and Peter Hatemi. **American Journal of Political Science**. (April, 2017).

"The Genetic and Environmental Foundations of Political, Psychological, Social, and Economic Behaviors: A Panel Study of Twins and Families." with Peter Hatemi, Kevin Smith, and John Hibbing. **Twin Research and Human Genetics**. (May, 2015.)

"Liberals and conservatives: Non-convertible currencies." with John R. Hibbing and Kevin B. Smith. **Behavioral and Brain Sciences** (January, 2015).

"Non-Political Images Evoke Neural Predictors Of Political Ideology." with Woo-Young Ahn, Kenneth T. Kishida, Xiaosi Gu, Terry Lohrenz, Ann Harvey, Kevin Smith, Gideon Yaffe, John Hibbing, Peter Dayan, P. Read Montague. **Current Biology**. (November, 2014).

"Cortisol and Politics: Variance in Voting Behavior is Predicted by Baseline Cortisol Levels." with Jeffrey French, Kevin Smith, Adam Guck, Andrew Birnie, and John Hibbing. **Physiology & Behavior**. (June, 2014).

"Differences in Negativity Bias Underlie Variations in Political Ideology." with Kevin B. Smith and John R. Hibbing. **Behavioral and Brain Sciences**. (June, 2014).

"Negativity bias and political preferences: A response to commentators Response." with Kevin B. Smith and John R. Hibbing. **Behavioral and Brain Sciences**. (June, 2014).

"Genetic and Environmental Transmission of Political Orientations." with Carolyn L. Funk, Matthew Hibbing, Kevin B. Smith, Nicholas R. Eaton, Robert F. Krueger, Lindon J. Eaves, John R. Hibbing. **Political Psychology**, (December, 2013).

"Biology, Ideology, and Epistemology: How Do We Know Political Attitudes Are Inherited and Why Should We Care?" with Kevin Smith, Peter K. Hatemi, Lindon J. Eaves, Carolyn Funk, and John R. Hibbing. **American Journal of Political Science**. (January, 2012)

"Disgust Sensitivity and the Neurophysiology of Left-Right Political Orientations." with Kevin Smith, John Hibbing, Douglas Oxley, and Matthew Hibbing. **PlosONE**, (October, 2011).

"Linking Genetics and Political Attitudes: Re-Conceptualizing Political Ideology." with Kevin Smith, John Hibbing, Douglas Oxley, and Matthew Hibbing. **Political Psychology**, (June, 2011).

"The Politics of Mate Choice." with Peter Hatemi, John R. Hibbing, Nicholas Martin and Lindon Eaves, **Journal of Politics**, (March, 2011).

"Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs" with Peter Hatemi, John Hibbing, Sarah Medland, Matthew Keller, Kevin Smith, Nicholas Martin, and Lindon Eaves, **American Journal of Political Science**, (July, 2010).

"The Ultimate Source of Political Opinions: Genes and the Environment" with John R. Hibbing in **Understanding Public Opinion**, 3rd Edition eds. Barbara Norrander and Clyde Wilcox, Washington D.C.: CQ Press, (2010).

"Is There a 'Party' in your Genes" with Peter Hatemi, John R. Hibbing, Nicholas Martin and Lindon Eaves, **Political Research Quarterly**, (September, 2009).

"Twin Studies, Molecular Genetics, Politics, and Tolerance: A Response to Beckwith and Morris" with John R. Hibbing and Cary Funk, **Perspectives on Politics**, (December, 2008). This is a solicited response to a critique of our 2005 APSR article "Are Political Orientations Genetically Transmitted?"

"Political Attitudes Vary with Physiological Traits" with Douglas R. Oxley, Kevin B. Smith, Matthew V. Hibbing, Jennifer L. Miller, Mario Scalora, Peter K. Hatemi, and John R. Hibbing, **Science**, (September 19, 2008).

"The New Empirical Biopolitics" with John R. Hibbing, **Annual Review of Political Science**, (June, 2008).

"Beyond Liberals and Conservatives to Political Genotypes and Phenotypes" with John R. Hibbing and Cary Funk, **Perspectives on Politics**, (June, 2008). This is a solicited response to a critique of our 2005 APSR article "Are Political Orientations Genetically Transmitted?"

"Personal, Interpersonal, and Political Temperaments" with John R. Hibbing, **Annals of the American Academy of Political and Social Science**, (November, 2007).

"Is Politics in our Genes?" with John R. Hibbing, **Tidsskriftet Politik**, (February, 2007).

"Biology and Rational Choice" with John R. Hibbing, **The Political Economist**, (Fall, 2005)

"Are Political Orientations Genetically Transmitted?" with John R. Hibbing and Carolyn Funk, **American Political Science Review**, (May, 2005). (The main findings table from this article has been reprinted in two college level text books - Psychology, 9th ed. and Invitation to Psychology 4th ed. both by Wade and Tavis, Prentice Hall, 2007).

"The Origin of Politics: An Evolutionary Theory of Political Behavior" with John R. Hibbing, **Perspectives on Politics**, (December, 2004).

"Accepting Authoritative Decisions: Humans as Wary Cooperators" with John R. Hibbing, **American Journal of Political Science**, (January, 2004).

"Electoral Convergence of the Two Houses of Congress" with John R. Hibbing, in **The Exceptional Senate**, ed. Bruce Oppenheimer, Columbus: Ohio State University Press, (2002).

"We're All in this Together: The Decline of Trust in Government, 1958-1996." in **What is it About Government that Americans Dislike?**, eds. John Hibbing and Beth Theiss-Morse, Cambridge: Cambridge University Press, (2001).

"The 2000 Census and the New Redistricting," **Texas State Bar Association School Law Section Newsletter**, (July, 2000).

"Overdraft: The Political Cost of Congressional Malfeasance" with Holly Teeters, Dan Ward, and Rick Wilson, **Journal of Politics** (August, 1994).

"Personal and Partisan Advantage in U.S. Congressional Elections, 1846-1990" with David W. Brady, in **Congress Reconsidered** 5th edition, eds. Larry Dodd and Bruce Oppenheimer, CQ Press, (1993).

"The 1990 Congressional Election Results and the Fallacy that They Embodied an Anti-Incumbent Mood" with John R. Hibbing, **PS** 25 (June, 1992).

"Constituency Population and Representation in the United States Senate" with John R. Hibbing. **Legislative Studies Quarterly**, (November, 1990).

"Editors' Introduction: Electing the U.S. Senate" with Bruce I. Oppenheimer. **Legislative Studies Quarterly**, (November, 1990).

"Personal and Partisan Advantage in U.S. Congressional Elections, 1846-1990" with David W. Brady, in **Congress Reconsidered** 4th edition, eds. Larry Dodd and Bruce Oppenheimer, CQ Press, (1988). Reprinted in *The Congress of the United States, 1789-1989*, ed. Joel Silby, Carlson Publishing Inc., (1991), and in *The Quest for Office*, eds. Wayne and Wilcox, St. Martins Press, (1991).

"Can Government Regulate Fertility? An Assessment of Pro-natalist Policy in Eastern Europe" with Jerome Legge. **The Western Political Quarterly** (December, 1986).

"Partisanship and Voting" with James Campbell, Mary Munro, and Bruce Campbell, in **Research in Micropolitics. Volume 1 - Voting Behavior**. Samuel Long, ed. JAI Press, (1986).

"Economic Conditions and Individual Vote in the Federal Republic of Germany" with Jerome S. Legge. **Journal of Politics** (November, 1984).

"Television Markets and Congressional Elections" with James Campbell and Keith Henry. **Legislative Studies Quarterly** (November, 1984).

"Economic Conditions and the Forgotten Side of Congress: A Foray into U.S. Senate Elections" with John R. Hibbing, **British Journal of Political Science** (October, 1982).

"Increased Incumbency Advantage in the House" with John R. Hibbing, **Journal of Politics** (November, 1981). Reprinted in *The Congress of the United States, 1789-1989*, Carlson Publishing Inc., (1991).

"The Electoral Impact of Economic Conditions: Who is Held Responsible?" with John R. Hibbing, **American Journal of Political Science** (August, 1981).

"Comment on Increased Incumbency Advantage" with John R. Hibbing, Refereed communication: **American Political Science Review** (March, 1981).

"Can Government Regulate Safety? The Coal Mine Example" with Michael Lewis-Beck, **American Political Science Review** (September, 1980).

Awards and Honors:

CQ Press Award - 1988, honoring the outstanding paper in legislative politics presented at the 1987 Annual Meeting of the American Political Science Association. Awarded for "The Demise of the Upper House and the Rise of the Senate: Electoral Responsiveness in the United States Senate" with John Hibbing.

Research Grants:

National Science Foundation, 2009-2011, "Identifying the Biological Influences on Political Temperaments", with John Hibbing, Kevin Smith, Kim Espy, Nicolas Martin and Read Montague. This is a collaborative project involving Rice, University of Nebraska, Baylor College of Medicine, and Queensland Institute for Medical Research.

National Science Foundation, 2007-2010, "Genes and Politics: Providing the Necessary Data", with John Hibbing, Kevin Smith, and Landon Eaves. This is a collaborative project involving Rice, University of Nebraska, Virginia Commonwealth University, and the University of Minnesota.

National Science Foundation, 2007-2010, "Investigating the Genetic Basis of Economic Behavior", with John Hibbing and Kevin Smith. This is a collaborative project involving Rice, University of Nebraska, Virginia Commonwealth University, and the Queensland Institute of Medical Research.

Rice University Faculty Initiatives Fund, 2007-2009, "The Biological Substrates of Political Behavior". This is in assistance of a collaborative project involving Rice, Baylor College of Medicine, Queensland Institute of Medical Research, University of Nebraska, Virginia Commonwealth University, and the University of Minnesota.

National Science Foundation, 2004-2006, "Decision-Making on Behalf of Others", with John Hibbing. This is a collaborative project involving Rice and the University of Nebraska.

National Science Foundation, 2001-2002, dissertation grant for Kevin Arceneaux, "Doctoral Dissertation Research in Political Science: Voting Behavior in the Context of U.S. Federalism."

National Science Foundation, 2000-2001, dissertation grant for Stacy Ulbig, "Doctoral Dissertation Research in Political Science: Sub-national Contextual Influences on Political Trust."

National Science Foundation, 1999-2000, dissertation grant for Richard Engstrom, "Doctoral Dissertation Research in Political Science: Electoral District Structure and Political Behavior."

Rice University Research Grant, 1985, Recent Trends in British Parliamentary Elections.

Faculty Research Grants Program, University of Georgia, Summer, 1982. Impact of Media Structure on Congressional Elections, with James Campbell.

Papers Presented:

"The Physiological Basis of Political Temperaments" 6th European Consortium for Political Research General Conference, Reykjavik, Iceland (2011), with Kevin Smith, and John Hibbing.

"Identifying the Biological Influences on Political Temperaments" National Science Foundation Annual Human Social Dynamics Meeting (2010), with John Hibbing, Kimberly Espy, Nicholas Martin, Read Montague, and Kevin B. Smith.

"Political Orientations May Be Related to Detection of the Odor of Androstenone" Annual meeting of the Midwest Political Science Association, Chicago, IL (2010), with Kevin Smith, Amanda Balzer, Michael Gruszczynski, Carly M. Jacobs, and John Hibbing.

"Toward a Modern View of Political Man: Genetic and Environmental Transmission of Political Orientations from Attitude Intensity to Political Participation" Annual meeting of the American Political Science Association, Washington, DC (2010), with Carolyn Funk, Kevin Smith, and John Hibbing.

"Genetic and Environmental Transmission of Political Involvement from Attitude Intensity to Political Participation" Annual meeting of the International Society for Political Psychology, San Francisco, CA (2010), with Carolyn Funk, Kevin Smith, and John Hibbing.

"Are Violations of the EEA Relevant to Political Attitudes and Behaviors?" Annual meeting of the Midwest Political Science Association, Chicago, IL (2010), with Kevin Smith, and John Hibbing.

"The Neural Basis of Representation" Annual meeting of the American Political Science Association, Toronto, Canada (2009), with John Hibbing.

"Genetic and Environmental Transmission of Value Orientations" Annual meeting of the American Political Science Association, Toronto, Canada (2009), with Carolyn Funk, Kevin Smith, Matthew Hibbing, Pete Hatemi, Robert Krueger, Lindon Eaves, and John Hibbing.

"The Genetic Heritability of Political Orientations: A New Twin Study of Political Attitudes" Annual Meeting of the International Society for Political Psychology, Dublin, Ireland (2009), with John Hibbing, Cary Funk, Kevin Smith, and Peter K Hatemi.

"The Heritability of Value Orientations" Annual meeting of the Behavior Genetics Association, Minneapolis, MN (2009), with Kevin Smith, John Hibbing, Carolyn Funk, Robert Krueger, Peter Hatemi, and Lindon Eaves.

"The Ick Factor: Disgust Sensitivity as a Predictor of Political Attitudes" Annual meeting of the Midwest Political Science Association, Chicago, IL (2009), with Kevin Smith, Douglas Oxley, Matthew Hibbing, and John Hibbing.

"The Ideological Animal: The Origins and Implications of Ideology" Annual meeting of the American Political Science Association, Boston, MA (2008), with Kevin Smith, Matthew Hibbing, Douglas Oxley, and John Hibbing.

"The Physiological Differences of Liberals and Conservatives" Annual meeting of the Midwest Political Science Association, Chicago, IL (2008), with Kevin Smith, Douglas Oxley, and John Hibbing.

"Looking for Political Genes: The Influence of Serotonin on Political and Social Values" Annual meeting of the Midwest Political Science Association, Chicago, IL (2008), with Peter Hatemi, Sarah Medland, John Hibbing, and Nicholas Martin.

"Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs" Annual meeting of the American Political Science Association, Chicago, IL (2007), with Peter Hatemi, John Hibbing, Matthew Keller, Nicholas Martin, Sarah Medland, and Lindon Eaves.

"Factorial Association: A generalization of the Fulker between-within model to the multivariate case" Annual meeting of the Behavior Genetics Association, Amsterdam, The Netherlands (2007), with Sarah Medland, Peter Hatemi, John Hibbing, William Coventry, Nicholas Martin, and Michael Neale.

"Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs" Annual meeting of the Midwest Political Science Association, Chicago, IL (2007), with Peter Hatemi, John Hibbing, Nicholas Martin, and Lindon Eaves.

"Getting from Genes to Politics: The Connecting Role of Emotion-Reading Capability" Annual Meeting of the International Society for Political Psychology, Portland, OR, (2007.), with John Hibbing.

"The Neurological Basis of Representative Democracy." Hendricks Conference on Political Behavior, Lincoln, NE (2006), with John Hibbing.

"The Neural Basis of Representative Democracy" Annual meeting of the American Political Science Association, Philadelphia, PA (2006), with John Hibbing.

"How are Political Orientations Genetically Transmitted? A Research Agenda" Annual meeting of the Midwest Political Science Association, Chicago Illinois (2006), with John Hibbing.

"The Politics of Mate Choice" Annual meeting of the Southern Political Science Association, Atlanta, GA (2006), with John Hibbing.

"The Challenge Evolutionary Biology Poses for Rational Choice" Annual meeting of the American Political Science Association, Washington, DC (2005), with John Hibbing and Kevin Smith.

"Decision Making on Behalf of Others" Annual meeting of the American Political Science Association, Washington, DC (2005), with John Hibbing.

"The Source of Political Attitudes and Behavior: Assessing Genetic and Environmental Contributions" Annual meeting of the Midwest Political Science Association, Chicago Illinois (2005), with John Hibbing and Carolyn Funk.

"The Source of Political Attitudes and Behavior: Assessing Genetic and Environmental Contributions" Annual meeting of the American Political Science Association, Chicago Illinois (2004), with John Hibbing and Carolyn Funk.

"Accepting Authoritative Decisions: Humans as Wary Cooperators" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (2002), with John Hibbing

"Can We Trust the NES Trust Measure?" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (2001), with Stacy Ulbig.

"The Impact of Organizational Structure on the Production of Social Capital Among Group Members" Annual Meeting of the Southern Political Science Association, Atlanta, Georgia (2000), with Allison Rinden.

"Isolating the Origins of Incumbency Advantage: An Analysis of House Primaries, 1956-1998" Annual Meeting of the Southern Political Science Association, Atlanta, Georgia (2000), with Kevin Arceneaux.

"The Electorally Indistinct Senate," Norman Thomas Conference on Senate Exceptionalism, Vanderbilt University; Nashville, Tennessee; October (1999), with John R. Hibbing.

"Interest Group Participation and Social Capital" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (1999), with Allison Rinden.

"We're All in this Together: The Decline of Trust in Government, 1958-1996." The Hendricks Symposium, University of Nebraska, Lincoln. (1998)

"Constituency Population and Representation in the United States Senate," Electing the Senate; Houston, Texas; December (1989), with John R. Hibbing.

"The Disparate Electoral Security of House and Senate Incumbents," American Political Science Association Annual Meetings; Atlanta, Georgia; September (1989), with John R. Hibbing.

"Partisan and Incumbent Advantage in House Elections," Annual Meeting of the Southern Political Science Association (1987), with David W. Brady.

"Personal and Party Advantage in U.S. House Elections, 1846-1986" with David W. Brady, 1987 Social Science History Association Meetings.

"The Demise of the Upper House and the Rise of the Senate: Electoral Responsiveness in the United States Senate" with John Hibbing, 1987 Annual Meeting of the American Political Science Association.

"A Comparative Analysis of Economic Voting" with Jerome Legge, 1985 Annual Meeting of the American Political Science Association.

"An Analysis of Economic Conditions and the Individual Vote in Great Britain, 1964-1979" with Jerome Legge, 1985 Annual Meeting of the Western Political Science Association.

"Can Government Regulate Fertility? An Assessment of Pro-natalist Policy in Eastern Europe" with Jerome Legge, 1985 Annual Meeting of the Southwestern Social Science Association.

"Economic Conditions and the Individual Vote in the Federal Republic of Germany" with Jerome S. Legge, 1984 Annual Meeting of the Southern Political Science Association.

"The Conditions Required for Economic Issue Voting" with John R. Hibbing, 1984 Annual Meeting of the Midwest Political Science Association.

"Incumbency Advantage in Senate Elections," 1983 Annual Meeting of the Midwest Political Science Association.

"Television Markets and Congressional Elections: The Impact of Market/District Congruence" with James Campbell and Keith Henry, 1982 Annual Meeting of the Southern Political Science Association.

"Economic Conditions and Senate Elections" with John R. Hibbing, 1982 Annual Meeting of the Midwest Political Science Association. "Pocketbook Voting: Economic Conditions and Individual Level Voting," 1982 Annual Meeting of the American Political Science Association.

"Increased Incumbency Advantage in the House," with John R. Hibbing, 1981 Annual Meeting of the Midwest Political Science Association.

Other Conference Participation:

Roundtable Participant – Closing Round-table on Biopolitics; 2016 UC Merced Conference on Bio-Politics and Political Psychology, Merced, CA.

Roundtable Participant "Genes, Brains, and Core Political Orientations" 2008 Annual Meeting of the Southwestern Political Science Association, Las Vegas.

Roundtable Participant "Politics in the Laboratory" 2007 Annual Meeting of the Southern Political Science Association, New Orleans.

Short Course Lecturer, "What Neuroscience has to Offer Political Science" 2006 Annual Meeting of the American Political Science Association.

Panel chair and discussant, "Neuro-scientific Advances in the Study of Political Science" 2006 Annual Meeting of the American Political Science Association.

Presentation, "The Twin Study Approach to Assessing Genetic Influences on Political Behavior" Rice Conference on New Methods for Understanding Political Behavior, 2005.

Panel discussant, "The Political Consequences of Redistricting," 2002 Annual Meeting of the American Political Science Association.

Panel discussant, "Race and Redistricting," 1999 Annual Meeting of the Midwest Political Science Association.

Invited participant, "Roundtable on Public Dissatisfaction with American Political Institutions", 1998 Annual Meeting of the Southwestern Social Science Association.

Presentation, "Redistricting in the '90s," Texas Economic and Demographic Association, 1997.

Panel chair, "Congressional Elections," 1992 Annual Meeting of the Southern Political Science Association.

Panel discussant, "Incumbency and Congressional Elections," 1992 Annual Meeting of the American Political Science Association.

Panel chair, "Issues in Legislative Elections," 1991 Annual Meeting of the Midwest Political Science Association.

Panel chair, "Economic Attitudes and Public Policy in Europe," 1990 Annual Meeting of the Southern Political Science Association

Panel discussant, "Retrospective Voting in U.S. Elections," 1990 Annual Meeting of the Midwest Political Science Association.

Co-convenor, with Bruce Oppenheimer, of Electing the Senate, a national conference on the NES 1988 Senate Election Study. Funded by the Rice Institute for Policy Analysis, the University of Houston Center for Public Policy, and the National Science Foundation, Houston, Texas, December, 1989.

Invited participant, Understanding Congress: A Bicentennial Research Conference, Washington, D.C., February, 1989.

Invited participant--Hendricks Symposium on the United States Senate, University of Nebraska, Lincoln, Nebraska, October, 1988

Invited participant--Conference on the History of Congress, Stanford University, Stanford, California, June, 1988.

Invited participant, "Roundtable on Partisan Realignment in the 1980's", 1987 Annual Meeting of the Southern Political Science Association.

Professional Activities:

Other Universities:

Invited Speaker, Annual Lecture, Psi Kappa -the Psychology Club at Houston Community College, 2018.

Invited Speaker, Annual Allman Family Lecture, Dedman College Interdisciplinary Institute, Southern Methodist University, 2016.

Invited Speaker, Annual Lecture, Psi Sigma Alpha – Political Science Dept., Oklahoma State University, 2015.

Invited Lecturer, Department of Political Science, Vanderbilt University, 2014.

Invited Speaker, Annual Lecture, Psi Kappa -the Psychology Club at Houston Community College, 2014.

Invited Speaker, Graduate Student Colloquium, Department of Political Science, University of New Mexico, 2013.

Invited Keynote Speaker, Political Science Alumni Evening, University of Houston, 2013.

Invited Lecturer, Biology and Politics Masters Seminar (John Geer and David Bader), Department of Political Science and Biology Department, Vanderbilt University, 2010.

Invited Lecturer, Biology and Politics Senior Seminar (John Geer and David Bader), Department of Political Science and Biology Department, Vanderbilt University, 2008.

Visiting Fellow, the Hoover Institution, Stanford University, 2007.

Invited Speaker, Joint Political Psychology Graduate Seminar, University of Minnesota, 2007.

Invited Speaker, Department of Political Science, Vanderbilt University, 2006.

Member:

Editorial Board, *Journal of Politics*, 2007-2008.

Planning Committee for the National Election Studies' Senate Election Study, 1990-92.

Nominations Committee, Social Science History Association, 1988

Reviewer for:

American Journal of Political Science

American Political Science Review

American Politics Research

American Politics Quarterly

American Psychologist

American Sociological Review

Canadian Journal of Political Science

Comparative Politics

Electoral Studies

Evolution and Human Behavior

International Studies Quarterly

Journal of Politics
Journal of Urban Affairs
Legislative Studies Quarterly
National Science Foundation
PLoS ONE
Policy Studies Review
Political Behavior
Political Communication
Political Psychology
Political Research Quarterly
Public Opinion Quarterly
Science
Security Studies
Social Forces
Social Science Quarterly
Western Political Quarterly

University Service:

Member, University Senate, 2021-2023.

Member, University Parking Committee, 2016-2022.

Member, University Benefits Committee, 2013-2016.

Internship Director for the Department of Political Science, 2004-2018.

Member, University Council, 2012-2013.

Invited Speaker, Rice Classroom Connect, 2016.

Invited Speaker, Glasscock School, 2016.

Invited Speaker, Rice Alumni Association, Austin, 2016.

Invited Speaker, Rice Alumni Association, New York City, 2016.

Invited Speaker, Rice TEDxRiceU , 2013.

Invited Speaker, Rice Alumni Association, Atlanta, 2011.

Lecturer, Advanced Topics in AP Psychology, Rice University AP Summer Institute, 2009.

Scientia Lecture Series: "Politics in Our Genes: The Biology of Ideology" 2008

Invited Speaker, Rice Alumni Association, Seattle, San Francisco and Los Angeles, 2008.

Invited Speaker, Rice Alumni Association, Austin, Chicago and Washington, DC, 2006.

Invited Speaker, Rice Alumni Association, Dallas and New York, 2005.

Director: Rice University Behavioral Research Lab and Social Science Computing Lab, 2005-2006.

University Official Representative to the Inter-university Consortium for Political and Social Research, 1989-2012.

Director: Rice University Social Science Computing Lab, 1989-2004.

Member, Rice University Information Technology Access and Security Committee, 2001-2002

Rice University Committee on Computers, Member, 1988-1992, 1995-1996; Chair, 1996-1998, Co-chair, 1999.

Acting Chairman, Rice Institute for Policy Analysis, 1991-1992.

Divisional Member of the John W. Gardner Dissertation Award Selection Committee, 1998

Social Science Representative to the Educational Sub-committee of the Computer Planning Committee, 1989-1990.

Director of Graduate Admissions, Department of Political Science, Rice University, 1986-1988.

Co-director, Mellon Workshop: Southern Politics, May, 1988.

Guest Lecturer, Mellon Workshop: The U.S. Congress in Historical Perspective, May, 1987 and 1988.

Faculty Associate, Hanszen College, Rice University, 1987-1990.

Director, Political Data Analysis Center, University of Georgia, 1982-1985.

External Consulting:

Expert Witness, LULAC, et al. v. Abbott, et al., Voto Latino, et al. v. Scott, et al., Mexican American Legislative Caucus, et al. v. Texas, et al., Texas NAACP v. Abbott, et al., Fair Maps Texas, et al. v. Abbott, et al., US v. Texas, et al. (consolidated cases) challenges to Texas Congressional, State Senate, State House, and State Board of Education districting, 2022.

Expert Witness, Robinson/Galmon v. Ardoin, (Louisiana), racially polarized voting analysis, 2022.

Expert Witness, Christian Ministerial Alliance et al v. Arkansas, racially polarized voting analysis, 2022.

Expert Witness, Johnson v. Wisconsin Elections Commission, 2022.

Expert Witness, Rivera, et al. v. Schwab, Alonzo, et al. v. Schwab, Frick, et al. v. Schwab, (consolidated cases) challenge to Kansas congressional map, 2022.

Expert Witness, Grant v. Raffensperger, challenge to Georgia congressional map, 2022

Expert Witness, Brooks et al. v. Abbot, challenge to State Senate District 10, 2022.

Expert Witness, Elizondo v. Spring Branch ISD, 2022.

Expert Witness, Portugal v. Franklin County, et al., challenge to Franklin County, Washington at large County Commissioner's election system, 2022.

Consulting Expert, Gressman Math/Science Petitioners, Pennsylvania Congressional redistricting, 2022.

Consultant, Houston Community College – evaluation of election impact for redrawing of college board election districts, 2022.

Consultant, Lone Star College – evaluation of election impact for redrawing of college board election districts, 2022.

Consultant, Killeen ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Houston ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Brazosport ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Dallas ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Lancaster ISD – redrawing of all school board member election districts including demographic analysis and redrawing of election districts, 2021.

Consultant, City of Baytown – redrawing of all city council member election districts including demographic analysis and redrawing of election districts, 2021.

Consultant, Goose Creek ISD – redrawing of all board member election districts including demographic analysis and redrawing of election districts, 2021.

Expert Witness, Bruni et al. v. State of Texas, straight ticket voting analysis, 2020.

Consulting Expert, Sarasota County, VRA challenge to district map, 2020.

Expert Witness, Kumar v. Frisco ISD, TX, racially polarized voting analysis, 2019.

Expert Witness, Vaughan v. Lewisville ISD, TX, racially polarized voting analysis, 2019.

Expert Witness, Johnson v. Ardoin, (Louisiana), racially polarized voting analysis, 2019.

Expert Witness, Flores et al. v. Town of Islip, NY, racially polarized voting analysis, 2018.

Expert Witness, Tyson v. Richardson ISD, racially polarized voting analysis, 2018.

Expert Witness, Dwight v. State of Georgia, racially polarized voting analysis, 2018.

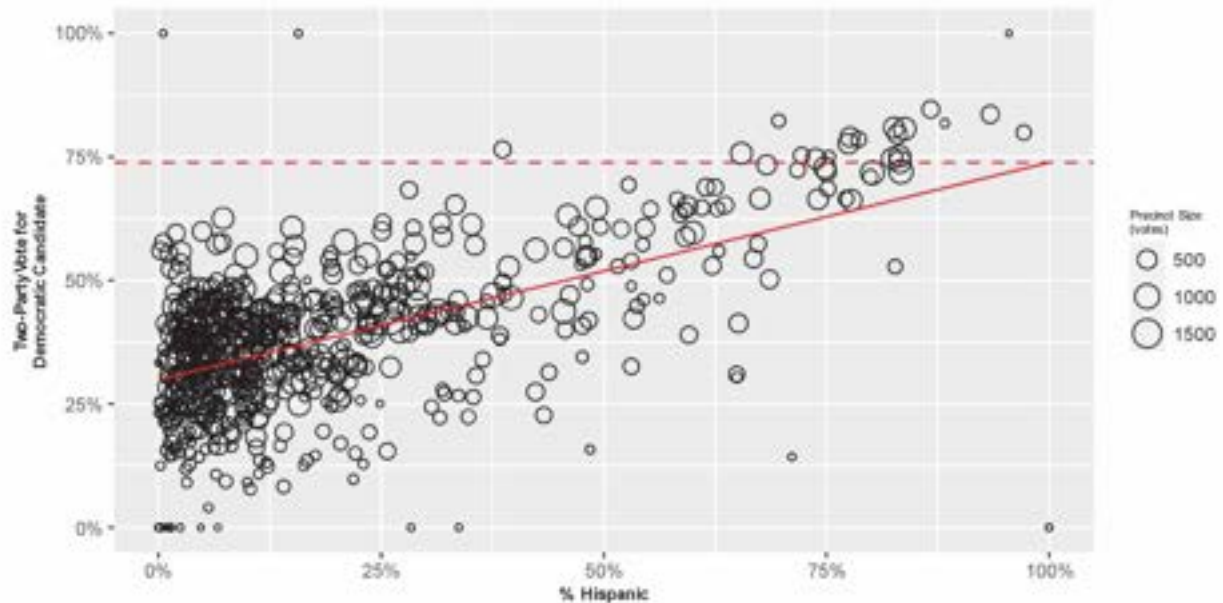
Expert Witness, NAACP v. East Ramapo Central School District, racially polarized voting analysis, 2018.

Expert Witness, Georgia NAACP v. State of Georgia, racially polarized voting analysis, 2018.

Appendix 2

Detailed Replication Results for 2020 Contests

2020 General Election: President



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model)

Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate		Non-Hispanic Support for Candidate			
		Low 95% CI	High 95% CI	Low 95% CI	High 95% CI	Support for Candidate	
Dem	Biden	76.7%	73.7%	79.4%	32.7%	32.0%	33.3%
Rep	Trump	23.3%	20.6%	26.3%	67.3%	66.7%	68.0%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model)

Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate		Non-Hispanic Support for Candidate			
		Low 95% CI	High 95% CI	Low 95% CI	High 95% CI	Support for Candidate	
Dem	Biden	84.4%	80.4%	88.0%	35.4%	34.6%	36.2%
Rep	Trump	15.6%	12.0%	19.6%	64.6%	63.8%	65.4%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model)

Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate		White Support for Candidate			
		Low 95% CI	High 95% CI	Low 95% CI	High 95% CI	Support for Candidate	
Dem	Biden	72.1%	69.5%	74.6%	26.7%	26.0%	27.5%
Rep	Trump	27.9%	25.4%	30.5%	73.3%	72.5%	74.0%

Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic White Support for Candidate		
		Support for Candidate	Low 95% CI	High 95% CI	Support for Candidate	Low 95% CI	High 95% CI
Dem	Biden	76.4%	73.9%	78.6%	25.7%	25.1%	26.2%
Rep	Trump	21.4%	19.5%	23.4%	70.9%	70.1%	71.4%

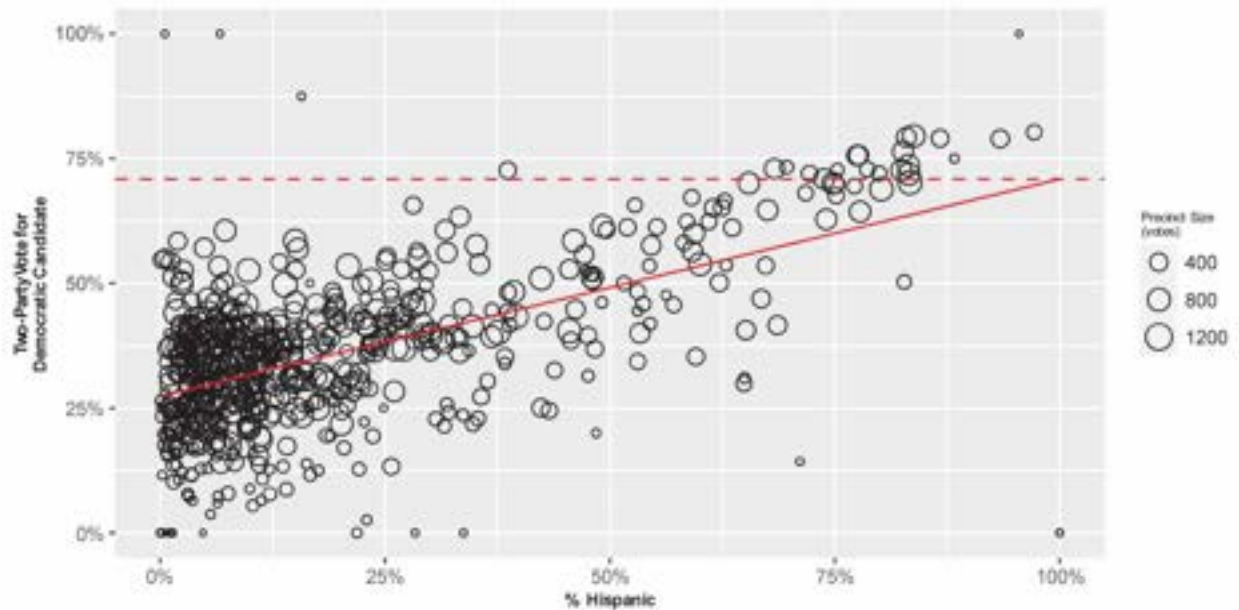
*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

Collingwood Ecological Inference Estimates of Voter Support (rxc*)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic White Support for Candidate		
		Support for Candidate	Low 95% CI	High 95% CI	Support for Candidate	Low 95% CI	High 95% CI
Dem	Biden	70.5%	63.9%	75.4%	29.0%	27.2%	33.4%
Rep	Trump	29.5%	24.7%	36.1%	71.0%	66.7%	72.8%

*These results were reported under the label "rxc," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

2020 General Election: Governor



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Dem	Inslee	73.5%	70.40%	76.43%	29.75%	29.05%	30.47%
Rep	Culp	26.5%	23.57%	29.60%	70.25%	69.53%	70.95%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Dem	Inslee	78.8%	73.9%	83.2%	32.7%	31.9%	33.5%
Rep	Culp	21.2%	16.8%	26.1%	67.3%	66.5%	68.1%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			White Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Dem	Inslee	68.6%	66.0%	71.2%	23.6%	22.8%	24.4%
Rep	Culp	31.4%	28.8%	34.0%	76.4%	75.6%	77.2%

Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic White Support for Candidate		
		Support for Candidate	Low 95% CI	High 95% CI	Support for Candidate	Low 95% CI	High 95% CI
Dem	Inslee	74.5%	72.2%	76.6%	23.8%	23.0%	24.8%
Rep	Culp	25.2%	22.7%	27.5%	75.8%	74.8%	76.7%

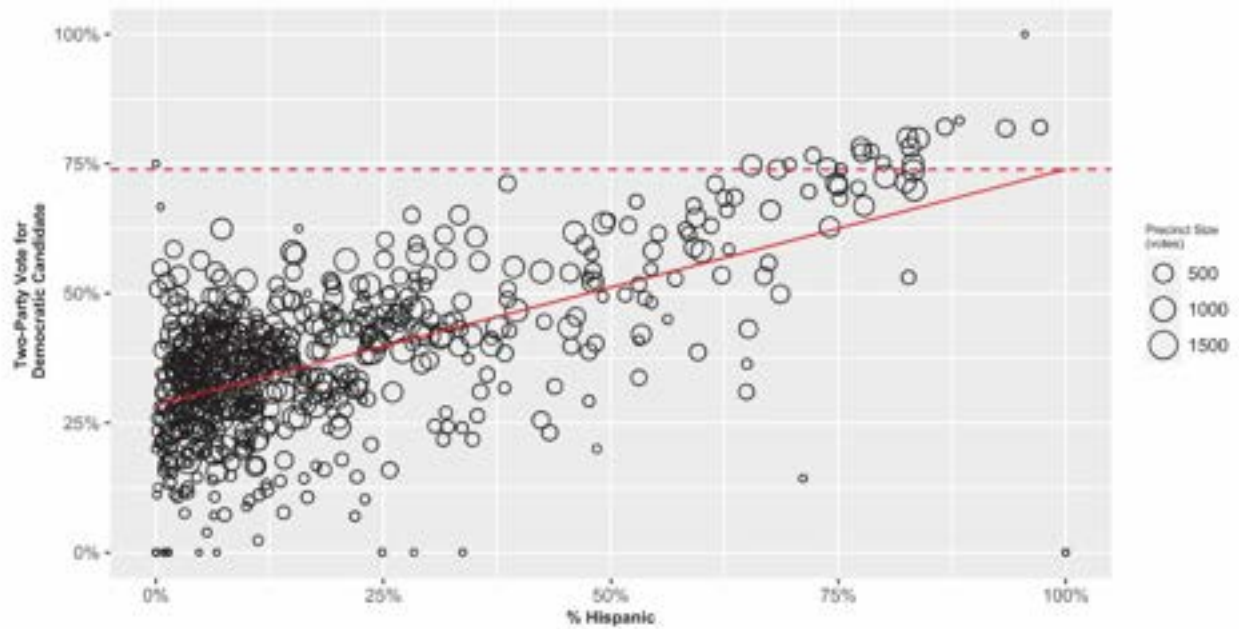
*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

Collingwood Ecological Inference Estimates of Voter Support (rxc*)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic White Support for Candidate		
		Support for Candidate	Low 95% CI	High 95% CI	Support for Candidate	Low 95% CI	High 95% CI
Dem	Inslee	67.9%	60.3%	71.7%	25.3%	23.5%	30.2%
Rep	Culp	32.1%	28.3%	39.7%	74.7%	69.8%	76.5%

*These results were reported under the label "rxc," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

2020 General Election: Attorney General



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model)

Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic Support for Candidate	Low 95% CI	High 95% CI
Dem	Ferguson	76.5%	73.69%	79.17%	31.04%	30.40%	31.70%
Rep	Larkin	23.5%	20.83%	26.31%	68.96%	68.30%	69.60%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model)

Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic Support for Candidate	Low 95% CI	High 95% CI
Dem	Ferguson	81.5%	76.9%	85.7%	34.2%	33.4%	35.1%
Rep	Larkin	18.5%	14.3%	23.1%	65.8%	64.9%	66.6%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model)

Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	White Support for Candidate	Low 95% CI	High 95% CI
Dem	Ferguson	71.9%	69.4%	74.6%	24.9%	24.2%	25.7%
Rep	Larkin	28.1%	25.4%	30.6%	75.1%	74.3%	75.8%

Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic White Support for Candidate	Low 95% CI	High 95% CI
Dem	Ferguson	78.2%	76.0%	79.8%	24.8%	24.1%	25.5%
Rep	Larkin	21.8%	20.1%	24.2%	75.1%	74.4%	75.8%

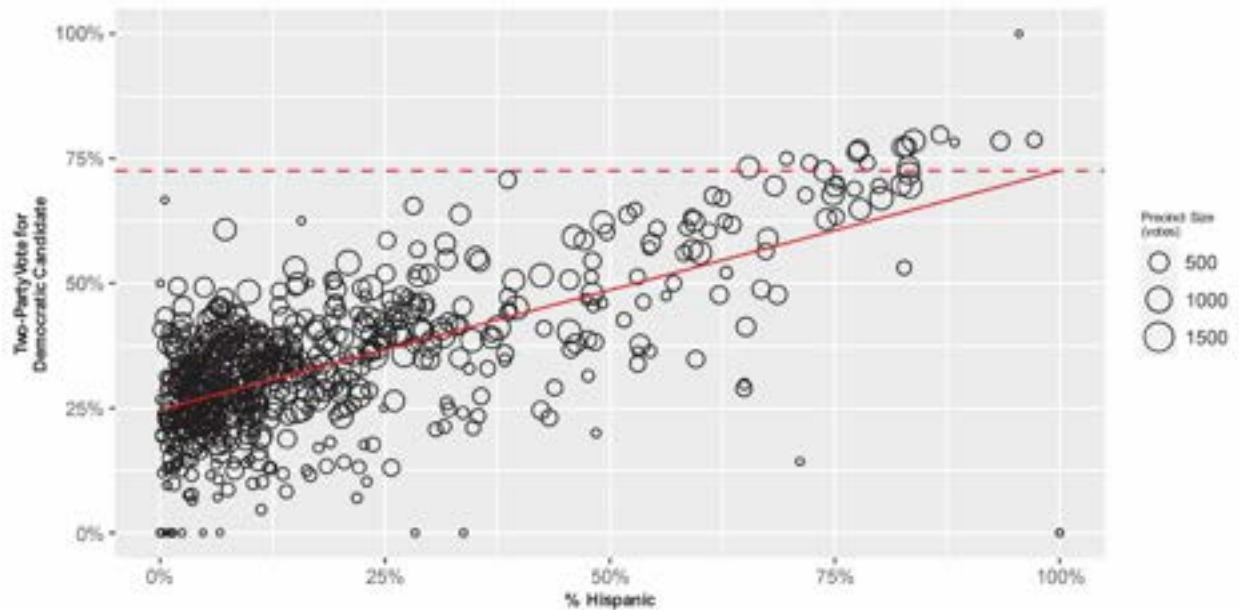
*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

Collingwood Ecological Inference Estimates of Voter Support (rxc*)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic White Support for Candidate	Low 95% CI	High 95% CI
Dem	Ferguson	72.8%	71.1%	74.8%	25.4%	24.8%	26%
Rep	Larkin	27.2%	25.2%	28.9%	74.6%	74.0%	75.2%

*These results were reported under the label "rxc," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

2020 General Election: Treasurer



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Dem	Pellicciotti	75.0%	72.2%	77.8%	27.1%	26.4%	27.8%
Rep	Davidson	25.0%	22.2%	27.8%	72.9%	72.2%	73.6%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Dem	Pellicciotti	82.6%	78.1%	86.4%	30.1%	29.3%	31.0%
Rep	Davidson	17.4%	13.6%	21.9%	69.9%	69.0%	70.7%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			White Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Dem	Pellicciotti	70.1%	67.7%	72.5%	20.8%	20.0%	21.5%
Rep	Davidson	29.9%	27.5%	32.3%	79.2%	78.5%	80.0%

Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic White Support for Candidate		
		Support for Candidate	Low 95% CI	High 95% CI	Support for Candidate	Low 95% CI	High 95% CI
Dem	Pellicciotti	76.5%	74.4%	77.9%	20.9%	20.2%	21.7%
Rep	Davidson	23.5%	21.7%	25.0%	79.1%	78.6%	79.8%

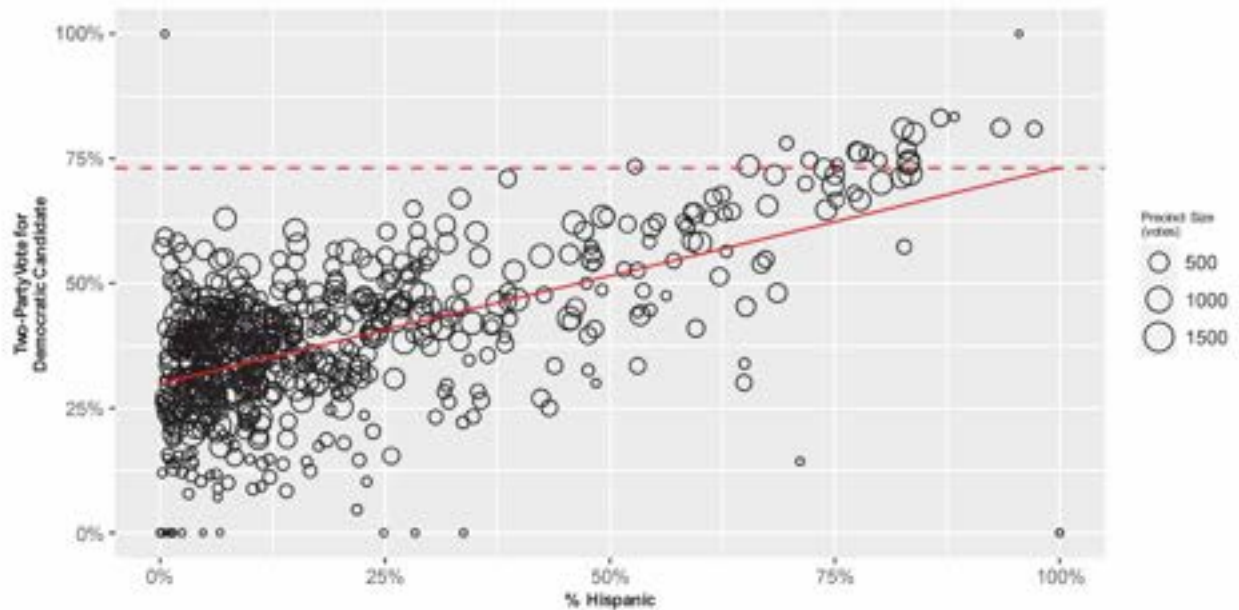
*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

Collingwood Ecological Inference Estimates of Voter Support (rxc*)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic White Support for Candidate		
		Support for Candidate	Low 95% CI	High 95% CI	Support for Candidate	Low 95% CI	High 95% CI
Dem	Pellicciotti	70.5%	68.7%	72.1%	21.2%	20.6%	21.8%
Rep	Davidson	29.5%	27.9%	31.3%	78.8%	78.2%	79.4%

*These results were reported under the label "rxc," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

2020 General Election: State Auditor



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic Support for Candidate	Low 95% CI	High 95% CI
Dem	McCarthy	75.5%	72.4%	78.3%	32.7%	32.1%	33.5%
Rep	Leyba	24.5%	21.7%	27.6%	67.3%	66.5%	67.9%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (VAP)

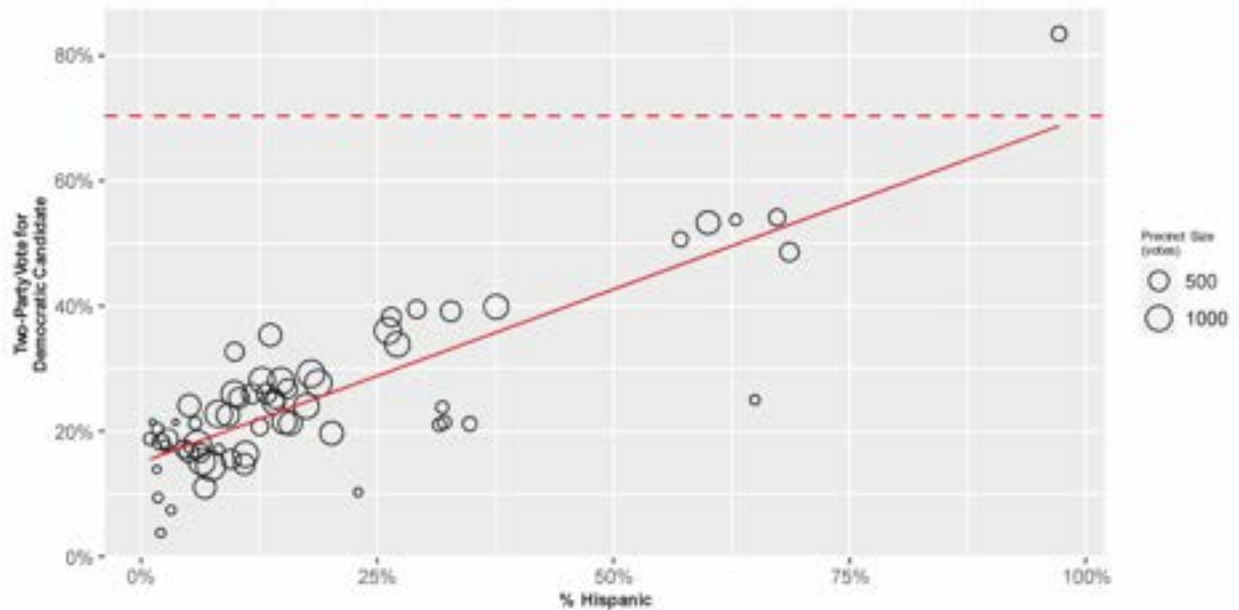
Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic Support for Candidate	Low 95% CI	High 95% CI
Dem	McCarthy	82.6%	77.6%	86.5%	35.6%	34.8%	36.4%
Rep	Leyba	17.4%	13.5%	22.4%	64.4%	63.6%	65.2%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	White Support for Candidate	Low 95% CI	High 95% CI
Dem	McCarthy	70.9%	68.3%	73.3%	26.7%	26.0%	27.5%
Rep	Leyba	29.1%	26.7%	31.7%	73.3%	72.5%	74.0%

Note: Collingwood did not provide estimates for this contest

2020 General Election: LD13 Pos 1



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Low 95% CI	High 95% CI	Low 95% CI	High 95% CI		
Dem	Castaneda	70.4%	59.8%	80.1%	16.7%	14.6%	19.0%
Rep	Dent	29.6%	19.9%	40.2%	83.3%	81.0%	85.4%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Low 95% CI	High 95% CI	Low 95% CI	High 95% CI		
Dem	Castaneda	74.7%	54.9%	89.8%	18.3%	14.8%	21.6%
Rep	Dent	25.3%	10.2%	45.1%	81.7%	78.4%	85.2%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			White Support for Candidate		
		Low 95% CI	High 95% CI	Low 95% CI	High 95% CI		
Dem	Castaneda	71.2%	60.6%	80.9%	12.4%	9.7%	15.7%
Rep	Dent	28.8%	19.1%	39.4%	87.6%	84.3%	90.3%

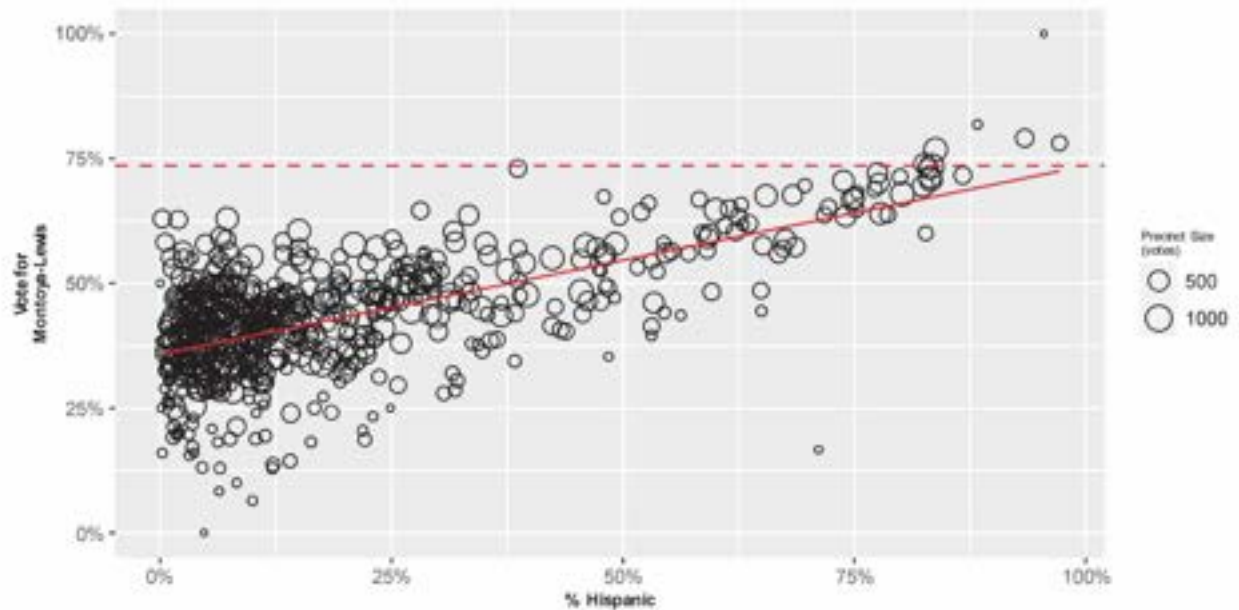
Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic			Non-Hispanic White		
		Support for Candidate	Low 95% CI	High 95% CI	Support for Candidate	Low 95% CI	High 95% CI
Dem	Castaneda	74.6%	70.4%	79.4%	12.8%	11.2%	14.9%
Rep	Dent	26.3%	21.2%	31.3%	87.2%	85.3%	88.9%

*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

Note that Collingwood did not report "rxc" results for this contest

2020 General Election: State Supreme Court, Seat 3



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Candidate	Low 95% CI	High 95% CI	Candidate	Low 95% CI	High 95% CI
Non-Partisan	Montoya-Lewis	73.5%	71.3%	75.9%	38.2%	37.6%	38.7%
Non-Partisan	Larson	26.5%	24.1%	28.7%	61.8%	61.3%	62.4%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Candidate	Low 95% CI	High 95% CI	Candidate	Low 95% CI	High 95% CI
Non-Partisan	Montoya-Lewis	82.3%	77.7%	86.5%	40.1%	39.4%	40.9%
Non-Partisan	Larson	17.7%	13.5%	22.3%	59.9%	59.1%	60.6%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			White Support for Candidate		
		Candidate	Low 95% CI	High 95% CI	Candidate	Low 95% CI	High 95% CI
Non-Partisan	Montoya-Lewis	69.4%	67.1%	71.7%	33.0%	32.3%	33.8%
Non-Partisan	Larson	30.6%	28.3%	32.9%	67.0%	66.2%	67.7%

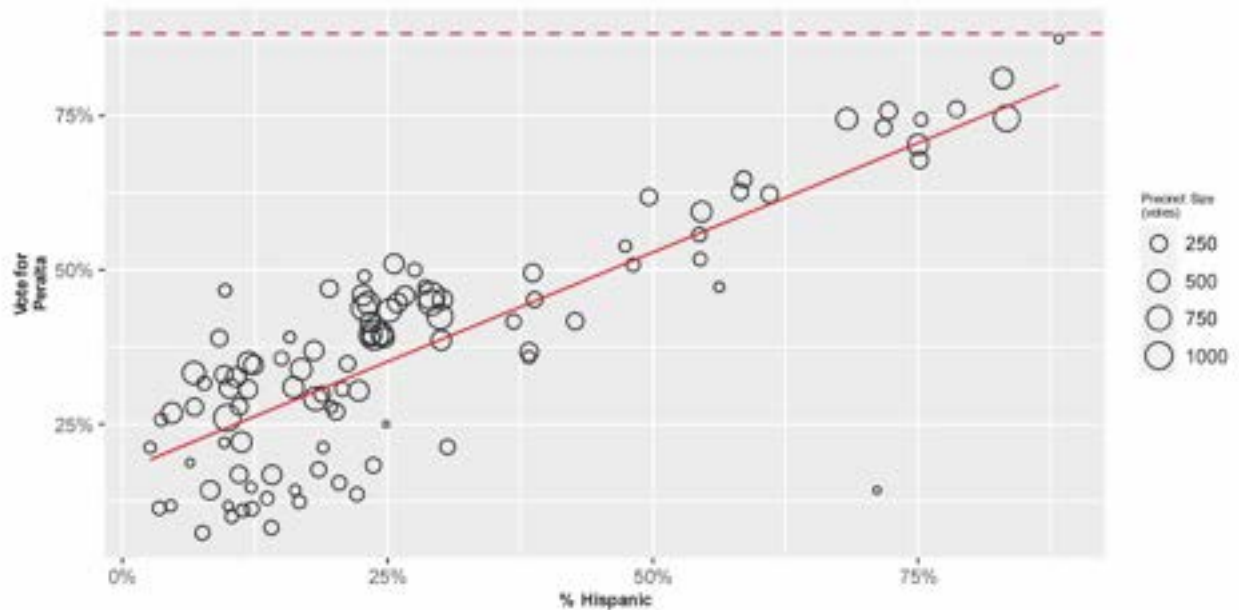
Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non- Hispanic White Support for Candidate	Low 95% CI	High 95% CI
Non-Partisan	Montoya-Lewis	73.8%	72.3%	75.2%	34.2%	33.8%	34.8%
Non-Partisan	Larson	26.0%	24.2%	27.8%	65.5%	65.0%	66.0%

*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

Note that Collingwood did not report "rxc" results for this contest

2020 General Election: Franklin County Comm., D2



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Non-Partisan	Mullen	11.5%	7.1%	16.8%	78.3%	76.1%	80.1%
Non-Partisan	Peralta	88.5%	83.2%	92.9%	21.7%	19.9%	23.9%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Non-Partisan	Mullen	18.2%	10.2%	28.7%	65.9%	63.4%	68.8%
Non-Partisan	Peralta	81.8%	71.3%	89.8%	34.1%	31.2%	36.6%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			White Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Non-Partisan	Mullen	17.5%	12.7%	22.6%	85.4%	82.6%	87.7%
Non-Partisan	Peralta	82.5%	77.4%	87.3%	14.6%	12.3%	17.4%

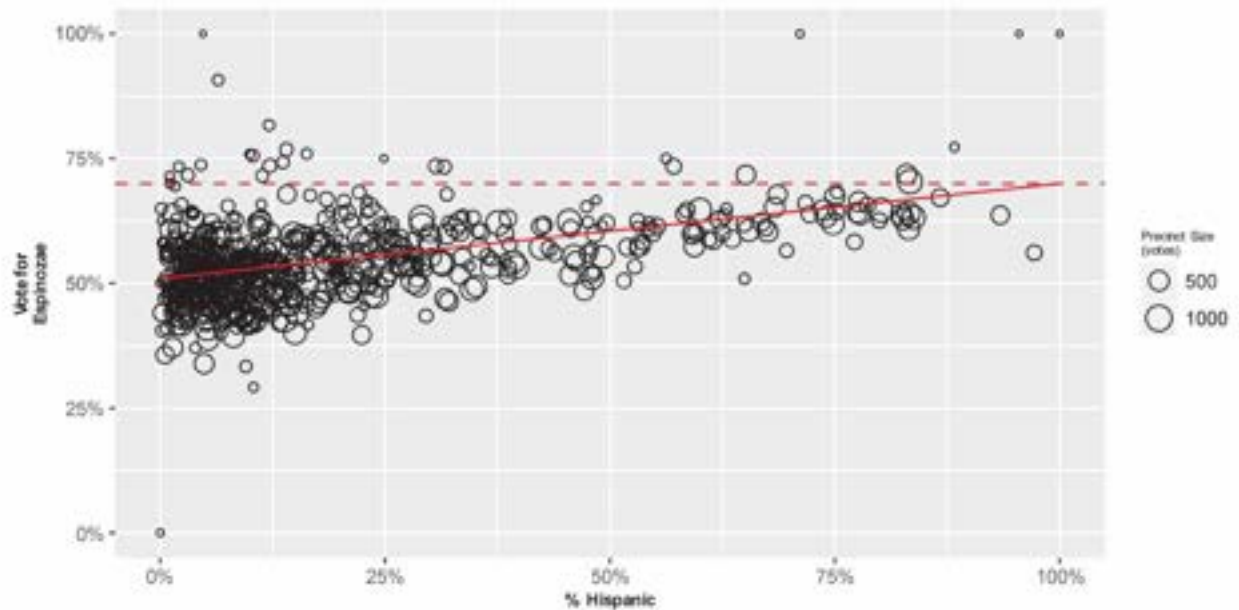
Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic Support for Candidate		Non-Hispanic White Support for Candidate			
		Low 95% CI	High 95% CI	Low 95% CI	High 95% CI	High 95% CI	
Non-Partisan	Mullen	11.9%	9.4%	14.5%	86.3%	84.3%	87.8%
Non-Partisan	Peralta	88.1%	86.2%	90.1%	13.5%	11.9%	14.9%

*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

Note that Collingwood did not report "rxc" results for this contest

2020 General Election: Superintendent of Public Instruction



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic Support for Candidate	Low 95% CI	High 95% CI
Non-Partisan	Espinoza	67.6%	65.53%	69.59%	49.97%	49.46%	50.48%
Non-Partisan	Reykdal	32.4%	30.41%	34.47%	50.03%	49.52%	50.54%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	Non-Hispanic Support for Candidate	Low 95% CI	High 95% CI
Non-Partisan	Espinoza	78.2%	72.5%	83.1%	50.2%	49.6%	51.0%
Non-Partisan	Reykdal	21.8%	16.9%	27.5%	49.8%	49.0%	50.4%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	White Support for Candidate	Low 95% CI	High 95% CI
Non-Partisan	Espinoza	68.8%	66.7%	71.0%	51.3%	50.4%	52.3%
Non-Partisan	Reykdal	31.2%	29.0%	33.3%	48.7%	47.7%	49.6%

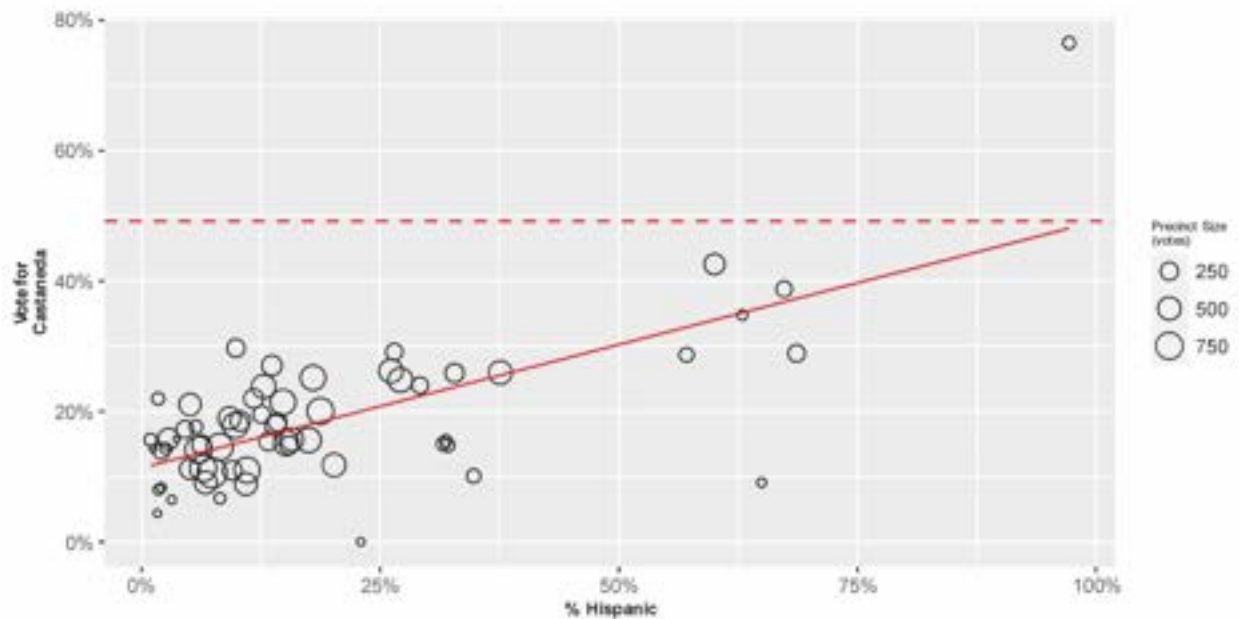
Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic White Support for Candidate		
		Support for Candidate	Low 95% CI	High 95% CI	Support for Candidate	Low 95% CI	High 95% CI
Non-Partisan	Espinoza	67.8%	67.2%	68.5%	49.6%	49.3%	49.8%
Non-Partisan	Reykdal	32.1%	31.4%	32.7%	49.8%	49.3%	50.2%

*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results.

Note that Collingwood did not report "rxc" results for this contest

2020 Primary Election: LD13 Pos 1



- Red line is the regression line
- Red dotted line is the Goodman Regression (ER) estimate of Hispanic Support for the Democratic candidate in a hypothetical precinct that was 100% Hispanic.

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (BISG)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Dem	Castaneda	45.3%	35.65%	54.85%	13.23%	11.26%	15.20%
Dem	Malan	9.7%	5.53%	13.60%	1.73%	0.96%	2.58%
Rep	Dent	45.0%	35.56%	55.00%	85.04%	83.01%	86.98%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model) Hispanic/Non-Hispanic Voters (VAP)

Party	Candidate	Hispanic Support for Candidate			Non-Hispanic Support for Candidate		
		Support	Low 95% CI	High 95% CI	Support	Low 95% CI	High 95% CI
Dem	Castaneda	52.3%	33.1%	69.9%	14.6%	11.9%	16.9%
Dem	Malan	13.2%	7.0%	20.8%	1.9%	1.2%	2.6%
Rep	Dent	34.5%	16.5%	55.9%	83.5%	81.1%	86.2%

Alford Ecological Inference Estimates of Voter Support (Multinomial Dirichlet Model)
Hispanic/White/Other Voters (BISG)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	White Support for Candidate	Low 95% CI	High 95% CI
Dem	Castaneda	46.0%	36.2%	55.2%	10.4%	8.0%	12.9%
Dem	Malan	6.7%	3.9%	9.9%	0.8%	0.5%	1.2%
Rep	Dent	47.2%	38.0%	57.1%	88.8%	86.3%	91.2%

Collingwood Ecological Inference Estimates of Voter Support (ei*)

Party	Candidate	Hispanic Support for Candidate	Low 95% CI	High 95% CI	White Support for Candidate	Low 95% CI	High 95% CI
Dem	Castaneda	57.0%	48.9%	65.0%	10.2%	8.5%	11.7%
Dem	Malan	-	-	-	-	-	-
Rep	Dent	36.2%	27.3%	46.3%	83.4%	81.3%	85.0%

*These results were reported under the label "ei," but the report is not clear on the exact statistical model this refers to and plaintiffs declined to provide the code used to produce the results. Collingwood did not report results for Malan.

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

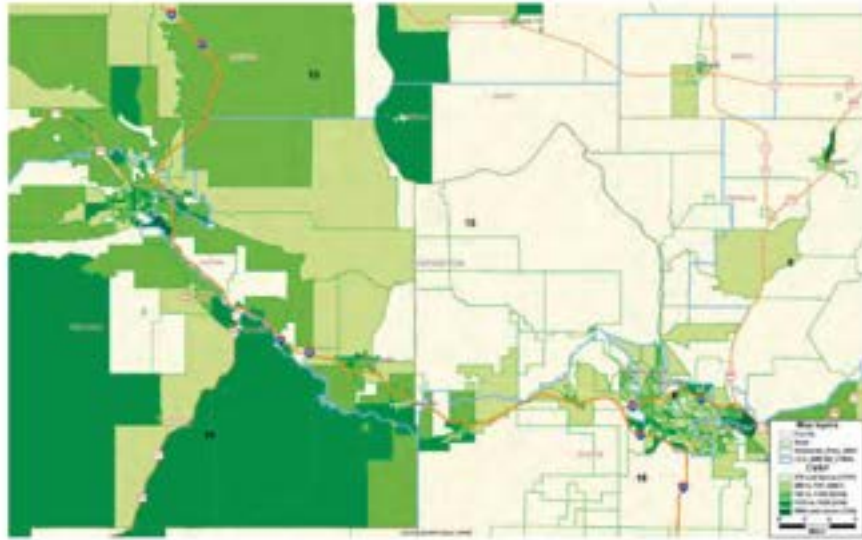


Figure 2: County of Hispanic Citizen Voting Age Population in Precinct

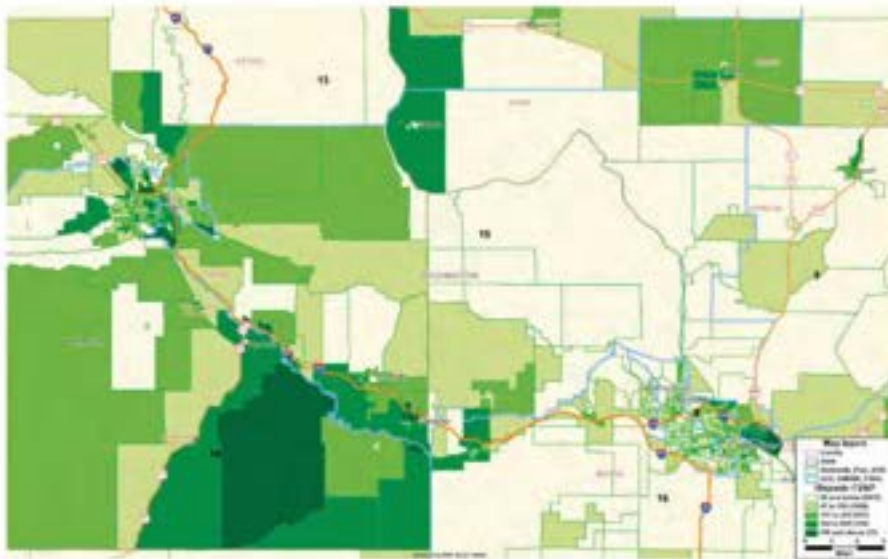


Figure 3: Percentage of CVAP who are Hispanic

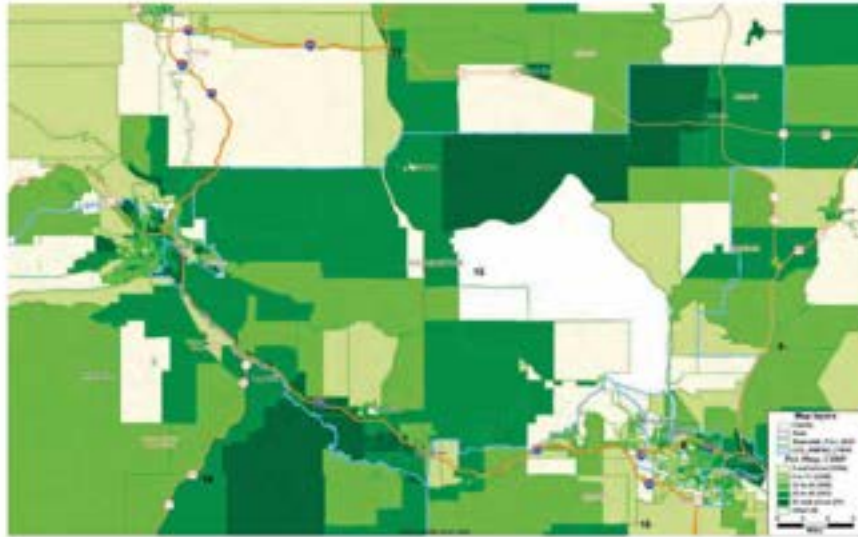
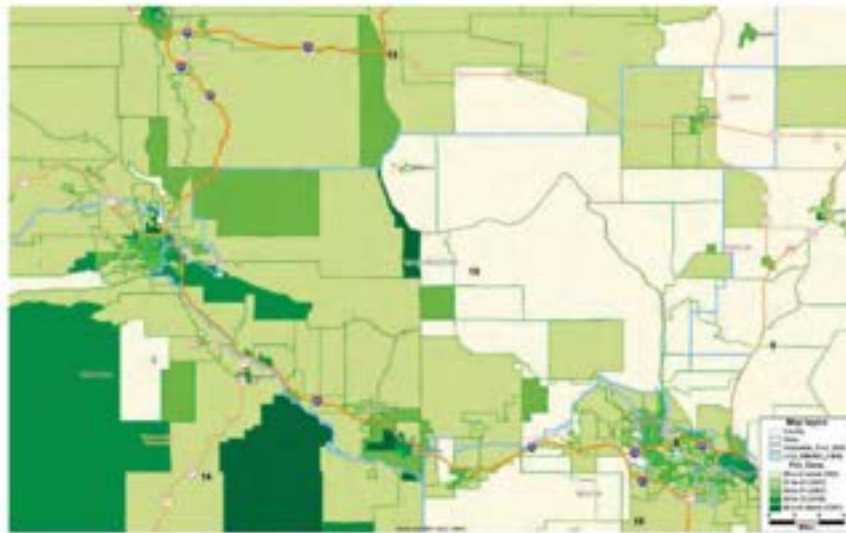


Figure 4: Percentage of Votes for President Joe Biden in 2020



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



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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 Doepker. 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 Doepker.
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.	\$2.6 million
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.	
9. El Paso County Social Survey, (Investigator). 2022.	\$46,200
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).	
8. Southern Cities Survey, (Co-PI). 2020.	\$12,000
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.	
7. Small Grant, Center for Effective Lawmaking (Co-PI). 2020.	\$2,300
PI's: Mark Owens & Nicholas Howard (Auburn-Montgomery)	
Scope of Work: Content Analysis of all Senate committee reports, 1985-2020.	
Funded by: UVA & Vanderbilt.	
6. Texas Mental Health Survey, (Co-PI). 2020	\$45,000
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	
5. East Texas Surveys on Education & Property Tax Reform, (Co-PI). 2019	\$10,000
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	
4. Faculty Undergraduate Research Grant, (PI) Studying Vote Centers in Texas. 2018.	\$3,000
Scope of Work: Mentor undergraduates to gather data and submit FOIA requests.	
Funded by: UT Tyler Office of Research and Scholarship.	
3. Congressional Research Grant, (PI) Bicameralism's Effect on Appropriations. 2015.	\$3,133
Scope of Work: Archival visits to Concord, Tempe, and Washington, D.C.	
Funded by: The Dirksen Congressional Center.	
2. Faculty Development Grant, (PI) Majority Party Power in a Bicameral Congress. 2015.	\$2,575
Scope of Work: Mentor undergraduate researchers to analyze archived documents.	
Funded by: Office of the Dean of Faculty at Bates College.	
1. Richard Baker Award, (PI) Majority Party Power in a Bicameral Congress. 2011.	\$1,000
Scope of Work: Archival visits to Austin, TX and Washington, D.C..	
Funded by: Association of Centers for the Study of Congress.	

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)

In the United States District Court
Western District of Washington

SUSAN SOTO PALMER, et al.,
Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as
Secretary of State of Washington and the
STATE of WASHINGTON, et al.,
Defendants.

Case No. 3:22-cv-05035-RSL

SUPPLEMENTAL REPORT OF DR. MARK OWENS
IN SUPPORT OF INTERVENING DEFENDANTS

December 16, 2022

ER538



Executive Summary

I have been asked by counsel for the intervening defendants to evaluate voter preferences from the 2022 election in the state of Washington, specifically the State Senate election for the 15th District. This supplement adds to the expert report I submitted before the November election to assess how the new composition of District 15 reflected the candidate preference of Hispanic voters. Please refer to my initial report for my hourly rate and CV regarding details about my compensation and relevant expertise.

In November 2022, voters in the 15th Legislative District displayed a clear preference for the candidate Nikki Torres (68%) to Lindsey Keesling (32%). Nikki Torres, a Hispanic female, won the election by attracting support from many Hispanic voters and non-Hispanic White voters in the district. Estimates of voter preferences in Legislative District 15 show Lindsey Keesling (D) did not have a statistical advantage among Hispanic voters over Nikki Torres (R). This is important because Legislative District 15 has a majority Hispanic population.

Analysis

I present ecological inference estimates that use the geographic distribution of the population and candidate vote shares to measure the most likely preference of specific communities. Table 1 shows the candidate who preferred the Democratic Party in SD-15 held a marginal and statistically insignificant advantage among Hispanic voters in the 2022 election. The estimates were calculated using the same methodology as my initial report to provide a direct comparison of voting patterns in Legislative District 15 when a Hispanic candidate is on the ballot.

Table 1: Ecological Regression Estimate of the Percent of Hispanic Voters Who Voted for a Candidate (Confidence Interval in Parentheses to indicate Margin of Error)

Election	Office	Candidate Race/Ethnicity	Candidate Name	Hispanic Voters SD-15
				52%
2022	State Senate District 15	NH-White	Keesling (D)	(47.5, 55.9)
				48%
2022	State Senate District 15	Hispanic	Torres (R)	(44.1, 52.5)

A large portion of Hispanic voters in District 15 voted for the candidate who won the State Senate election. Lindsey Keesling, the candidate who lost, was not the clear candidate of choice among Hispanic voters. Torres won by being the clear candidate of choice among non-Hispanic White voters and many Hispanic voters. The election outcome supports the observation that party is the dominant factor driving individual vote choice in the Yakima Valley and Hispanic voters do not always offer the same support for a Democratic candidate. In this case, Keesling ran an estimated 8% behind incumbent Senator Patty Murray with Hispanic voters in SD-15.

Conclusion

The victory of Nikki Torres is critical to understanding how the Washington State Legislative District map performs in an election. A Hispanic candidate appealed to many Hispanic voters and was elected to serve a district that has a majority Hispanic citizen voting age population. In this election, Hispanic voters were evenly split in who they preferred to be the next state senator of the 15th District even though the two candidates indicated they preferred different parties. The result of this election shows that the new district, as currently comprised, is not a mechanism to dilute the opportunity of the Hispanic community to elect a Hispanic candidate.

December 16, 2022



Mark E. Owens, Ph.D.

In the United States District Court
Western District of Washington

SUSAN SOTO PALMER, et al.,
Plaintiffs,

v.

STEVEN HOBBS, in his official capacity as
Secretary of State of Washington and the
STATE of WASHINGTON, et al.,
Defendants.

Case No. 3:22-cv-05035-RSL

SUPPLEMENTAL RESPONSE REPORT OF DR. MARK OWENS
IN SUPPORT OF INTERVENING DEFENDANTS

February 6, 2023

ER541

Intervenors
EXHIBIT

1002b

Executive summary

I have been asked by the intervening defendants to respond to the supplemental report submitted by Dr. Loren Collingwood on January 25, 2023. I focus on the EI estimates that were presented in two supplemental reports about the 2022 election. I also respond to the selective choices used by Dr. Collingwood to frame my supplemental report. Please refer to my initial report for my hourly rate and CV regarding details about my compensation and relevant expertise.

Senator Nikki Torres (R) was elected to the State Senate from Legislative District 15 in November 2022. Two supplemental reports have been submitted that show this victory can be explained by Hispanic voters being less supportive of the Democratic candidate than in elections over the last decade. One of the two estimates provided in Dr. Collingwood's report is not statistically different from my prior report. The consistency of these findings is remarkable, because the two research reports are designed differently. Dr. Collingwood defined Latino preference with a distribution that give more weight to voting behavior where Hispanic residents are more likely to have Spanish surnames and where they are most politically active. His estimates and critique of other estimates provided to the court is based on this measure being more realistic than the U.S. Census estimate of the citizen voting age population (CVAP), which is the most common measure used to ensure a group of voters has an equal opportunity to elect representatives of their choice.

Dr. Collingwood's supplemental report opened a new conversation about the distribution assumptions of well-accepted statistical procedures with EI. His attention to the point was brief, despite decades of scholarly debate that I will attempt to summarize. The consistent conclusion of those studies in the literature is a reminder that statistical estimates are most often driven by the numbers a model analyzes; our models can fail if the assumption chosen does not reflect reality. Instead of treating a new model as a new solution, my discussion describes why Dr. Wendy Kam Cho (1997) offered this caution; "Excitement about the advances to ecological inference provided by EI should not be allowed to lead to insufficient attention to the strong and potentially inappropriate assumptions at the heart of [King's EI] model (Cho 1997)." Strong assumptions in a model can produce bias in one direction or constrain estimates at the margin. When researchers make additional assumptions to produce a precise estimate, the reliability of estimates in the real world become less clear. The best solution is to check the reliability of a model's estimate by the consistency of its findings with other models and across elections.

In conclusion, a comparison of the two supplemental reports offers the most direct comparison between the two methods that have been used to estimate racially polarized voting in this district. Two of the three estimates provided for Hispanic voter preference in the 2022 Senate (LD-15) election were statistically the same; the exception came from King's EI estimate using data from the surname analysis. This shows that efforts by Dr. Collingwood to show a distinguishable pattern with a precise estimate overstates reality. Strong assumptions were made about the distribution of the Latino population in the Yakima Valley by using the voter list to produce a different reference for comparison than the American Community Survey's Hispanic CVAP. This introduces opportunities for misclassification of Hispanic residents that do not have a Spanish surname as well as non-Hispanic residents that have a Spanish surname and points our attention to who is participating rather than the precincts where candidates are gathering support.

Still, the two statistical approaches showed voters in LD-15 were less cohesive in their support for the Democratic candidate in 2022.

Preparation

To prepare this response I referred to Dr. Loren Collingwood's supplemental report (dated January 25, 2023) and his first report (dated August 3, 2022). I also referenced scholarship that compared ecological regression to ecological inference that was not included in prior reports.

Assessing the Candidate of Choice in LD-15

The estimates from Table 1 of my prior report (reproduced below) offer a statistically similar result about Hispanic voter cohesion to Figure 1 of the supplemental report from Dr. Collingwood, despite his disagreement. Dr. Collingwood does not state the margin of error around the RxC estimate, but the visual representation reflects it is available and meaningful. The higher measure of the standard error appears to be closer to 50% than 45%. If the margin of error for this estimate is greater than 44.1%, the estimates of candidate of preference for Hispanic voters is not statistically different in Collingwood's RxC analysis and the ecological regression I reported.

A claim that this is "overwhelming (p.6)" support overstates the result, when it is really not statistically different from other analyses. The supplemental report is Dr. Collingwood's first presentation of estimates of voter preference in the newly enacted LD-15. The initial report's estimates of cohesion of Latino voters presented in Figures 3, 4, 5 and 6 reflected the voting patterns of the entire 5-county region or smaller areas where an election took place.

I present an addition to Table 1 in response to Dr. Collingwood's interest in my estimates of support for Nikki Torres and Lindsey Keesling among non-Hispanic White voters. My prior report was focused on assessing if Hispanics were cohesive in their support for a candidate, but I have included more detail on this comparison. The estimates of support for Torres among non-Hispanic White voters are not statistically different from what Dr. Collingwood estimated.

Table 1: Ecological Regression Estimate of the Percent of Voters Who Voted for a Candidate, by Group (Confidence Interval in Parentheses to indicate Margin of Error)¹

Election	Office	Candidate Race/Ethnicity	Candidate Name	Hispanic Voters LD-15	non-Hispanic White Voters LD-15
2022	State Senate District 15	NH-White	Keesling (D)	52% (47.5, 55.9)	19% (14.8, 23.1)
2022	State Senate District 15	Hispanic	Torres (R)	48% (44.1, 52.5)	81% (76.9, 85.2)

Revisiting this question is important. Both of our analyses show the Democratic candidate Lindsey Keesling, a non-Hispanic White female, received a lower share of support from non-Hispanic White voters than any Democratic candidate that Dr. Collingwood provided estimates for in the 5-county area. This means the State Senate election in LD-15 for 2022 is an

¹ This analysis uses the same data and script that were used to produce the supplemental report.

example of reduced support for the Democratic candidate among both Hispanic voters and non-Hispanic White voters. The shift favored a Hispanic female candidate, just like the two exceptions cited in Dr. Collingwood's reports where non-Hispanic White voters were split in their preference in two non-partisan elections for Maia Espinoza (endorsed Republican) and Steven Gonzalez (judicial). This points directly to the question of whether voters in LD-15 are primarily responding to race or party.

With respect to voter participation by ethnicity, EI estimates of voter turnout in LD-15 show that turnout increased in the 2022 midterm election. Voter turnout among non-Hispanic voters in the enacted district continued to stay at 56% (see Table 4, Owens report 1). The margin of error around the estimate of voter turnout for non-Hispanic White voters in the midterm was 11% (50%, 61%). The estimated voter turnout among Hispanic voters increased 6% from 2018 (10%) to 2022 (16%) in LD-15. The margin of error surrounding the estimate of Hispanic voter participation is between 10% and 22%. These estimates were calculated with the same method as estimating candidate preference using the CVAP estimates. This shows more Hispanic voters were participating in an election as a Hispanic candidate won the election.

Finally, the estimates of candidate choice by Hispanic voters Dr. Collingwood provides vary by 8% depending on the method used. In the next section, I discuss why it is important to assess the impact of racially polarized voting by considering the results of multiple approaches to see how the assumptions of each statistical model apply to the real world.

Scholarship on considerations when comparing EI methods

Dr. Collingwood identified his analysis used King's EI and RxC as methods to estimate average candidate preference of Latino voters and white voters. Scholars who have compared the performance of King's EI to ecological regression offer three cautions to interpreting the estimates the model produces. First, King's EI imposes an upper and lower constraint to the normal distribution. This is identified as the truncated bivariate normal distribution. Second, when a researcher uses this correction, the model intentionally binds an estimate as a percentage between zero and 100. The estimates I report do not exceed these thresholds, which means the solution King's constraint offers as a trade-off is not necessary. Scholars have also indicated that if an estimate did appear outside of the typical boundaries, it would be useful to researchers. When the model performs incorrectly, then researchers know the aggregate pattern does not match the individual pattern (Lewis 2001). Third, if the truncated bivariate normal distribution is not used, Doug Rivers (1998) found the model no longer has an identified solution.

Scholars have often used the topic of racially polarized voting to compare the efficiency of King's EI to other approaches (Lewis 2001, Bullock and Gaddie 2006, Grofman and Barreto 2009; but for inconsistencies see Cho 1997). These studies found the models often generate the same results, because all of the estimates are conditional on where the candidate got the most votes and where most people in a population category live. The best way to assess racially polarized voting is to use multiple specifications of EI to analyze an area and see if there are discrepancies across multiple elections. Where racially polarized voting exists, the results of these methods will reflect similar patterns. When one method shows a result and another does not, we must think about the uncertainty that exists in finding these patterns and how choices in data selection and estimation may guide the results.

Conclusion

The coalition of voters who support the winning candidate in LD-15 has varied in many contexts. Republican and Democratic candidates often get statistically similar shares of the vote from non-Hispanic White voters and Hispanic voters. The deviating examples include when a Hispanic candidate is on the ballot (Espinoza, Gonzalez, Torres) as a Republican or in a non-partisan election. These candidates have won by attracting “cross-over” voters who are often estimated to vote for a Democratic candidate if the election featured two non-Hispanic candidates. Dr. Collingwood’s report verified the electoral victories of Espinoza (2020) and Gonzalez (2018) are two instances where the Hispanic-preferred candidate was not blocked. Torres’s victory in 2022 was a result of Hispanic and non-Hispanic voters voting against a Democratic candidate at higher levels than usual.

The performances of Maia Espinoza, Justice Steven Gonzalez, and Senator Nikki Torres in LD-15 reflect three different election years when a Hispanic candidate appeared on the ballot in LD-15 (2018, 2020, and 2022). The pattern of cross-over voting occurred in each of these races even though it did not happen across the entire ballot. These elections show a pattern is emerging in which Hispanic voters in LD-15 exhibit varying levels of support for candidates on the same ballot. They have voted for a non-Hispanic Democratic candidate at the top of the ticket and a Hispanic Republican down ballot, breaking patterns of voting that would be needed to observe an overwhelming trend of racially polarized voting.

Dr. Collingwood’s report and my report both show Hispanic voters in the Yakima Valley typically prefer a Democratic candidate. They also show non-Hispanic White voters often prefer a Republican candidate. Both reports show two partisan elections where that cohesion by party does not hold. Polarized voting is not present when a Hispanic candidate indicated a preference for the Republican Party. Hispanic voters opposed the Democratic candidate more often and non-Hispanic White voters continued to oppose the Democratic candidate at a similar rate when a Hispanic Republican appeared on the ballot. The argument that non-Hispanic White voters consistently oppose a Democratic candidate and that Hispanic voters consistently support a Democratic candidate is primarily supported by elections for statewide office when candidates have the same ethnicity and party is the primary cue for voters to identify a candidate.

When the estimates provided in Dr. Collingwood’s and my reports differ, the clearest explanation is that the relevant population is defined differently. Dr. Collingwood’s choice to increasingly weight to the candidate choice of Spanish-surname voters focuses its attention on what happened in a past election and loses leverage on showing what could happen in a future election. His reports explained the choice to use the voter list, because applying information about the statistical area and not the registered voter may reduce the precision of an estimate. The result is a misclassification of how the CVAP estimates of the non-Hispanic population should be applied to the estimates, because the BISG correction is focused on weighting the narrower surname voter population to the larger estimated Hispanic CVAP population. Each of these actions is an action by the researcher to shape the distribution before the estimate is made, just like King’s EI constrained a distribution. These are all trade-offs, all reasons estimates will differ, and all steps that begin to overcomplicate what has occurred. As analysts, our estimates are based on whether polarized voting occurred in a geographic area and the certainty of each

estimate decreases if a precinct is ethnically diverse. I have made efforts to show where estimates I provided match Dr. Collingwood's, because the methodological choices we made would yield marginally different results. The consistency of our results shows why a claim that a distribution is biased because it is based on the CVAP estimate provided by the federal government is unfounded.

The results show a Hispanic candidate (or one preferred by Hispanic voters) does not lose in the enacted district. Candidates have won with support from Hispanic voters and non-Hispanic White voters.

In this report I have provided election estimates that are similar to the Plaintiffs' in each election. My first report also did this for four statewide elections that were omitted from the Plaintiffs' reports. These races include Lt. Governor, State Auditor, Insurance Commissioner, and Supreme Court – Position 6 in 2020. We should expect minor differences in any estimates that are provided because of methodological differences, but they should be within the margin of error. That is the case here. I summarized how scholars have compared the accuracy of these models and found little difference. The recommended best course of action is to compare multiple models for consistency.

February 6, 2023



Mark E. Owens, Ph.D.

References

Cho, Wendy K. Tam. 1997. "Iff the Assumption Fits...: A Comment on the King Ecological Inference Solution." *Political Analysis* :143-163.

Lewis, Jeffrey. 2001. "Understanding King's Ecological Inference Model." *Historical Methods* 34(4): 170-188.

Bullock, Charles S., III and Ronald Keith Gaddie. 2006. "An Assessment of Voting Rights Progress in Louisiana." *American Enterprise Institute: The Project on Fair Representation*

Grofman, Bernard and Matt A. Barreto 2009. "A Reply to Zax's (2002) Critique of Grofman and Migalski (1988): Double-Equation Approaches to Ecological Inference When the Independent Variable is Misspecified." *Sociological Methods & Research* 37(4): 599-617.

Rivers, Douglas. 1998. "Review of A solution to the problem of ecological inference." *American Political Science Review* 92(2): 442-443.

EXHIBIT 23

ER548



Case 3:22-cv-05152-RSL-DGE-LJCV Document 45-22 Filed 03/08/23 Page 2 of 2

WASHINGTON Secretary of State Elections & Voting

November 8, 2022 General Election

Legislative District 15
Last updated on 11/29/2022 5:07 PM

LEGISLATIVE DISTRICT 15 - State Senator

Candidate	Party	Vote	Vote %
Nikki Torres	Shelby Republican Party	15,686	67.68%
Lindsey Keesling	Shelby Democratic Party	7,437	32.09%
WRITE-IN		55	0.24%
Total Votes		23,178	

LEGISLATIVE DISTRICT 15 - State Representative Pos. 1

Candidate	Party	Vote	Vote %
Bruce Chandler	Shelby Republican Party	17,856	95.7%
WRITE-IN		802	4.3%

ER549

12-19-2022
Adam Hall
EXHIBIT 18
Jenna Danner, 2022, 000-00111

1 suggests that Anglo crossover voting is much more varied in
2 the nonpartisan context, than it is where there's a party
3 signal for the candidates.

4 Q Again, why include the non-party races, for white voters,
5 in here?

6 A Again, I think it helps you to see whether the -- both the
7 cohesion among minority voters, *Gingles 2*, whether that is
8 just partisanship, or some sign of a clear preference for
9 candidates of a particular race or ethnicity.

10 Similarly, I think for *Gingles 3*, it gives you a sense of
11 how much of the Anglo reaction to candidates, preferred by
12 minorities, are a function of the party of those candidates,
13 versus the ethnicity of those candidates.

14 Q Okay. Thank you. I'd like to move to the conclusion
15 paragraph of your report, which I have up here on the screen.
16 Could you read, starting in the first full sentence here, and
17 read to the end, please?

18 A "For *Gingles 3*, the picture is more mixed. In partisan,
19 contested elections, non-Hispanic white voters demonstrate
20 cohesive opposition to Democratic candidates, and their
21 opposition is modestly elevated, when those Democratic
22 candidates are also Hispanic. However, in contests without a
23 party cue, non-Hispanic white voters do not exhibit cohesive
24 opposition to Hispanic candidates, and those contests do not
25 exhibit ethnically polarized voting."

1 So, again, for Hispanic voters, they're both more
2 supportive of Hispanic Democrats, than they are of Anglo
3 Democrats; but also in a contest without a party signal,
4 remain highly supportive of Hispanic candidates.

5 Q Is it less or more, though, cohesive, in your view?

6 A It's slightly less cohesive, but it is --

7 Q What would be your threshold for what's more cohesive or
8 what's less cohesive, as a percentage number? Would
9 75 percent be correct for that?

10 A I think 75 percent is a non-arbitrary dividing line
11 between things that are more cohesive than not, and things
12 that are less cohesive than not. So I think if you're going
13 to draw a dividing line, I think 75 percent is a place to
14 start thinking about whether you have substantial cohesion,
15 or whether you have something much more modest.

16 Q I'm sorry, I guess I interrupted you. Could you finish
17 your thought about the cohesion of white voters, based on
18 this table?

19 A The white voters don't show, again, the pattern here.
20 You'll notice it's much more irregular. So you're not seeing
21 the series of elections in which the level of white voting is
22 quite stable across elections. It varies substantially. I
23 don't think -- the highest it reaches is 65 percent. Several
24 elections, there's essentially no evidence of cohesion at
25 all. So it's here I would say the nonpartisan election

1 ethnicity of candidates, or is it simply so dominated by
2 modern polarized partisanship, that it is just mere
3 partisanship?

4 This is, I think, predominantly partisan, but it is not
5 mere partisanship.

6 Q Okay. Thank you.

7 So when you are referring to the partisanship, are you
8 referring to the partisanship of the voters?

9 A No.

10 Q What are you referring to in terms of partisanship?

11 A We have no measure here of the partisanship of voters.
12 But there is a partisan signal, with a candidate. So in
13 partisan elections, the ballot itself indicates the
14 partisanship of the candidates, or the partisan preference of
15 the candidates.

16 And so what we're seeing here, again, is a very strong
17 degree of regularity in how voters respond to whether the
18 candidate is the Democrat or the Republican, and a real, but
19 less extensive response to the other signal that we're
20 looking at here, which is the ethnicity or race; in this
21 case, ethnicity of the candidates.

22 Q Thank you. I'm going to move now to Table 6, which was
23 discussed a little earlier. What is Table 6, Dr. Alford?

24 A This is -- looks like a summary of Collingwood's results
25 for the non-party contested elections.

1 Q And why did you include this table in your report?

2 A Another way, beyond looking at the contrast between, say,
3 for example, Hispanic Democratic candidates, and non-Hispanic
4 Democratic candidates, another way to look at this effective
5 ethnicity of candidates versus party of candidates, is to
6 look at elections in which there is not a party signal on the
7 ballot. Historically, that also would have meant there might
8 not be much of a party signal.

9 I think we're all aware that in many of these elections,
10 there is -- modern American elections -- even though they are
11 legally nonpartisan, there is still a lot of partisan
12 information. But there isn't a partisan signal on the
13 ballot.

14 Q Why is that probative for your *Gingles* analyses?

15 A It gives you, again, if the indication that there was some
16 strong partisan effect, and a more modest ethnic effect, then
17 you should continue to see some ethnic voting in the
18 nonpartisan elections. You often can get a better idea of
19 both, what that is, and how it is centered in those
20 elections, by looking at nonpartisan elections.

21 Q And what were your conclusions on this table, for both
22 Hispanic voters and white voters?

23 A So for Hispanic voters, the level of preference for the
24 Hispanic candidate is in the same range as it was when we had
25 a party signal.

1 So, again, for Hispanic voters, they're both more
2 supportive of Hispanic Democrats, than they are of Anglo
3 Democrats; but also in a contest without a party signal,
4 remain highly supportive of Hispanic candidates.

5 Q Is it less or more, though, cohesive, in your view?

6 A It's slightly less cohesive, but it is --

7 Q What would be your threshold for what's more cohesive or
8 what's less cohesive, as a percentage number? Would
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10 A I think 75 percent is a non-arbitrary dividing line
11 between things that are more cohesive than not, and things
12 that are less cohesive than not. So I think if you're going
13 to draw a dividing line, I think 75 percent is a place to
14 start thinking about whether you have substantial cohesion,
15 or whether you have something much more modest.

16 Q I'm sorry, I guess I interrupted you. Could you finish
17 your thought about the cohesion of white voters, based on
18 this table?

19 A The white voters don't show, again, the pattern here.
20 You'll notice it's much more irregular. So you're not seeing
21 the series of elections in which the level of white voting is
22 quite stable across elections. It varies substantially. I
23 don't think -- the highest it reaches is 65 percent. Several
24 elections, there's essentially no evidence of cohesion at
25 all. So it's here I would say the nonpartisan election

1 you see a really irregular district, it's impossible to take
2 the districts that surround it, away from it, without tearing
3 it apart, because it's sort of like a really bad cancer, it
4 spreads out its little tentacles all over the place.

5 This is a district that doesn't appear to have tentacles.
6 It has no narrow connectors, which is another feature very
7 common in irregular demonstration districts. So it doesn't
8 rely on a 20-mile irrigation canal to connect one part of the
9 district to another, which the district I live in, in
10 Houston, relies on.

11 So, again, it does not have the features that are normally
12 associated with -- the visual features that are normally
13 associated with demonstration districts.

14 Q Okay. So you're referring to the compactness of the
15 district itself, as opposed to the compactness of the Latino
16 community within it?

17 A Exactly. I have not looked at the population locations
18 within the district, just the physical appearance of the
19 district.

20 Q Okay. Thank you.

21 Let's move on to *Gingles* 2 and 3, which I'll generally
22 do together here.

23 Did you make a conclusion about *Gingles* 3, in your
24 expert report?

25 A I think I stated my conclusions about *Gingles* 2 and 3, in

1 Q That's a good point. What do you think will happen, if
2 Legislative District 15 and the Yakima Valley, doesn't allow
3 Latinos to elect their candidate of choice?

4 A Then we will have to look at other recourse of actions, to
5 see how we can help.

6 Q So I'd like to switch topics, and I'm going to ask you
7 specifically about registering to vote. Have you heard of
8 same-day voter registration?

9 A Yes, I have.

10 Q Did you have any issues registering to vote, or do you?

11 A Not at all.

12 Q Did you receive your ballot by mail?

13 A Yes, I do. Every year.

14 Q Do you have any problems with that?

15 A No.

16 Q Do you get your ballot materials in English and Spanish?

17 A Both. It's being translated. It was not easy to get to
18 that point.

19 Q Can you speak on that?

20 A Yes. So a few years back, we were trying to have things
21 in Spanish, and we were -- the commissioners rejected us.
22 And then we brought some assistance, from a lawyer from DC,
23 and they helped us to navigate through that. Because, again,
24 you need some experts. And, finally, because of the number,
25 the percentage of Latinos, right now we have a high

1 percentage, it's like 54, officially, because in reality,
2 we're like 60 or 65. But we qualify to have funds to pay for
3 a bilingual outreach. And these persons started making some
4 changes, and having things in Spanish. And pretty soon the
5 whole state was looking into, there are some areas where we
6 need to have the ballot in both Spanish and English. And
7 it's been a few years now that we get it in both languages.

8 Q That's great. Thank you for that.

9 So when you get your ballot, do you have to request it,
10 or does it just happen automatically, do you just get your
11 ballot?

12 A If you are a voter registered in our county, in Franklin,
13 you get your ballot automatically every year.

14 Q How do you return it?

15 A You just -- it's so wonderful, because it's been two or
16 three years that now you don't have to buy a stamp. It's
17 just, boom, you're done.

18 Q Would you say that the voting in Washington is pretty easy
19 for you?

20 A Very easy for me, yes.

21 Q Do you think that other members in the Latino community
22 find it as easy as you do? And why or why not?

23 A Well, if you ask me, because I'm -- in my role as being
24 involved in community issues, and advocacy for the community
25 for the past 40 years, and being the state director for

1 Legislative District 15?

2 A No. I see, in this case, that where you have party to
3 look at, party is driving most of the preferences of Hispanic
4 candidates, when they're presented with --

5 Q And just to clarify, your prior statement, you're talking
6 about elections where there are two white candidates as the
7 choice?

8 A Yes.

9 Q And you started to say something about, when there's a
10 Hispanic candidate.

11 A In this case, when there's a Hispanic candidate, you see a
12 deviation from that pattern.

13 Q What does that tell you?

14 A Some is that voters are considering multiple factors of a
15 candidate. So one could be partisan. I know in this case,
16 it's one where we're seeing, there's a sort of nonpartisan
17 election, even it's not going to get as much attention as the
18 Governor's race. But individuals know, on their ballot, not
19 only like the name of the individual, and information about
20 generally who the Republican candidate might be, or the
21 Democratic candidate, as they introduce themselves.

22 Q Let's switch to your Table 2, from your same report. So
23 in this chart, you're looking at judicial races; is that
24 correct?

25 A Yes.

1 Q Why did you choose to look at judicial races?

2 A Judicial races give us the context, where partisanship is
3 not indicated, yet a voter could still see -- so if we look
4 at the groups of voters, if they tend to be coalesced around
5 the same candidate, either for reasons of issues, or their
6 ability to identify the candidate in a certain way.

7 Q What did you find, when you looked at judicial races in
8 enacted Senate District 15?

9 A I saw in this case that Hispanic voters were supportive of
10 a candidate, often the same candidate, in this case, if it
11 was -- and I use NAIA, Native American Indian American --
12 with representative, with Judge Montoya Lewis. Additionally,
13 if a black candidate is running against a white candidate,
14 then the Hispanic cohesion in support of that candidate is a
15 little bit lower.

16 But when Judge Gonzalez was running, as well, against an
17 Asian opponent, the opportunity here was, the coalition of
18 the group of voters tended to also be the same, and reflect
19 the same kind of cohesion that we see among white Democrats,
20 when they're running against white Republicans.

21 Q In this particular chart, it looks like, in your enacted
22 15, it looked like -- looks like the Hispanic voter
23 preference was the highest for the candidate with the
24 Hispanic last name?

25 A Yes, it was.

1 your analysis in those classes of elections?

2 A In enacted Legislative District 15, the Hispanic
3 preference for the Democratic candidates, so the white
4 Democratic candidate, when running against a white
5 Republican, ranges between 69 percent and 76 percent.

6 Q Okay. That's great.

7 Okay. So what happens to Hispanic voters, when there
8 are two Democrats on the ballot, like the lieutenant governor
9 race in 2020?

10 A What we see here, Hispanic preference for one of the
11 Democratic candidates falls to 49 percent. To me this
12 represents something where Hispanic areas, with high
13 concentrations of Hispanic voters, are voting for either one
14 of the Democratic candidates.

15 Q Okay.

16 A Not cohesive. We cannot know their preference.

17 Q Have you reviewed Dr. Collingwood's reports in this case?

18 A Yes.

19 Q And is it true, he did not include the 2020 lieutenant
20 governor race, in the list of races he analyzed?

21 A No, I did not see it.

22 Q So what happens when there's a Hispanic Republican on the
23 general election ballot, like in the 2020 Superintendent of
24 Public Instruction race?

25 A In this case, also in enacted Legislative District 15, and

1 across all of the other districts that I analyzed, the
2 Hispanic voters were less supportive of the Democratic
3 candidate.

4 Q And in that race, again, the Republican candidate had a
5 Hispanic surname?

6 A Yes.

7 Q And it's technically a nonpartisan race. Why did you
8 include it on your list of partisan races?

9 A Because both political parties made endorsements of the
10 candidates who qualified for the general election.

11 Q And is that one of the races that Dr. Collingwood looked
12 at?

13 A Yes, it was.

14 Q And is it true that he found that race was not racially
15 polarized?

16 A Yes.

17 Q And, again, it was the Hispanic candidate that was
18 endorsed by the Republican Party; is that correct?

19 A Yes.

20 Q Did the Hispanic -- did the Democratic Party ever have a
21 Hispanic candidate advance to any of the elections, that you
22 analyzed, in 2018 or 2020?

23 A No.

24 Q Okay. Based on this, do you believe that race is the
25 determining factor of Hispanic votes in Senate -- in

1 your analysis in those classes of elections?

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23 general election ballot, like in the 2020 Superintendent of
24 Public Instruction race?

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1 don't blame you. I just wanted to ask.

2 And then another question that I want to ask you about,
3 circling back to your experience working with your elected
4 officials. If I caught it right, you said that one of the
5 earliest things you had worked on, when you moved to Yakima,
6 was lobbying the legislature to pass the Dream Act. Did I
7 catch that correctly?

8 A I was working with the Yakima County Dream team supporting
9 them in their fight to pass the Dream Act.

10 Q And I think I know what that is, but just to make sure I
11 know, and also to illuminate everybody else. Could you kind
12 of briefly explain what the Dream Act was?

13 A I don't remember the specifics of the Dream Act, it was so
14 long ago. And I've worked on a lot of different things. But
15 it's basically a pathway for our young immigrant Latino and
16 Hispanic, in particular, community.

17 Q So my understanding was that the bill would have allowed
18 undocumented high school students, who lived in Washington,
19 to receive in-state tuition at Washington's institutions of
20 higher education. Does that align with your memory?

21 A That sounds familiar.

22 Q Okay. And you lived in the 14th District back then?

23 A Correct.

24 Q Do you happen to remember how the 14th District's senator
25 and representatives voted on that legislation?

1 A I don't remember.

2 Q Would it surprise you at all, if you knew that Senator
3 King, and then Representative Johnson, and Representative
4 Ross, who represented the 14th District, voted in favor of
5 that legislation?

6 A No, it wouldn't surprise me. I also know that it had been
7 work that had been in the works for a long time, advocate
8 work that had been in play for a long time.

9 Q So I know you mentioned a few other topics where you and
10 Senator King did not agree. But do you think the fact that
11 he was willing to vote for something like that on another
12 bill you did support, is evidence that he is sort of
13 listening to folks in his community, and taking various
14 viewpoints into account?

15 A That could be so.

16 Q Okay.

17 Last topic, Ms. Soto Palmer, and Your Honors. I wanted
18 to talk about something that I don't think came up yet, that
19 is the most recent election in what is now your new
20 Legislative District 15. So you mentioned a minute ago you
21 voted in every election that's been on the ballot. So I
22 assume you voted in the 2022 legislative elections?

23 A Yes, I did.

24 Q Do you happen to remember anything about any of those
25 races?

1 Have you ever volunteered for a state legislative race?

2 A Yes. I volunteered for several state representative and
3 senator races, in my time.

4 Q Can you name one or two of those?

5 A Yes. I was a volunteer for Gabriel Munoz's race, in the
6 15th Legislative District, when he ran for senator, in 2014;
7 and Teodora Martinez Chavez, who ran in Legislative
8 District 15 for state representative.

9 Q When you were volunteering for Gabriel Munoz's campaign,
10 what areas did you campaign in, when you were doing that
11 work?

12 A I campaigned in Union Gap. And I also campaigned in the
13 lower valley, particularly the Wapato and Toppenish areas, of
14 Legislative District 15, at that time.

15 Q What was your experience campaigning for Mr. Munoz in
16 Union Gap?

17 A The best way that I can say is that it was shocking.

18 Q Why do you say that?

19 A There was a home that me and a volunteer had gone to.
20 This particular volunteer was -- I think it was her first
21 time canvassing; and she was also Latina. And this white
22 gentleman, in front of his two small children, took the
23 literature from my hand, looked at it, and it contained a
24 picture of Mr. Munoz on his literature, and he told us, "I'm
25 not voting for him, I'm racist."

1 those places have large, significant, sizeable Latino
2 majorities. But that's not necessarily the case when you
3 zoom out and look at the county.

4 Q Understood. But you would agree that Latino candidates
5 have been elected at the city level to a higher degree of
6 success than to statewide or countywide races?

7 A I'm not sure in regards to the overall success in the
8 Yakima Valley, but I am familiar that Latinos have been
9 elected to the city council, also the mayor's office.

10 Q You said you're from Grandview, correct?

11 A Yes.

12 Q Were you aware that the mayor and three of the seven city
13 council members are Latino, in Grandview?

14 A I'm aware that there's a history there of them being in
15 office, yeah, and that this is my home community. Yes.

16 Q And another city that's important in the Yakima Valley is
17 Granger. Are you aware that the mayor and four of the five
18 city council members in Granger are Latino?

19 A I'm not aware of the makeup there.

20 MR. HOLT: I'm not going to go through all the
21 cities, Your Honor.

22 THE COURT: There's only about five.

23 Q There's one more. Are you aware in Mabton, that the mayor
24 and five of the five city council positions are held by
25 Latinos?

1 A Yes, that's right.

2 Q So regardless -- I'm sorry, I don't mean to cut you off.

3 THE COURT: Go ahead.

4 Q So regardless of on-year/off-year,
5 presidential/non-presidential, there are going to be at least
6 two of the three legislative races on every ballot, correct?

7 A Yes.

8 Q Okay.

9 Now, you spoke about the KDNA Spanish-language radio,
10 as an example of something that unites the community. Do you
11 remember that?

12 A Yes.

13 Q Are you aware that the state operating budget has
14 appropriated over \$3.5 million to KDNA, the past five
15 legislative sessions?

16 A No, I wasn't aware of that.

17 Q Were you aware that the Republican legislators from the
18 14th and 15th districts, have requested these earmarks remain
19 in the budget to fund KDNA Radio?

20 A No, I wasn't aware of that. I think what I write: It's
21 an important community organization that emerged out of a
22 response to a need of the Latino community.

23 Q Understood. But you would agree that including this,
24 continuing to include this item in the budget to fund KDNA
25 Radio, is an example of a legislature responding to the needs

1 of the Latino community in Washington?

2 A It certainly is a -- yes, it's an important radio station
3 that continues to provide critical services to the Latino
4 community.

5 Q And you also spoke about a handful of lawsuits that were
6 either settled or agreed to a change mid -- you know, mooted
7 out due to a change in a political process, or there was a
8 judgment. Do you remember that series of lawsuits that you
9 discussed?

10 THE COURT: You mean about Yakima and Pasco?

11 MR. HOLT: Yes.

12 A Yes.

13 Q And you would agree that those -- that the Yakima lawsuit
14 involved at-large city council districts, correct?

15 A Yes.

16 Q Are you aware of any of those procedures that still
17 continue in Yakima?

18 A I don't write of any of those procedures continuing, in my
19 report, although there could possibly be other barriers to --
20 for Latinos as they exercise the right to vote.

21 Q You spoke about these settlements and voluntary changes in
22 law, in response to DOJ recommendations or otherwise, as
23 evidence of past racial concerns in the community. Is that
24 an accurate summation of how you use that testimony?

25 A Yeah. I think if I refer to the Senate factors, I think

1 would still be within the circle, and still perform well in
2 that analysis, correct?

3 A Sure, that's possible.

4 Q So in our situation here, with Othello, Yakima and Pasco
5 -- do you know how far apart those cities are from each
6 other, as far as driving distance, or miles?

7 A I would have to pop them in Google Maps to see. I don't
8 live there, so I don't know exactly how far they are.

9 Q Did you perform any analysis to show these are cohesive
10 communities, for purposes of the minority communities being
11 compact, as a whole, in those three cities?

12 A You know, that type of analysis may be possible. But I
13 haven't really -- you don't -- at least I don't typically do
14 that specific type of analysis. So, no, I didn't do that.

15 Q Understood.

16 MR. HOLT: I still have a few more questions.

17 THE COURT: Can you come back this afternoon?

18 THE WITNESS: Yeah. Yeah.

19 MR. HOLT: I have five to ten more minutes.

20 THE COURT: Would you rather we finish it up?

21 THE WITNESS: Yeah. That way I don't get isolated.
22 I don't have to eat lunch by myself.

23 THE COURT: Yeah. That's certainly a good reason.

24 MR. HOLT: We don't want him to eat alone.

25 THE COURT: We want him to be with people who hear

1 A In these contests, it's happening across the board in
2 every single election. It's a very sustained pattern of
3 polarized voting.

4 Q In addition to analyzing statewide elections, what other
5 type of elections did you look at?

6 A I then analyzed a series of legislative contests, and then
7 a couple nonpartisan statewides, and then -- as well as some
8 local, say, county commission races, where a Latino or
9 Spanish surname candidate was running for office, say, in
10 Yakima, or Franklin, or something.

11 Q And are the results for those analyses in Figures 5 and 6
12 in Plaintiffs' Exhibit 1?

13 A Yes.

14 Q What do Figures 5 and 6 show, regarding the level of
15 racially polarized voting in the Yakima Valley area?

16 A You have the -- you see a continued level of racially
17 polarized voting in almost all of the contests, fairly
18 consistent with the results from the previous analysis.

19 Q In your report, you note there's two elections where you
20 found less evidence of racially polarized voting. Which
21 elections were those?

22 A That's the 2020 Supervisor of Public Instruction, and the
23 State Supreme Court, I think that's Position 8, in 2018.

24 Q In analyzing those elections, did anything stand out to
25 you about them?

1 A So in a two-candidate contest, often elections -- and I
2 would have to double-check here -- but sometimes you have,
3 like, two main candidates, and a couple smaller candidates
4 who get very few percentage of the results. But, say, in a
5 two-candidate contest, where both candidates are competitive,
6 you kind of look at 50 percent as the cutpoint for yes or no,
7 is there polarization.

8 And in the first one, the 2021 Supervisor of Public
9 Instruction, you see that, depending on the model, basically
10 whites are split. So they're basically 50/50. And so
11 Latinos are still backing, in this case, the Spanish surname
12 candidate, at their more traditional level. So there's still
13 polarization. It just doesn't rise to the level of what we
14 call, say, racially polarized voting, in sort of an election
15 outcome scenario.

16 Then the other one featured two minority candidates
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18 among -- when I did a closer examination of that election, I
19 noticed that white turnout for that specific contest was
20 about 10 percent lower than it was in other contests. So it
21 seemed like there was a white turnout affection there, that
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Susan Soto Palmer, et al.,

Plaintiff(s),

v.

Jose Trevino, et al.,

Intervenor Defendants,

and

Steven Hobbs, et al.,

Defendant(s).

NOTICE OF CIVIL APPEAL

Case No 3:22-cv-05035-RSL

District Court Judge

Robert S. Lasnik

Notice is hereby given that Jose Trevino, Alex Ybarra and Ismael Campos
(Name of Appellant)

appeals to the United States Court of Appeals for the Ninth Circuit from

Injunction and Final Decision in a Civil Case
(Name of Order/Judgment)

entered in this action on 03/15/2024
(Date of Order)

Dated: 03/15/2024

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Name, Address and Phone Number of Counsel for
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/s/ Andrew R. Stokesbary

Signature of Counsel for Appellant or
Appellant/*Pro Se*

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON

3 Susan Soto Palmer, et al.,

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17 entered in this action on 08/11/2023

18 (Date of Order)

19 Dated: 09/08/2023

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/s/ Andrew R. Stokesbary

Signature of Counsel for Appellant or
Appellant/*Pro Se*

U.S. District Court
United States District Court for the Western District of Washington (Tacoma)
CIVIL DOCKET FOR CASE #: 3:22-cv-05035-RSL

Soto Palmer et al v. Hobbs et al
Assigned to: Judge Robert S. Lasnik
Case in other court: 9th Circuit Court of Appeals, 23-35595
9th Circuit Court of Appeals, 24-01602
Cause: 42:1971 Voting Rights Act

Date Filed: 01/19/2022
Date Terminated: 08/11/2023
Jury Demand: None
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

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Alberto Macias

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Plaintiff

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TERMINATED: 02/02/2023

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Simone Tyler Leeper
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Sonni Waknin

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Plaintiff

Fabiola Lopez

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Plaintiff

Caty Padilla

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Plaintiff

Evangelina Aguilar
TERMINATED: 12/22/2022

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TERMINATED: 02/02/2023

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Plaintiff

Lizette Parra
TERMINATED: 12/07/2022

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Plaintiff

Heliadora Morfin

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Plaintiff

**Southcentral Coalition of People of Color
for Redistricting**
TERMINATED: 12/05/2022

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TERMINATED: 02/02/2023

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V.

Defendant

Steven Hobbs
*in his official capacity as Secretary of State
of Washington*

represented by **Karl David Smith**
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TERMINATED: 08/19/2022

Defendant

Laurie Jinkins
*in her official capacity as Speaker of the
Washington State House of Representatives
TERMINATED: 04/13/2022*

represented by **Elana Sabovic Matt**
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TERMINATED: 10/02/2023

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TERMINATED: 08/01/2023

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Defendant

Andy Billig

in his official capacity as Majority Leader of the Washington State Senate

TERMINATED: 04/13/2022

represented by **Elana Sabovic Matt**

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TERMINATED: 10/02/2023

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TERMINATED: 08/01/2023

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Defendant

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Intervenor Defendant

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Intervenor Defendant

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V.

Interested Party

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Interested Party

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Interested Party

Micheal Steele

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Interested Party

**Confederated Tribes and Bands of the
Yakama Nation**

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Intervenor

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Cross Claimant

Jose A Trevino

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Cross Claimant

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V.

Cross Defendant**Steven Hobbs***in his official capacity as Secretary of State
of Washington*represented by **Karl David Smith**

(See above for address)

ATTORNEY TO BE NOTICED**Katie S Worthington**

(See above for address)

ATTORNEY TO BE NOTICED**Leslie Ann Griffith**

(See above for address)

TERMINATED: 08/19/2022**Cross Defendant****State of Washington**represented by **Andrew R W Hughes**

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ATTORNEY TO BE NOTICED**Cristina Sepe**

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ATTORNEY TO BE NOTICED**Erica R. Franklin**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/19/2022	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against defendant(s) Andy Billig, in his official capacity as Majority Leader of the Washington State Senate, Steven Hobbs, in his official capacity as Secretary of State of Washington, Laurie Jinkins, in her official capacity as Speaker of the Washington State House of Representatives (Receipt # AWAADC-7408291) Attorney Edwardo Morfin added to party Evangelina Aguilar(pty:pla), Attorney Edwardo Morfin added to party Brenda Rodriguez Garcia(pty:pla), Attorney Edwardo Morfin added to party Fabiola Lopez(pty:pla), Attorney Edwardo Morfin added to party Alberto Macias(pty:pla), Attorney Edwardo Morfin added to party Heliodora Morfin(pty:pla), Attorney Edwardo Morfin added to party Caty Padilla(pty:pla), Attorney Edwardo Morfin added to party Susan Soto Palmer(pty:pla), Attorney Edwardo Morfin added to party Lizette Parra(pty:pla), Attorney Edwardo Morfin added to party Southcentral Coalition of People of Color for Redistricting(pty:pla), filed by Evangelina Aguilar, Brenda Rodriguez Garcia, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, Alberto Macias, Heliodora Morfin, Fabiola Lopez, Susan Soto Palmer, Caty Padilla. (Attachments: # <u>1</u> Civil Cover Sheet)(Morfin, Edwardo) (Entered: 01/19/2022)
01/20/2022	<u>2</u>	APPLICATION OF ATTORNEY Chad Dunn FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7410568 (Morfin, Edwardo) (Entered: 01/20/2022)

01/20/2022	<u>3</u>	APPLICATION OF ATTORNEY Sonni Waknin FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7410581 (Morfin, Edwardo) (Entered: 01/20/2022)
01/20/2022	<u>4</u>	APPLICATION OF ATTORNEY Mark Gaber FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7410584 (Morfin, Edwardo) (Entered: 01/20/2022)
01/20/2022	<u>5</u>	APPLICATION OF ATTORNEY Annabelle Harless FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7410593 (Morfin, Edwardo) (Entered: 01/20/2022)
01/20/2022	<u>6</u>	APPLICATION OF ATTORNEY Simone Leeper FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7410605 (Morfin, Edwardo) (Entered: 01/20/2022)
01/20/2022	<u>7</u>	APPLICATION OF ATTORNEY Aseem Mulji FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7410613 (Morfin, Edwardo) (Entered: 01/20/2022)
01/21/2022	8	ORDER re <u>5</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Annabelle Harless for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and for Southcentral Coalition of People of Color for Redistricting, by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (DS) (Entered: 01/21/2022)
01/21/2022	9	ORDER re <u>2</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Chad W Dunn for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and for Southcentral Coalition of People of Color for Redistricting, by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (DS) (Entered: 01/21/2022)
01/21/2022	10	ORDER re <u>6</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Simone Tyler Leeper for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and Southcentral Coalition of People of Color for Redistricting, by Clerk Ravi Subramanian. No document associated with this docket entry, text only.

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		<i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) Added Plaintiff Evangelina Aguilar on 1/21/2022 (DS). (Entered: 01/21/2022)</i>
01/21/2022	11	ORDER re <u>7</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Aseem Mulji for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and Southcentral Coalition of People of Color for Redistricting, by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 01/21/2022)</i>
01/21/2022	12	ORDER re <u>3</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Sonni Waknin for Plaintiff's Evangelina Aguilar, Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and for Southcentral Coalition of People of Color for Redistricting, by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 01/21/2022)</i>
01/21/2022	13	ORDER re <u>4</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Mark Gaber for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and Southcentral Coalition of People of Color for Redistricting, by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).(DS) (Entered: 01/21/2022)</i>
01/24/2022	<u>14</u>	PRAECIPE TO ISSUE SUMMONS to <i>Steven Hobbs, Secretary of State of Washington</i> by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Morfin, Eduardo) (Entered: 01/24/2022)
01/24/2022	<u>15</u>	PRAECIPE TO ISSUE SUMMONS to <i>Laurie Jenkins, Speaker of Washington State House of Representatives</i> by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Morfin, Eduardo) (Entered: 01/24/2022)
01/24/2022	<u>16</u>	PRAECIPE TO ISSUE SUMMONS to <i>Andy Billig, Majority Leader of Washington State Senate</i> by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Morfin, Eduardo) (Entered: 01/24/2022)
01/24/2022		Judge Robert S. Lasnik added. (AMD) (Entered: 01/24/2022)

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01/24/2022		NOTICE Pursuant to Fed.R.Civ.P 7.1, Plaintiff Southcentral Coalition of People of Color for Redistricting must file a Corporate Disclosure Statement by 1/31/2022. (AMD) (Entered: 01/24/2022)
01/24/2022	17	Summons(es) Electronically Issued as to defendant(s) Andy Billig, Steven Hobbs, Laurie Jenkins. (Attachments: # 1 Summons - Jenkins, # 2 Summons - Billig)(AMD) (Entered: 01/24/2022)
01/31/2022	18	NOTICE of Change of Address/Change of Name of Attorney Chad W Dunn Edwardo Morfin . Filed by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting. (Morfin, Edwardo) Modified on 2/1/2022 correct name of attorney (CDA). (Entered: 01/31/2022)
01/31/2022	19	CORPORATE DISCLOSURE STATEMENT indicating no Corporate Parents and/or Affiliates. Filed pursuant to Fed.R.Civ.P 7.1. Filed by Southcentral Coalition of People of Color for Redistricting (Morfin, Edwardo) (Entered: 01/31/2022)
02/01/2022	20	APPLICATION OF ATTORNEY Deylin Thrift-Viveros FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7423670 (Morfin, Edwardo) (Entered: 02/01/2022)
02/01/2022	21	APPLICATION OF ATTORNEY Leticia M. Saucedo FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7423673 (Morfin, Edwardo) (Entered: 02/01/2022)
02/01/2022	22	APPLICATION OF ATTORNEY Ernest Herrera FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAADC-7423674 (Morfin, Edwardo) (Main Document 22 replaced on 2/2/2022 to correct signature issue) (JWC). Modified on 2/2/2022 (JWC). (Entered: 02/01/2022)
02/02/2022	23	ORDER re 21 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Leticia Marie Saucedo for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and Southcentral Coalition of People of Color for Redistricting by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 02/02/2022)
02/02/2022	24	ORDER re 20 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Deylin O Thrift-Viveros for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and Southcentral Coalition of People of Color for Redistricting by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be</i>

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		<i>present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 02/02/2022)
02/02/2022	25	ORDER re 22 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Ernest Israel Herrera for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and Southcentral Coalition of People of Color for Redistricting by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 02/02/2022)
02/03/2022	26	MOTION for Scheduling Conference , filed by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting. (Attachments: # 1 Proposed Order) Noting Date 2/11/2022, (Morfin, Edwardo) (Entered: 02/03/2022)
02/04/2022	27	AFFIDAVIT of Service of Summons and Complaint on Steven Hobbs, Secretary of State of Washington on 1/26/2022, filed by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting. (Morfin, Edwardo) (Entered: 02/04/2022)
02/04/2022	28	SERVICE OF SUMMONS and Complaint returned executed upon defendant Steven Hobbs on 1/26/2022 (Morfin, Edwardo) (Entered: 02/04/2022)
02/04/2022	29	NOTICE of Appearance by attorney Karl David Smith on behalf of Defendant Steven Hobbs. (Smith, Karl) (Entered: 02/04/2022)
02/04/2022	30	NOTICE of Appearance by attorney Elana Sabovic Matt on behalf of Defendants Andy Billig, Laurie Jinkins. (Matt, Elana) (Entered: 02/04/2022)
02/04/2022		Attorneys Jeffrey T Even, Emma S Grunberg, and Spencer W Coates added for Andy Billig and Laurie Jinkins per 30 Notice of Appearance. (LH) (Entered: 02/07/2022)
02/09/2022	31	RESPONSE, by Defendants Andy Billig, Steven Hobbs, Laurie Jinkins, to 26 MOTION for Scheduling Conference . (Smith, Karl) (Entered: 02/09/2022)
02/10/2022	32	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT by Judge Robert S. Lasnik. Joint Status Report due by 3/10/2022. (AD) (Entered: 02/10/2022)
02/16/2022	33	Joint Stipulated MOTION <i>and Order to Extend Defendants' Time to Respond to Complaint</i> , filed by Defendants Andy Billig, Steven Hobbs, Laurie Jinkins. Noting Date 2/16/2022, (Smith, Karl) (Entered: 02/16/2022)
02/16/2022	34	ANSWER to 1 Complaint,,,,, by Steven Hobbs.(Smith, Karl) (Entered: 02/16/2022)
02/17/2022	35	ORDER re Parties' 33 Joint Stipulated MOTION <i>and Order to Extend Defendants' Time to Respond to Complaint</i> . Defendants' deadline to answer or respond to Plaintiffs' Complaint is extended to February 28, 2022. Signed by Judge Robert S. Lasnik. (LH) (Entered: 02/17/2022)
02/22/2022	36	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Emma S Grunberg for Defendants Andy Billig, Laurie Jinkins. (Grunberg, Emma) (Entered: 02/22/2022)

02/23/2022	37	MOTION to Dismiss Defendants Laurie Jinkins and Andrew Billig for Failure to State a Claim , filed by Defendants Andy Billig, Laurie Jinkins. Oral Argument Requested. (Attachments: # 1 Proposed Order) Noting Date 3/18/2022, (Even, Jeffrey) Modified motion title on 2/24/2022 (LH). (Entered: 02/23/2022)
02/25/2022	38	MOTION for Preliminary Injunction , filed by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting. Oral Argument Requested. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 14, # 14 Exhibit 15, # 15 Exhibit 16, # 16 Exhibit 17, # 17 Exhibit 18, # 18 Exhibit 19, # 19 Exhibit 20, # 20 Exhibit 21, # 21 Exhibit 22, # 22 Exhibit 23, # 23 Exhibit 24, # 24 Exhibit 25, # 25 Exhibit 26, # 26 Exhibit 27, # 27 Exhibit 28, # 28 Exhibit 29, # 29 Exhibit 30) Noting Date 3/25/2022, (Morfin, Edwardo) (Entered: 02/25/2022)
02/25/2022	39	NOTICE of Appearance by attorney Leslie Ann Griffith on behalf of Defendant Steven Hobbs. (Griffith, Leslie) (Entered: 02/25/2022)
02/25/2022	40	NOTICE <i>That Defendant Hobbs Takes no Position</i> ; filed by Defendant Steven Hobbs. (Attachments: # 1 Exhibit Attachment A)(Smith, Karl) (Entered: 02/25/2022)
03/07/2022	41	ORDER denying Plaintiffs' 26 Motion for Scheduling Conference. Signed by Judge Robert S. Lasnik. (LH) (Entered: 03/07/2022)
03/09/2022	42	AMENDED 34 ANSWER to 1 Complaint,,,,, by Steven Hobbs. (Attachments: # 1 Exhibit Redline Version of Amended Answer)(Smith, Karl) Modified linkage on 3/10/2022 (LH). (Entered: 03/09/2022)
03/10/2022	43	JOINT STATUS REPORT signed by all parties. Estimated Trial Days: 5-7. (Herrera, Ernest) (Entered: 03/10/2022)
03/14/2022	44	RESPONSE, by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, to 37 MOTION to Dismiss Defendants Laurie Jinkins and Andrew Billig. Oral Argument Requested. (Morfin, Edwardo) (Entered: 03/14/2022)
03/14/2022	45	RESPONSE, by Defendant Steven Hobbs, to 37 MOTION to Dismiss Defendants Laurie Jinkins and Andrew Billig. (Griffith, Leslie) (Entered: 03/14/2022)
03/16/2022	46	MINUTE ORDER SETTING TRIAL DATE AND RELATED DATES by Judge Robert S. Lasnik; Length of Trial: 5-7 days. Bench Trial is set for 1/9/2023 at 09:00 AM in Courtroom 15106 before Judge Robert S. Lasnik. Joinder of Parties due by 4/13/2022, Amended Pleadings due by 7/13/2022, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 7/13/2022, Discovery completed by 9/11/2022, Attorney settlement conference to be held by 9/25/2022, Dispositive motions due by 10/11/2022, Motions in Limine due by 12/12/2022, Pretrial Order due by 12/28/2022, Trial briefs to be submitted by 1/4/2023. (AD) (Entered: 03/16/2022)
03/18/2022	47	REPLY, filed by Defendants Andy Billig, Laurie Jinkins, TO RESPONSE to 37 MOTION to Dismiss Defendants Laurie Jinkins and Andrew Billig (Even, Jeffrey) (Entered: 03/18/2022)
03/18/2022	48	NOTICE of Related Case(s) 3:22-CV-5152-JRC, by Defendants Andy Billig, Steven Hobbs, Laurie Jinkins. (Matt, Elana) (Entered: 03/18/2022)

03/21/2022	49	RESPONSE, by Defendants Andy Billig, Laurie Jenkins, to 38 MOTION for Preliminary Injunction . (Matt, Elana) (Entered: 03/21/2022)
03/21/2022	50	RESPONSE, by Defendant Steven Hobbs, to 38 MOTION for Preliminary Injunction . (Griffith, Leslie) (Entered: 03/21/2022)
03/21/2022	51	DECLARATION of Kathy Fisher in Support of Defendant Steven Hobbs' Response to Plaintiffs' Motion for Preliminary Injunction filed by Defendant Steven Hobbs re 38 MOTION for Preliminary Injunction (Griffith, Leslie) (Entered: 03/21/2022)
03/21/2022	52	DECLARATION of Stuart Holmes in Support of Defendant Steven Hobbs' Response to Plaintiffs' Motion for Preliminary Injunction filed by Defendant Steven Hobbs re 38 MOTION for Preliminary Injunction (Griffith, Leslie) (Entered: 03/21/2022)
03/24/2022	53	MOTION for Joinder , filed by Defendant Steven Hobbs. (Attachments: # 1 Proposed Order) Noting Date 4/8/2022, (Smith, Karl) (Entered: 03/24/2022)
03/25/2022	54	REPLY, filed by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, TO RESPONSE to 38 MOTION for Preliminary Injunction (Attachments: # 1 Exhibit 1 - Plaintiffs' Proposed Plan, # 2 Exhibit 2 - Second Collingwood Declaration, # 3 Proposed Order)(Herrera, Ernest) (Entered: 03/25/2022)
03/28/2022	55	APPLICATION OF ATTORNEY Bernadette Samson Reyes FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting (Fee Paid) Receipt No. AWAWDC-7489865 (Morfin, Eduardo) (Entered: 03/28/2022)
03/28/2022	56	ORDER re 55 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Bernadette Samson Reyes for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, and Southcentral Coalition of People of Color for Redistricting by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 03/28/2022)
03/29/2022	57	MOTION to Intervene Attorney Andrew R Stokesbary added to party Jose A Trevino(pty:intvd), Attorney Andrew R Stokesbary added to party Ismael G Campos(pty:intvd), Attorney Andrew R Stokesbary added to party Alex Ybarra(pty:intvd), filed by Intervenor Defendants Jose A Trevino, Ismael G Campos, Alex Ybarra. (Attachments: # 1 Proposed Answer, # 2 Proposed Order) Noting Date 4/15/2022, (Stokesbary, Andrew) (Entered: 03/29/2022)
04/01/2022	58	MINUTE ORDER by Judge Robert S. Lasnik. Oral argument on Plaintiffs' Motion for Preliminary Injunction (Dkt. # 38) has been scheduled for Tuesday, 4/12/2022 at 10:00 AM before Judge Robert S. Lasnik. The hearing will be conducted via Zoom. (AD) (Entered: 04/01/2022)
04/04/2022	59	RESPONSE, by Defendants Andy Billig, Laurie Jenkins, to 53 MOTION for Joinder . (Matt, Elana) (Entered: 04/04/2022)
04/04/2022	60	RESPONSE, by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra,

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		Southcentral Coalition of People of Color for Redistricting, to 53 MOTION for Joinder . (Dunn, Chad) (Entered: 04/04/2022)
04/08/2022	61	RESPONSE, by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, to 38 MOTION for Preliminary Injunction . (Stokesbary, Andrew) (Entered: 04/08/2022)
04/08/2022	62	REPLY, filed by Defendant Steven Hobbs, TO RESPONSE to 53 MOTION for Joinder (Attachments: # 1 Exhibit A-G)(Griffith, Leslie) (Entered: 04/08/2022)
04/08/2022	63	REPLY, filed by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, TO RESPONSE to 38 MOTION for Preliminary Injunction (Leeper, Simone) (Entered: 04/08/2022)
04/11/2022	64	RESPONSE, by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, to 57 MOTION to Intervene Attorney Andrew R Stokesbary added to party Jose A Trevino(pty:intvd), Attorney Andrew R Stokesbary added to party Ismael G Campos(pty:intvd), Attorney Andrew R Stokesbary added to party Alex Ybarra(pty:intvd). (Mulji, Aseem) (Entered: 04/11/2022)
04/12/2022	65	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Ashleigh Drecktrah</i> ; Pla Counsel: <i>Mark Gaber</i> ; Def Counsel: <i>Hobbs: Leslie Griffith; Jinkins & Billig: Jeffrey Even; Proposed Intervenor Deft: Andrew Stokesbary</i> ; CR: <i>Nickie Drury</i> ; Motion Hearing held on 4/12/2022 via Zoom videoconference. The Court hears oral argument from the parties re: Plaintiffs' Motion for Preliminary Injunction (Dkt. # 38). The matter is taken under advisement; written order to be entered. (AD) (Entered: 04/12/2022)
04/13/2022	66	ORDER granting Defendants' 37 Motion to Dismiss and denying Plaintiffs' 38 Motion for Preliminary Injunction. Claims against Representative Jinkins and Senator Billig are hereby DISMISSED. Signed by Judge Robert S. Lasnik. (LH) (Entered: 04/13/2022)
04/15/2022	67	REPLY, filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, TO RESPONSE to 57 MOTION to Intervene Attorney Andrew R Stokesbary added to party Jose A Trevino(pty:intvd), Attorney Andrew R Stokesbary added to party Ismael G Campos(pty:intvd), Attorney Andrew R Stokesbary added to party Alex Ybarra(pty:intvd) (Stokesbary, Andrew) (Entered: 04/15/2022)
05/06/2022	68	ORDER re Defendant's 53 Motion for Joinder. The Court orders joinder pursuant to Rule 19(a)(1)(A). Plaintiffs shall, within seven days of the date of this Order, file an amended complaint adding the State of Washington as a defendant. Signed by Judge Robert S. Lasnik. (LH) (Entered: 05/06/2022)
05/06/2022	69	ORDER granting Intervenors' 57 Motion to Intervene. Intervenors shall file their proposed answer (Dkt. # 57 -1) within seven days of the date of this Order. The case management deadlines established at Dkt. # 46 remain unchanged. Signed by Judge Robert S. Lasnik. (LH) (Entered: 05/06/2022)
05/13/2022	70	AMENDED COMPLAINT for Declaratory and Injunctive Relief against defendant(s) Steven Hobbs, State of Washington, filed by Evangelina Aguilar, Brenda Rodriguez Garcia, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, Alberto Macias, Heliadora Morfin, Fabiola Lopez, Susan Soto Palmer, Caty Padilla.(Dunn, Chad) (Entered: 05/13/2022)
05/13/2022	71	ANSWER to 1 Complaint,,,,, by Ismael G Campos, Jose A Trevino, Alex Ybarra. (Stokesbary, Andrew) (Entered: 05/13/2022)

05/20/2022	72	NOTICE of Appearance by attorney Cristina Sepe on behalf of Defendant State of Washington. (Sepe, Cristina) (Entered: 05/20/2022)
05/20/2022	73	NOTICE of Appearance by attorney Andrew R. W. Hughes on behalf of Defendant State of Washington. (Hughes, Andrew) (Entered: 05/20/2022)
05/20/2022	74	Joint Stipulated MOTION <i>and Proposed Order to Extend Deadline to Answer</i> , filed by Defendant State of Washington. Noting Date 5/20/2022, (Hughes, Andrew) (Entered: 05/20/2022)
05/23/2022	75	ORDER re Parties' 74 Joint Stipulated MOTION. Defendant State of Washington's deadline to answer or respond to Plaintiffs' Amended Complaint is extended to June 17, 2022. Signed by Judge Robert S. Lasnik. (LH) (Entered: 05/23/2022)
05/27/2022	76	ANSWER to 70 Amended Complaint, by Steven Hobbs.(Smith, Karl) (Entered: 05/27/2022)
05/27/2022	77	ANSWER to 70 Amended Complaint, by Ismael G Campos, Jose A Trevino, Alex Ybarra. (Stokesbary, Andrew) (Entered: 05/27/2022)
06/17/2022	78	ANSWER to 70 Amended Complaint, by State of Washington.(Hughes, Andrew) (Entered: 06/17/2022)
06/24/2022	79	MOTION to Continue <i>Trial Date and Related Deadlines</i> , filed by Defendant State of Washington. (Attachments: # 1 Proposed Order) Noting Date 7/8/2022, (Hughes, Andrew) (Entered: 06/24/2022)
06/24/2022	80	DECLARATION of Andrew R.W. Hughes filed by Defendant State of Washington re 79 MOTION to Continue <i>Trial Date and Related Deadlines</i> (Attachments: # 1 Exhibit A) (Hughes, Andrew) (Entered: 06/24/2022)
07/06/2022	81	RESPONSE, by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, to 79 MOTION to Continue <i>Trial Date and Related Deadlines</i> . (Attachments: # 1 Proposed Order)(Dunn, Chad) (Entered: 07/06/2022)
07/08/2022	82	REPLY, filed by Defendant State of Washington, TO RESPONSE to 79 MOTION to Continue <i>Trial Date and Related Deadlines</i> (Sepe, Cristina) (Entered: 07/08/2022)
07/27/2022	83	APPLICATION OF ATTORNEY Jason B. Torchinsky FOR LEAVE TO APPEAR PRO HAC VICE for Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra (Fee Paid) Receipt No. AWAADC-7643672 (Stokesbary, Andrew) (Entered: 07/27/2022)
07/27/2022	84	APPLICATION OF ATTORNEY Dallin B. Holt FOR LEAVE TO APPEAR PRO HAC VICE for Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra (Fee Paid) Receipt No. AWAADC-7643682 (Stokesbary, Andrew) (Entered: 07/27/2022)
07/28/2022	85	NOTICE of Change of Address/Change of Name of Attorney Andrew R Stokesbary. Filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Stokesbary, Andrew) (Entered: 07/28/2022)
07/29/2022	86	ORDER re 83 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Jason B Torchinsky for Intervenor Defendants Ismael G Campos, Jose A Trevino, and Alex Ybarra by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be</i>

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		<i>present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 07/29/2022)
07/29/2022	87	APPLICATION OF ATTORNEY Phillip M. Gordon FOR LEAVE TO APPEAR PRO HAC VICE for Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra (Fee Paid) Receipt No. AWAWDC-7646834 (Stokesbary, Andrew) (Entered: 07/29/2022)
08/02/2022	88	ORDER re 87 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Phillip M Gordon for Intervenor Defendants Ismael G Campos, Jose A Trevino, and Alex Ybarra by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 08/02/2022)
08/03/2022	89	STIPULATION OF VOLUNTARY DISMISSAL [FRCP 41(a)(1)(A)(ii)] by parties (Dunn, Chad) (Entered: 08/03/2022)
08/05/2022		Party Brenda Rodriguez Garcia terminated pursuant to FRCP 41(a)(1)(A)(ii), per 89 Stipulation (LH) (Entered: 08/05/2022)
08/08/2022	90	ORDER re 84 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Dallin Holt for Intervenor Defendants Ismael G Campos, Jose A Trevino, and Alex Ybarra, by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (CDA) (Entered: 08/08/2022)
08/09/2022	91	NOTICE of Appearance by attorney Erica R. Franklin on behalf of Defendant State of Washington. (Franklin, Erica) (Entered: 08/09/2022)
08/14/2022	92	ORDER granting Defendant's 79 Motion to Continue Trial Date and Related Deadlines. An amended case management order will be issued based on a trial date of 5/1/2023. Signed by Judge Robert S. Lasnik. (LH) (Entered: 08/15/2022)
08/15/2022	93	MINUTE ORDER SETTING AMENDED TRIAL DATE AND RELATED DATES. Length of Trial: 5-7 days. Bench Trial is continued to 5/1/2023 at 9:00 AM in Courtroom 15106 before Judge Robert S. Lasnik. Amended Pleadings due by 11/2/2022, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 11/2/2022, Discovery completed by 1/1/2023, Attorney settlement conference to be held by 1/15/2023, Dispositive motions due by 1/31/2023, Motions in Limine due by 4/3/2023, Pretrial Order due by 4/19/2023, Trial briefs to be submitted by 4/26/2023. Authorized by Judge Robert S. Lasnik. (VE) (Entered: 08/15/2022)
08/19/2022	94	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Leslie Ann Griffith for Defendant Steven Hobbs. (Griffith, Leslie) (Entered: 08/19/2022)
09/16/2022	95	APPLICATION OF ATTORNEY Brennan Bowen FOR LEAVE TO APPEAR PRO HAC VICE for Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra (Fee Paid) Receipt No. AWAWDC-7704973 (Stokesbary, Andrew) (Entered: 09/16/2022)
09/20/2022	96	ORDER re 95 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Brennan Bowen for Intervenor Defendants Ismael G Campos, Jose A Trevino, and Alex Ybarra by Clerk Ravi Subramanian. No document associated with this docket entry, text only.

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		<i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d). (JWC) (Entered: 09/20/2022)</i>
10/05/2022	97	MOTION to Stay <i>Proceedings</i> , filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Attachments: # 1 Proposed Order Granting Motion to Stay Proceedings) Noting Date 10/21/2022, (Stokesbary, Andrew) (Entered: 10/05/2022)
10/17/2022	98	RESPONSE, by Plaintiffs Evangelina Aguilar, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, to 97 MOTION to Stay <i>Proceedings</i> . (Attachments: # 1 Exhibit 1 Deposition Excerpts, # 2 Proposed Order)(Dunn, Chad) (Entered: 10/17/2022)
10/17/2022	99	RESPONSE, by Defendant State of Washington, to 97 MOTION to Stay <i>Proceedings</i> . (Sepe, Cristina) (Entered: 10/17/2022)
10/21/2022	100	REPLY, filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, TO RESPONSE to 97 MOTION to Stay <i>Proceedings</i> (Stokesbary, Andrew) (Entered: 10/21/2022)
10/26/2022	101	ORDER denying Intervenor-Defendants' 97 Motion to Stay Proceedings. The motion is denied without prejudice to its being refiled after discovery has been completed. Signed by Judge Robert S. Lasnik. (LH) (Entered: 10/26/2022)
10/26/2022	102	NOTICE of Appearance by attorney Katie S Worthington on behalf of Defendant Steven Hobbs. (Worthington, Katie) (Entered: 10/26/2022)
11/02/2022	103	AMENDED ANSWER to 70 Amended Complaint filed by Ismael G Campos, Jose A Trevino, and Alex Ybarra , CROSSCLAIM against defendant Steven Hobbs, State of Washington filed by Jose A Trevino, Alex Ybarra. Three Judge Court Requested. (Attachments: # 1 Exhibit Redline Version of Amended Pleading)(Stokesbary, Andrew) Modified on 11/3/2022 to add additional filer of Amended Complaint (KB). Also, modified docket entry re three Judge request on 11/3/2022 (LH). (Entered: 11/02/2022)
11/03/2022		NOTICE of Docket Text Modification re 103 Amended Answer to Complaint, Crossclaim: Modified on 11/03/22 to update filers: Amended Complaint is filed by Ismael G Campos, Jose A Trevino, and Alex Ybarra; Crossclaim is filed by Jose A Trevino and Alex Ybarra. (KB) (Entered: 11/03/2022)
11/03/2022		Request for Three Judge Court re 103 Amended Answer to Complaint NOTED on motion calendar for 11/18/2022, per the direction of chambers. (LH) (Entered: 11/03/2022)
11/04/2022	104	DISCLOSURE OF EXPERT WITNESSES Filed by Plaintiffs Evangelina Aguilar, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting. (Attachments: # 1 Exhibit A - Collinwood Expert Report, # 2 Exhibit B - Estrada Expert Report, # 3 Exhibit C - Flores Expert Report)(Dunn, Chad) (Entered: 11/04/2022)
11/10/2022	105	MOTION to Bifurcate <i>and Transfer, Strike, and/or Dismiss Intervenor's Crossclaim</i> , filed by Plaintiffs Evangelina Aguilar, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting. (Attachments: # 1 Proposed Order) Noting Date 11/25/2022, (Dunn, Chad) (Entered: 11/10/2022)
11/14/2022	106	RESPONSE, by Plaintiffs Evangelina Aguilar, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, to Request for Three Judge Court re 103 Amended Answer to

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		Complaint., Crossclaim, NOTED on motion calendar;. (Attachments: # <u>1</u> Exhibit 1 - Plaintiffs' Motion to Bifurcate, Transfer, etc)(Dunn, Chad) (Entered: 11/14/2022)
11/14/2022	<u>107</u>	STATEMENT re <u>106</u> Response to Motion, by Defendant State of Washington (Hughes, Andrew) (Entered: 11/14/2022)
11/16/2022	<u>108</u>	ANSWER to <u>103</u> Amended Answer to Complaint., Crossclaim, by Steven Hobbs.(Smith, Karl) (Entered: 11/16/2022)
11/18/2022	<u>109</u>	RESPONSE, by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, to <u>105</u> MOTION to Bifurcate <i>and Transfer, Strike, and/or Dismiss Intervenors Crossclaim</i> . (Stokesbary, Andrew) (Entered: 11/18/2022)
11/21/2022	<u>110</u>	STATEMENT re <u>109</u> Response to Motion, <u>105</u> MOTION to Bifurcate <i>and Transfer, Strike, and/or Dismiss Intervenors Crossclaim</i> by Defendant State of Washington, Cross Defendant State of Washington (Hughes, Andrew) (Entered: 11/21/2022)
11/23/2022	<u>111</u>	ANSWER to <u>103</u> Amended Answer to Complaint., Crossclaim, <i>Declaratory and Injunctive Relief</i> by State of Washington.(Sepe, Cristina) (Entered: 11/23/2022)
11/23/2022	<u>112</u>	RESPONSE, by Cross Defendant Steven Hobbs, Defendant Steven Hobbs, to <u>105</u> MOTION to Bifurcate <i>and Transfer, Strike, and/or Dismiss Intervenors Crossclaim</i> . (Smith, Karl) (Entered: 11/23/2022)
11/25/2022	<u>113</u>	REPLY, filed by Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting, TO RESPONSE to <u>105</u> MOTION to Bifurcate <i>and Transfer, Strike, and/or Dismiss Intervenors Crossclaim</i> (Attachments: # <u>1</u> Exhibit 1: DWT Retainer, # <u>2</u> Exhibit 2: Graves/Stokesbary/Kincaid/DWT Email)(Gaber, Mark) (Entered: 11/25/2022)
12/01/2022	<u>114</u>	NOTICE of Change of Address/Change of Name of Attorney Chad W Dunn. Filed by Plaintiffs Evangelina Aguilar, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting. (Dunn, Chad) (Entered: 12/01/2022)
12/02/2022	<u>115</u>	STIPULATION of <i>Voluntary Dismissal Under FRCP 41(a)(1)(A)(ii)</i> by parties (Dunn, Chad) (Entered: 12/02/2022)
12/05/2022	<u>116</u>	MINUTE ORDER entered at the direction of Judge Robert S. Lasnik. Oral argument on Intervenor-Defendants' request to add a crossclaim and Plaintiffs' <u>105</u> MOTION to Bifurcate and Transfer, Strike, and/or Dismiss Intervenors' Crossclaim is scheduled for 1/13/2023 at 9:00 AM in Courtroom 15106 before Judge Robert S. Lasnik. (VE) (Entered: 12/05/2022)
12/05/2022		Party Southcentral Coalition of People of Color for Redistricting terminated per FRCP 41(a)(1)(A)(ii), and re <u>115</u> Stipulated Notice of Dismissal. (LH) (Entered: 12/05/2022)
12/06/2022	<u>117</u>	STIPULATION of <i>Voluntary Dismissal Under FRCP 41(a)(1)(A)(ii)</i> by parties (Dunn, Chad) (Entered: 12/06/2022)
12/07/2022		Party Lizette Parra terminated per FRCP 41(a)(1)(A)(ii), and re <u>117</u> STIPULATION of Voluntary Dismissal. (SS) (Entered: 12/07/2022)
12/07/2022	<u>118</u>	APPLICATION OF ATTORNEY Andrew B. Pardue FOR LEAVE TO APPEAR PRO HAC VICE for Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Cross Claimants Jose A Trevino, Alex Ybarra (Fee Paid) Receipt No. AWAWDC-7803297 (Stokesbary, Andrew) (Entered: 12/07/2022)

12/08/2022	119	ORDER re 118 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Andrew B Pardue for Intervenor Defendant Ismael G Campos and Intervenor Defendants/Cross Claimants Jose A Trevino and Alex Ybarra by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 12/08/2022)
12/21/2022	120	STIPULATION of Voluntary Dismissal Under FRCP 41(a)(1)(A)(ii) by parties (Dunn, Chad) (Entered: 12/21/2022)
12/22/2022		Party Evangelina Aguilar terminated per FRCP 41(a)(1)(A)(ii), and re 120 STIPULATION of Voluntary Dismissal. (LH) (Entered: 12/22/2022)
12/29/2022	121	Stipulated MOTION AND [PROPOSED] ORDER TO ALLOW DEPOSITIONS OUT OF TIME AND EXTENSION OF WRITTEN DISCOVERY RESPONSES, filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Cross Claimants Jose A Trevino, Alex Ybarra. Noting Date 12/29/2022, (Stokesbary, Andrew) (Entered: 12/29/2022)
12/30/2022	122	ORDER re Parties' 121 Stipulated MOTION. The described depositions may take place after the 1/1/2023 deadline; all pending written discovery is now due by 1/6/2023; and the deadline to file any motions regarding discovery is now 1/10/2023. Signed by Judge Robert S. Lasnik. (LH) (Entered: 12/30/2022)
01/05/2023	123	MOTION to Stay Proceedings, filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Cross Claimants Jose A Trevino, Alex Ybarra. (Attachments: # 1 Proposed Order) Noting Date 1/13/2023 1/20/2023 , (Stokesbary, Andrew) Modified noting date on 1/9/2023 (LH). (Entered: 01/05/2023)
01/05/2023	124	MOTION to Expedite Consideration of Renewed Motion to Stay Proceedings, filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Cross Claimants Jose A Trevino, Alex Ybarra. (Attachments: # 1 Proposed Order) Noting Date 1/5/2023, (Stokesbary, Andrew) (Entered: 01/05/2023)
01/09/2023	125	ORDER granting in part Intervenor Defendants' 124 Motion to Expedite Consideration of Renewed 123 Motion to Stay Proceedings. The Clerk of Court is directed to note Dkt. # 123 on the Court's calendar for consideration on Friday, January 13, 2023. Any opposition to the motion to stay shall be filed by noon on Thursday, January 12, 2023. Signed by Judge Robert S. Lasnik. (LH) (Entered: 01/09/2023)
01/10/2023	126	MOTION to Enforce Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition, filed by Plaintiff's Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Exhibit A (Cover Email and Subpoena), # 2 Exhibit B (Cover Email and Revised Subpoena), # 3 Exhibit C (12/21/22 Goldman Letter), # 4 Exhibit D (1/5/23 Email), # 5 Exhibit E (Jose Trevino Deposition Transcript), # 6 Proposed Order) Noting Date 1/27/2023, (Gaber, Mark) (Entered: 01/10/2023)
01/10/2023	127	NOTICE of Supplemental Authority re 105 MOTION to Bifurcate and Transfer, Strike, and/or Dismiss Intervenor's Crossclaim by Plaintiffs Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer (Attachments: # 1 Exhibit A (Alex Ybarra Deposition Transcript), # 2 Exhibit B (Jose Trevino Deposition Transcript), SEALED # 3 Exhibit C (Paul Graves Deposition Transcript))(Gaber, Mark) Modified on

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		1/13/2023 per filer request admin sealed exhibit 3 due to PHI, will file redacted version (STP). (Entered: 01/10/2023)
01/11/2023	128	NOTICE re 104 Disclosure of Expert Witnesses, ; filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer. (Gaber, Mark) (Entered: 01/11/2023)
01/12/2023	129	RESPONSE, by Plaintiffs Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer, to 123 MOTION to Stay <i>Proceedings</i> . (Attachments: # 1 Proposed Order)(Dunn, Chad) (Entered: 01/12/2023)
01/12/2023	130	RESPONSE, by Intervenor Defendant Alex Ybarra State of Washington, to 123 MOTION to Stay <i>Proceedings</i> . (Hughes, Andrew) Modified on 1/12/2023 To correct response party per counsel (JF). (Entered: 01/12/2023)
01/12/2023	131	RESPONSE, by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Cross Claimants Jose A Trevino, Alex Ybarra, to 126 MOTION to Enforce <i>Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition</i> . (Attachments: # 1 Exhibit)(Stokesbary, Andrew) (Entered: 01/12/2023)
01/12/2023	132	OBJECTIONS re 127 Notice of Supplemental Authority, by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Cross Claimants Jose A Trevino, Alex Ybarra (Stokesbary, Andrew) (Entered: 01/12/2023)
01/13/2023		NOTICE of Docket Text Modification re 127 Notice of Supplemental Authority : per filer request admin sealed exhibit 3 due to PHI, will file redacted version. (STP) (Entered: 01/13/2023)
01/13/2023	133	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Mark Gaber, Ernest Herrera and Sonni Waknin</i> ; Def Counsel: <i>Karl Smith for Defendant Steven Hobbs; Andrew Hughes, Cristina Sepe and Erica Franklin for Defendant State of Washington; Jason Torchinsky, Drew Stokesbary and Phil Gordon for Intervenor Defendants; CR: Debbie Zurn; MOTION HEARING</i> held on 1/13/2023. The Court hears argument on 105 MOTION to Bifurcate and Transfer, Strike, and/or Dismiss Intervenor's Crossclaim filed by Plaintiffs and 123 MOTION to Stay Proceedings filed by Intervenor Defendants. The Court takes this matter under advisement. (VE) (Entered: 01/13/2023)
01/13/2023	134	NOTICE of Filing Redacted Deposition Transcript re 127 Notice of Supplemental Authority,, ; filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Exhibit Graves Deposition Transcript (Redacted))(Gaber, Mark) (Entered: 01/13/2023)
01/20/2023	135	Unopposed MOTION for Extension of Time for <i>Dispositive Motions and Responses</i> , filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Cross Claimants Jose A Trevino, Alex Ybarra. Noting Date 1/20/2023, (Stokesbary, Andrew) (Entered: 01/20/2023)
01/20/2023	136	ORDER denying Intervenor-Defendants' 103 Request for Leave to Amend and Continuing Trial Date. Plaintiff's motion to bifurcate, transfer, strike, or dismiss the crossclaim (Dkt. # 105) is DENIED as moot. Signed by Judge Robert S. Lasnik. (LH) (Entered: 01/20/2023)
01/20/2023	137	SECOND AMENDED ORDER SETTING TRIAL DATE & RELATED DATES. Length of Trial: 5 days. Bench Trial is set for 6/5/2023 before Judge Robert S. Lasnik. Discovery completed by 2/5/2023, Attorney settlement conference to be held by 2/19/2023, Dispositive motions due by 3/7/2023, Motions in Limine due by 5/8/2023, Pretrial Order

		due by 5/24/2023, Trial briefs/trial exhibits to be submitted by 5/31/2023. Signed by Judge Robert S. Lasnik. (LH) (Entered: 01/20/2023)
01/20/2023	138	ORDER denying Intervenor-Defendants' and Cross-Plaintiffs' 123 Renewed Motion to Stay Proceedings. Signed by Judge Robert S. Lasnik. (LH) (Entered: 01/20/2023)
01/20/2023		***Motions terminated: 1) Request for Three Judge Court re 103 Amended Answer, per 136 Order 2) Intervenor-Defendants' 135 Unopposed MOTION for Extension of Time, per 137 Second Order Setting Trial and Related Dates. (LH) (Entered: 01/20/2023)
01/23/2023	139	RESPONSE, by Unknown James Troyer, to 126 MOTION to Enforce <i>Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition</i> . Oral Argument Requested. (Attachments: # 1 Proposed Order)(Taylor, Jesse) (Entered: 01/23/2023)
01/23/2023	140	DECLARATION of James Troyer filed by Unknown James Troyer re 126 MOTION to Enforce <i>Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition</i> (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Taylor, Jesse) (Entered: 01/23/2023)
01/23/2023	141	DECLARATION of Jeannie Gorrell filed by Unknown James Troyer re 126 MOTION to Enforce <i>Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition</i> (Taylor, Jesse) (Entered: 01/23/2023)
01/23/2023	142	DECLARATION of Jesse L. Taylor filed by Unknown James Troyer re 126 MOTION to Enforce <i>Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition</i> (Taylor, Jesse) (Entered: 01/23/2023)
01/23/2023	143	DECLARATION of Jessica L. Goldman filed by Unknown James Troyer re 126 MOTION to Enforce <i>Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition</i> (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17)(Taylor, Jesse) (Entered: 01/23/2023)
01/27/2023	144	REPLY, filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, TO RESPONSE to 126 MOTION to Enforce <i>Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition</i> (Gaber, Mark) (Entered: 01/27/2023)
02/02/2023	145	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Deylin O Thrift-Viveros for Plaintiffs Evangelina Aguilar, Brenda Rodriguez Garcia, Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, Lizette Parra, Southcentral Coalition of People of Color for Redistricting. (Thrift-Viveros, Deylin) (Entered: 02/02/2023)
02/06/2023	146	Unopposed MOTION for Extension of Time to Complete Discovery <i>Regarding Subpoenas to Benancio Garcia III</i> , filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Proposed Order) Noting Date 2/6/2023, (Gaber, Mark) (Entered: 02/06/2023)
02/07/2023	147	ORDER granting Plaintiffs' 146 Unopposed Motion for Extension of Time to Complete Discovery. The discovery deadline with respect to Mr. Garcia's subpoenas, including any discovery-related motions that relate only to Mr. Garcia's subpoena responses and possible continued deposition, is extended to March 3, 2023. Signed by Judge Robert S. Lasnik. (LH) (Entered: 02/07/2023)

02/09/2023	148	APPLICATION OF ATTORNEY Benjamin Phillips FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer (Fee Paid) Receipt No. AWAADC-7884278 (Morfin, Edwardo) (Entered: 02/09/2023)
02/14/2023	149	ORDER re 148 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Benjamin Phillips for Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, and Susan Soto Palmer by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 02/14/2023)
02/14/2023	150	MOTION Inquiry Concerning Potential Conflicts of Interest, filed by Defendant State of Washington. Noting Date 3/3/2023, (Hughes, Andrew) (Entered: 02/14/2023)
02/14/2023	151	DECLARATION of Andrew Hughes filed by Defendant State of Washington re 150 MOTION Inquiry Concerning Potential Conflicts of Interest (Attachments: # 1 Exhibit Ex 1, # 2 Exhibit Ex 2, # 3 Exhibit Ex 3, # 4 Exhibit Ex 4, # 5 Exhibit Ex 5)(Hughes, Andrew) (Entered: 02/14/2023)
02/22/2023	152	MINUTE ORDER entered at the direction of Robert S. Lasnik. Oral argument on Defendant State of Washington's 150 MOTION for Inquiry Concerning Potential Conflicts of Interest is scheduled for 3/7/2023 at 1:30 PM, before the Honorable Robert S. Lasnik. The hearing will be held via Zoom videoconference. (VE) (Entered: 02/22/2023)
02/27/2023	153	Unopposed MOTION for Extension of Time to Complete Discovery (<i>Extend Deadline for Deposition of Benancio Garcia III</i>), filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Proposed Order) Noting Date 2/27/2023, (Gaber, Mark) Modified title on 2/28/2023 (LH). (Entered: 02/27/2023)
02/27/2023	154	EXHIBIT 1 (<i>Correspondence and Cross-Notice of Garcia Deposition</i>) re 153 MOTION for Extension of Time to Complete Discovery (<i>Extend Deadline for Deposition of Benancio Garcia III</i>) by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer (Gaber, Mark) (Entered: 02/27/2023)
02/27/2023	155	RESPONSE, by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, to 150 MOTION Inquiry Concerning Potential Conflicts of Interest. Oral Argument Requested. (Attachments: # 1 Exhibit 1: Garcia Espinoza Text Messages, # 2 Exhibit 2: Garcia Deposition Excerpts, # 3 Exhibit 3: Garcia Graves Text Messages, # 4 Exhibit 4: Garcia Graves DWT Email, # 5 Exhibit 5: Millstein Email re Graves Document Production)(Gaber, Mark) (Entered: 02/27/2023)
02/27/2023	156	RESPONSE, by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, to 150 MOTION Inquiry Concerning Potential Conflicts of Interest. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit)(Stokesbary, Andrew) (Entered: 02/27/2023)
02/28/2023	157	RESPONSE, by Defendant Steven Hobbs, to 153 MOTION for Extension of Time to Complete Discovery (<i>Extend Deadline for Deposition of Benancio Garcia III</i>). (Smith, Karl) (Entered: 02/28/2023)
02/28/2023	158	ORDER granting Plaintiffs' 153 Motion for Extension of Time to Complete Discovery (<i>Extend Deadline for Deposition of Benancio Garcia III</i>). The deposition of Mr. Garcia

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		will be reset following the Court's resolution of the State's Motion for Inquiry, Dkt. # 150 . Signed by Judge Robert S. Lasnik. (LH) (Entered: 02/28/2023)
02/28/2023	159	ORDER granting in part and denying in part Plaintiffs' 126 Motion to Enforce. Plaintiffs' motion to enforce the subpoena duces tecum issued to Mr. Troyer is GRANTED, but their request to take his deposition is DENIED. Mr. Troyer shall produce responsive documents within fourteen days of the date of this Order. Signed by Judge Robert S. Lasnik.(LH) (Entered: 02/28/2023)
03/01/2023	160	REPLY, filed by Defendant State of Washington, TO RESPONSE to 150 MOTION Inquiry <i>Concerning Potential Conflicts of Interest</i> (Hughes, Andrew) (Entered: 03/01/2023)
03/03/2023	161	ORDER: At the hearing scheduled for March 7, 2023, the parties shall be prepared to respond to the Court's inquiries regarding the existence of potential and actual conflicts in this case and to discuss appropriate remedies if the Court finds that a conflict exists. Signed by Judge Robert S. Lasnik. (LH) (Entered: 03/03/2023)
03/06/2023	162	NOTICE of Errata Corrections for Deposition of Benancio Garcia III ; filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Attachments: # 1 STRICKEN Exhibit Errata Corrections)(Stokesbary, Andrew) Modified to strike exhibit 1 on 4/20/2023 (LH). (Entered: 03/06/2023)
03/07/2023	163	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Mark Gaber, Ernest Herrera, Sonni Waknin, Benjamin Phillips, Eduardo Morfin, Annabelle Harless, Aseem Mulji, Chad Dunn and Simone Leeper for Plaintiffs</i> ; Def Counsel: <i>Andrew Hughes, Cristina Sepe and Erica Franklin for Defendant State of Washington; Dallin Holt and Andrew Stokesbary for Intervenor-Defendants; Karl Smith for Defendant Hobbs</i> ; CR: <i>Sheri Schelbert</i> ; MOTION HEARING held on 3/7/2023 via Zoom videoconference on 150 MOTION for Inquiry <i>Concerning Potential Conflicts of Interest</i> filed by State of Washington. The Court hears argument of counsel and takes this matter under advisement. (VE) (Entered: 03/07/2023)
03/07/2023	164	MOTION Strike re 162 Notice-Other Errata, filed by Defendant State of Washington. Noting Date 3/24/2023, (Hughes, Andrew) (Entered: 03/07/2023)
03/09/2023	165	NOTICE of Conflict Affidavits Requested by Court ; filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Attachments: # 1 Exhibit Declaration of Benancio Garcia III, # 2 Exhibit Declaration of Jose Trevino, # 3 Exhibit Declaration of Alex Ybarra, # 4 Exhibit Declaration of Ismael Campos)(Stokesbary, Andrew) (Entered: 03/09/2023)
03/13/2023	166	ORDER re Washington State's 150 Motion Concerning Potential Conflicts of Interest. The Court finds that the Intervenor-Defendants have been adequately informed of the potential conflicts arising from counsels' representation of multiple individuals and that the clients' litigation positions are not directly adverse to each other. Signed by Judge Robert S. Lasnik. (LH) (Entered: 03/13/2023)
03/13/2023	167	NOTICE of Change of Address/Change of Name of Attorney Andrew R Stokesbary. Filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Stokesbary, Andrew) (Entered: 03/13/2023)
03/16/2023	168	APPLICATION OF ATTORNEY Erika Cervantes FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer (Fee Paid) Receipt No. AWAWDC-7930803 (Morfin, Eduardo) (Entered: 03/16/2023)

03/16/2023	169	NOTICE of Change of Address/Change of Name of Attorney Edwardo Morfin. Filed by All Plaintiffs. (Morfin, Edwardo) (Entered: 03/16/2023)
03/17/2023	170	ORDER re 168 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Erika Cervantes for Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (CDA) (Entered: 03/17/2023)
03/20/2023	171	RESPONSE, by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, to 164 MOTION Strike re 162 Notice-Other Errata. (Stokesbary, Andrew) (Entered: 03/20/2023)
03/24/2023	172	REPLY, filed by Defendant State of Washington, TO RESPONSE to 164 MOTION Strike re 162 Notice-Other Errata (Sepe, Cristina) (Entered: 03/24/2023)
04/20/2023	173	ORDER Striking Errata re Defendant's 164 Motion to Strike. The errata (Dkt. # 162 -1) is hereby STRICKEN. Signed by Judge Robert S. Lasnik. (LH) (Entered: 04/20/2023)
05/01/2023	174	MOTION Clarification Regarding Trial Schedule and Potential Bifurcation , filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. Noting Date 5/10/2023 5/19/2023 , (Gaber, Mark) Modified noting date on 5/2/2023 (LH). (Entered: 05/01/2023)
05/01/2023	175	MOTION to Expedite re Dkt. 174 Motion for Clarification Regarding Trial Setting, filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. Noting Date 5/1/2023, (Gaber, Mark) (Entered: 05/01/2023)
05/01/2023	176	NOTICE Regarding State's Position re 174 MOTION Clarification Regarding Trial Schedule and Potential Bifurcation ; filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Gaber, Mark) (Entered: 05/01/2023)
05/02/2023	177	ORDER granting Plaintiffs' 175 Motion to Expedite. The Court hereby renotes the Motion for Clarification (Dkt. # 174) for consideration on Wednesday, May 10, 2023. Responses and counterproposals shall be filed no later than noon on Tuesday, May 9th. The <i>Soto Palmer</i> plaintiffs may file a reply by 5:00 p.m. on Wednesday, May 10th. Signed by Judge Robert S. Lasnik. (LH) (Entered: 05/02/2023)
05/09/2023	178	RESPONSE, by Defendant Steven Hobbs, to 174 MOTION Clarification Regarding Trial Schedule and Potential Bifurcation . (Smith, Karl) (Entered: 05/09/2023)
05/09/2023	179	DECLARATION of Stuart Holmes in Support of Defendant Secretary of State Steven Hobbs's Response to Plaintiffs' Motion for Clarification Regarding Trial Schedule filed by Defendant Steven Hobbs re 174 MOTION Clarification Regarding Trial Schedule and Potential Bifurcation (Smith, Karl) (Entered: 05/09/2023)
05/09/2023	180	RESPONSE, by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Defendant State of Washington, to 174 MOTION Clarification Regarding Trial Schedule and Potential Bifurcation . (Stokesbary, Andrew) (Entered: 05/09/2023)
05/09/2023	181	RESPONSE, by Interested Party Washington State Redistricting Commissioners Unknown-Michael D McKay , to 174 MOTION Clarification Regarding Trial Schedule and Potential Bifurcation . (McKay, Michael) Modified filing party name on 5/10/2023 (LH). (Entered: 05/09/2023)

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05/09/2023	182	DECLARATION of Aaron Millstein In Support of Non-Party Commissioners' Statement in Response to Court Order filed by Interested Party Washington State Redistricting Commissioners Unknown-Michael D McKay re 174 MOTION Clarification Regarding Trial Schedule and Potential Bifurcation (McKay, Michael) Modified filing party name on 5/10/2023 (LH). (Entered: 05/09/2023)
05/10/2023		NOTE re Documents 182 and 181 . The appearances of attorneys Michael D. McKay and Aaron E. Millstein are not proper, and notices of electronic filing will not be sent until corrected. Filings must be in compliance with LCR 83.2(a) and ECF Filing Procedures . (LH) (cc: Attorneys McKay and Millstein via ECF ad hoc) (Entered: 05/10/2023)
05/10/2023	183	NOTICE of Appearance by attorney Aaron E Millstein on behalf of Interested Party Washington State Redistricting Commissioners. (Millstein, Aaron) (Entered: 05/10/2023)
05/10/2023		Attorney Michael D McKay added for Washington State Redistricting Commissioners, per 183 Notice of Appearance. (LH) (Entered: 05/10/2023)
05/10/2023	184	REPLY, filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, TO RESPONSE to 174 MOTION Clarification Regarding Trial Schedule and Potential Bifurcation (Gaber, Mark) (Entered: 05/10/2023)
05/10/2023	185	PRAECIPE re 184 Reply to Response to Motion by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer (Attachments: # 1 Corrected Reply Brief Regarding Motion for Clarification Regarding Trial and Potential Bifurcation) (Gaber, Mark) (Entered: 05/10/2023)
05/18/2023	186	MINUTE ORDER entered at the direction of Judge Robert S. Lasnik. Status Hearing set for 5/19/2023 at 12:00 PM before Judge Robert S. Lasnik. Hearing will be held via Zoom videoconference. (VE) (Entered: 05/18/2023)
05/19/2023	187	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Mark Gaber, Benjamin Phillips, Ernest Herrera, Edwardo Morfin, Annabelle Harless, Aseem Mulji, Chad Dunn, Simone Leeper, Sonni Waknin</i> ; Def Counsel: <i>Andrew Hughes, Cristina Sepe and Erica Franklin for Defendant State of Washington; Dallin Holt for Intervenor-Defendants; Karl Smith for Defendant Hobbs</i> ; CR: <i>Sheri Schelbert</i> ; STATUS CONFERENCE held on 5/19/2023. The Court and counsel discuss the trial schedule, trial location, witnesses, and time allocation. Counsel agree to waive opening statements. Expert reports will be admitted as substantive evidence. Exhibits and deposition designations to which there are no objections will be pre-admitted. Deposition designations are due 5/24/2023. After hearing from counsel, the Court determines that prior to commencing trial in the related matter of <i>Garcia v. Hobbs, et al.</i> , 3:22-cv-05152-RSL-DGE-LJCV, the Court will conduct an additional trial session in this matter on Friday, 6/2/2023. (VE) (Entered: 05/19/2023)
05/24/2023	188	APPLICATION OF ATTORNEY Caleb Acker FOR LEAVE TO APPEAR PRO HAC VICE for Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, Cross Claimants Jose A Trevino, Alex Ybarra (Fee Paid) Receipt No. AWAWDC-8020609 (Stokesbary, Andrew) (Entered: 05/24/2023)
05/24/2023	189	ORDER re 188 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Caleb Acker for Intervenor Defendants Ismael G Campos, Jose A Trevino, and Alex Ybarra by Clerk Ravi Subramanian. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be</i>

		<i>present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (JWC) (Entered: 05/24/2023)
05/24/2023	190	MINUTE ORDER AUTHORIZING FOOD AND LIQUIDS entered at the direction of Judge Robert S. Lasnik. The Court will permit the attorneys and staff in this matter to bring food and liquids into the courthouse for the bench trial scheduled to begin 6/2/2023. (cc: USMO, Courthouse Security Officers) (VE) (Entered: 05/24/2023)
05/24/2023	191	Proposed Pretrial Order by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Exhibit Augustine Deposition Designations, # 2 Exhibit Bradlee Deposition Designations, # 3 Exhibit Bridges Deposition Designations, # 4 Exhibit Campos, Ismael Deposition Designations, # 5 Exhibit Campos, Paul Deposition Designations, # 6 Exhibit Davis Deposition Designations, # 7 Exhibit Garcia Deposition Designations, # 8 Exhibit Hall Deposition Designations, # 9 Exhibit Lopez Deposition Designations, # 10 Exhibit Macias Deposition Designations, # 11 Exhibit McLean Deposition Designations, # 12 Exhibit Morfin Deposition Designations, # 13 Exhibit O'Neil Deposition Designations, # 14 Exhibit Trevino Deposition Designations, # 15 Exhibit Ybarra Deposition Designations) (Leeper, Simone) (Entered: 05/24/2023)
05/26/2023	192	MOTION for Leave to File <i>Under Seal Their Motion to Resolve State of Washington's Privilege Objection</i> , filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Proposed Order) Noting Date 6/2/2023, (Dunn, Chad) (Entered: 05/26/2023)
05/30/2023	193	ORDER denying Plaintiffs' 192 Motion for Leave to File Under Seal Their Motion to Resolve State of Washington's Privilege Objection. Signed by Judge Robert S. Lasnik. (LH) (Entered: 05/30/2023)
05/31/2023	194	TRIAL BRIEF by Defendant State of Washington. (Hughes, Andrew) (Entered: 05/31/2023)
05/31/2023	195	TRIAL BRIEF by Defendant Steven Hobbs. (Smith, Karl) (Entered: 05/31/2023)
05/31/2023	196	TRIAL BRIEF by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Gaber, Mark) (Entered: 05/31/2023)
05/31/2023	197	TRIAL BRIEF by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Stokesbary, Andrew) (Entered: 05/31/2023)
06/02/2023	198	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Mark Gaber, Benjamin Phillips, Ernest Herrera, Edwardo Morfin, Annabelle Harless, Aseem Mulji, Chad Dunn, Simone Leeper and Sonni Waknin</i> ; Def Counsel: <i>Andrew Hughes, Cristina Sepe and Erica Franklin for Defendant State of Washington; Dallin Holt, Caleb Acker and Andrew Stokesbary for Intervenor-Defendants; Karl Smith for Defendant Hobbs</i> ; Also Present: <i>Aaron Millstein for the Washington State Redistricting Commission</i> ; CR: <i>Debbie Zurn</i> ; BENCH TRIAL -- DAY 1 held on 6/2/2023. The Court hears argument of counsel and reserves ruling regarding whether there has been a privilege waiver as to Exhibit 508. Plaintiff's motion to exclude lay witnesses from the courtroom until completion of their testimony is granted. Faviola Lopez, Dr. Loren Collingwood, Dr. Josue Estrada and Sen. Rebecca Saldana are sworn and testify. Exhibits Admitted: 1-4, 6-121, 123, 126-137, 139, 141-146, 148-150, 152-159, 161-172, 174-198, 200-204, 206-210, 213-232, 234-238, 240-244, 246-283, 285-305, 307-309, 311-315, 317, 319-350, 352-363, 365, 367, 369-380, 382-390, 397-400, 402-404, 408-413, 418-436, 438-488, 490, 502, 505-531, 601-610, 1001-1020, 1043-1044, 1046, 1055-1056 and 1061-1065. Bench Trial to resume on 6/5/2023 at 8:30 AM before Judge Robert S. Lasnik. (VE) (Entered: 06/02/2023)

06/05/2023	199	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Mark Gaber, Benjamin Phillips, Ernest Herrera, Edwardo Morfin, Annabelle Harless, Aseem Mulji, Chad Dunn, Simone Leeper and Sonni Waknin</i> ; Def Counsel: <i>Andrew Hughes, Cristina Sepe and Erica Franklin for Defendant State of Washington; Dallin Holt, Caleb Acker, Andrew Stokesbary and Jason Torchinsky for Intervenor-Defendants; Karl Smith for Defendant Hobbs</i> ; CR: <i>Debbie Zurn</i> ; BENCH TRIAL -- DAY 2 held on 6/5/2023. April Sims, Susan Soto Palmer, Brady Walkinshaw and Anton Gross are sworn and testify. Exhibit Admitted: 611. Bench Trial to resume on 6/6/2023 at 8:30 AM before Judge Robert S. Lasnik. (VE) (Entered: 06/05/2023)
06/06/2023	200	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Mark Gaber, Benjamin Phillips, Ernest Herrera, Edwardo Morfin, Annabelle Harless, Aseem Mulji, Chad Dunn, Simone Leeper and Sonni Waknin</i> ; Def Counsel: <i>Andrew Hughes, Cristina Sepe and Erica Franklin for Defendant State of Washington; Dallin Holt, Caleb Acker, Andrew Stokesbary and Jason Torchinsky for Intervenor-Defendants; Karl Smith for Defendant Hobbs</i> ; CR: <i>Debbie Zurn</i> ; BENCH TRIAL -- DAY 3 held on 6/6/2023. Joe Fain, Dr. Mark Owens and Dr. Matt Barreto are sworn and testify. Exhibit Admitted: 417. Bench Trial to resume on 6/7/2023 at 8:30 AM before Judge Robert S. Lasnik. (VE) (Entered: 06/06/2023)
06/07/2023	201	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Mark Gaber, Benjamin Phillips, Ernest Herrera, Edwardo Morfin, Annabelle Harless, Aseem Mulji, Chad Dunn, Simone Leeper and Sonni Waknin</i> ; Def Counsel: <i>Andrew Hughes, Cristina Sepe and Erica Franklin for Defendant State of Washington; Dallin Holt, Caleb Acker, Andrew Stokesbary and Jason Torchinsky for Intervenor-Defendants; Karl Smith for Defendant Hobbs</i> ; CR: <i>Debbie Zurn</i> ; BENCH TRIAL -- DAY 4 held on 6/7/2023. Paul Graves, Alison O'Neil, Gabriel Portugal and Dr. John Alford are sworn and testify. Exhibits Admitted: 5, 140, 173, 368, 392, 393, 394, 395, 401, 405, 406, 407, 414, 415, 416, 437, 491, 492, 493, 494, 495, 497, 498, 499, 500, 501, 503, 504, 532, 1060 and 1066. Upon the agreement of the parties, in lieu of further live testimony, counsel may present additional exhibits and deposition designations for the Court's consideration. Counsel is directed to submit written closing arguments no later than 7/12/2023. A deadline to submit proposed Findings of Fact and Conclusions of Law will be set by the Court. (VE) (Entered: 06/08/2023)
06/07/2023	202	TRIAL WITNESS LIST (VE) (Entered: 06/08/2023)
06/07/2023	203	TRIAL EXHIBIT LIST (VE) (Entered: 06/08/2023)
06/16/2023	204	TRANSCRIPT REQUEST by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer for proceedings held on 06/02/2023, 06/05/2023, 06/06/2023, 06/07/2023 re 201 Bench Trial - Completed,,,, 200 Bench Trial - Held., 199 Bench Trial - Held,,, 198 Bench Trial - Begun,,,,,. Requesting Attorney: Benjamin Phillips. Posting of this Transcript Order form does not constitute an official request for transcript(s). If you have not already done so, you MUST contact the individual court reporter(s), Debbie Zurn (debbie_zurn@wawd.uscourts.gov, 206-370-8504) to make payment arrangements and secure your desired delivery time. (Phillips, Benjamin) (Entered: 06/16/2023)
06/28/2023	205	NOTICE of Filing of Supplemental Deposition Designations ; filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Exhibit McLean, Lisa Supplemental Deposition Designations, # 2 Exhibit Davis, Osta Supplemental Deposition Designations)(Mulji, Aseem) (Entered: 06/28/2023)

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06/29/2023	206	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Trial - Day 1 held on 6/2/2023 before Judge Robert S. Lasnik.</p> <p>Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov.</p> <p>To purchase a copy of the transcript, contact court reporter Debbie Zurn, debbie_zurn@wawd.uscourts.gov, 206-370-8504.</p> <p>Release of Transcript Restriction set for 9/27/2023, (DZ) (Entered: 06/29/2023)</p>
06/29/2023	207	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Trial - Day 2 held on 6/5/2023 before Judge Robert S. Lasnik.</p> <p>Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov.</p> <p>To purchase a copy of the transcript, contact court reporter Debbie Zurn, debbie_zurn@wawd.uscourts.gov, 206-370-8504.</p> <p>Release of Transcript Restriction set for 9/27/2023, (DZ) (Entered: 06/29/2023)</p>
06/29/2023	208	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Trial - Day 3 held on 6/6/2023 before Judge Robert S. Lasnik.</p> <p>Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov.</p> <p>To purchase a copy of the transcript, contact court reporter Debbie Zurn, debbie_zurn@wawd.uscourts.gov, 206-370-8504.</p> <p>Release of Transcript Restriction set for 9/27/2023, (DZ) (Entered: 06/29/2023)</p>
06/29/2023	209	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Trial - Day 4 held on 6/7/2023 before Judge Robert S. Lasnik.</p> <p>Parties have seven (7) calendar days to file with the court a Notice of Intent to Request</p>

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		<p>Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov.</p> <p>To purchase a copy of the transcript, contact court reporter Debbie Zurn, debbie_zurn@wawd.uscourts.gov, 206-370-8504.</p> <p>Release of Transcript Restriction set for 9/27/2023, (DZ) (Entered: 06/29/2023)</p>
07/12/2023	210	Unopposed MOTION for Leave to File Over-length Motions and Briefs , filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Attachments: # 1 Proposed Order) Noting Date 7/12/2023, (Stokesbary, Andrew) (Entered: 07/12/2023)
07/12/2023	211	STATEMENT of Defendant Steve Hobbs re: Closing Argument re 201 Bench Trial - Completed,,, by Defendant Steven Hobbs (Smith, Karl) (Entered: 07/12/2023)
07/12/2023	212	TRIAL BRIEF <i>Closing</i> by Defendant State of Washington. (Hughes, Andrew) (Entered: 07/12/2023)
07/12/2023	213	NOTICE of Filing Deposition Designations of <i>Caty Padilla</i> ; filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Caty Padilla Deposition Designations)(Gaber, Mark) (Entered: 07/12/2023)
07/12/2023	214	TRIAL BRIEF <i>Closing</i> by Plaintiffs Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer. (Gaber, Mark) (Entered: 07/12/2023)
07/12/2023	215	TRIAL BRIEF <i>Closing</i> by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Stokesbary, Andrew) (Entered: 07/12/2023)
07/12/2023	216	ORDER granting 210 Motion for Leave to File Over-length Motions and Briefs. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 07/13/2023)
08/01/2023	217	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Jeffrey T Even for Defendants Andy Billig, Laurie Jenkins. (Even, Jeffrey) (Entered: 08/01/2023)
08/10/2023	218	MEMORANDUM OF DECISION. The Clerk of Court is directed to enter judgment in plaintiffs' favor on their Section 2 claim. The State of Washington will be given an opportunity to adopt revised legislative district maps for the Yakima Valley region pursuant to the process set forth in the Washington State Constitution and state statutes, with the caveat that the revised maps must be fully adopted and enacted by February 7, 2024. The parties shall file a joint status report on January 8, 2024, notifying the Court whether a reconvened Commission was able to redraw and transmit to the Legislature a revised map by that date. If the Commission was unable to do so, the parties shall present proposed maps (jointly or separately) with supporting memoranda and exhibits for the Court's consideration on or before January 15, 2024. Regardless whether the State or the Court adopts the new redistricting plan, it will be transmitted to the Secretary of State on or before March 25, 2024, so that it will be in effect for the 2024 elections. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 08/10/2023)
08/11/2023	219	JUDGMENT BY COURT. Judgment is entered in favor of Plaintiffs on their Section 2 claim. The Court retains jurisdiction over the adoption of the new redistricting plan as set forth in the 218 Memorandum of Decision. (VE) (Entered: 08/11/2023)

08/17/2023	220	Unopposed MOTION for Extension of Time to <i>File Motion for Fees and Bill of Costs</i> , filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Proposed Order) Noting Date 8/17/2023, (Dunn, Chad) (Entered: 08/17/2023)
08/21/2023	221	ORDER granting Plaintiffs' 220 Unopposed Motion for Extension of Time. The deadlines for Plaintiffs to submit their motion for fees and bill of costs is extended to 30 days after the remedial process is complete, any appeal has been resolved, or the time to file a notice of appeal has elapsed, whichever of these three occurrences is latest. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 08/21/2023)
09/08/2023	222	NOTICE OF APPEAL to Ninth Circuit (23-35595) re 219 Judgment by Court, 218 Order, Set Deadlines, by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. \$505, receipt number AWAADC-8157153 (cc: USCA) (Stokesbary, Andrew) Modified on 9/13/2023 to add CCA#. (RE) (Entered: 09/08/2023)
09/12/2023	223	TIME SCHEDULE ORDER/USCA CASE NUMBER (23-35595) as to 222 Notice of Appeal, filed by Alex Ybarra, Ismael G Campos, Jose A Trevino. (RE) (Entered: 09/13/2023)
09/15/2023	224	ORDER. The State shall file a status report on or before 9/29/2023, formally notifying the Court regarding the Legislature's position. If, as appears to be the case, the Legislature intends to leave the redistricting process to the Court, additional input and information from the parties will be requested. Signed by Judge Robert S. Lasnik. (SB) (Entered: 09/15/2023)
09/29/2023	225	STATUS REPORT by Defendant State of Washington (Hughes, Andrew) (Entered: 09/29/2023)
09/29/2023	226	NOTICE of Appearance by attorney Joel B Ard on behalf of Interested Parties John Braun, Micheal Steele. (Ard, Joel) (Entered: 09/29/2023)
09/29/2023	227	STATEMENT of Minority Caucus Leaders by Interested Parties John Braun, Micheal Steele (Ard, Joel) (Entered: 09/29/2023)
10/02/2023	228	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Elana Sabovic Matt for Defendants Andy Billig, Laurie Jenkins. (Matt, Elana) (Entered: 10/02/2023)
10/03/2023	229	RESPONSE by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer re 225 Status Report, 227 Statement (Leeper, Simone) (Entered: 10/03/2023)
10/04/2023	230	ORDER. The parties shall meet and confer with the goal of reaching a consensus on a legislative district map that will provide equal electoral opportunities for both white and Latino voters in the Yakima Valley regions. If the parties are unable to reach agreement, they shall (a) further confer regarding nominees to act as Special Master to assist the Court in the assessment of proposed remedial plans and to make modifications to those plans as necessary and (b) file alternative remedial proposals and nominations on the schedule described herein. Signed by Judge Robert S. Lasnik. (SB) (Entered: 10/04/2023)
11/08/2023	231	NOTICE FROM US SUPREME COURT (23-484) to the 9th Circuit Court of Appeals (23-35595) re 222 Notice of Appeal. The petition for a writ of certiorari in the above entitled case was filed on November 3, 2023 and placed on the docket November 7, 2023 as No. 23-484. (RE) (Entered: 11/08/2023)
11/08/2023	232	Emergency MOTION to Stay <i>Proceedings</i> , filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Attachments: # 1 Proposed Order) Noting Date

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		11/24/2023 11/17/2023 , (Stokesbary, Andrew) Modified noting date on 11/9/2023 (MJV). (Entered: 11/08/2023)
11/09/2023	233	MINUTE ORDER. The Clerk of Court is directed to renote the 232 Motion to Stay on the Court's calendar for Friday, November 24, 2023. Authorized by Judge Robert S. Lasnik. (MJV) (Entered: 11/09/2023)
11/16/2023	234	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on 1/13/2023 before Judge Robert S. Lasnik.</p> <p>Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov.</p> <p>To purchase a copy of the transcript, contact court reporter Debbie Zurn, debbie_zurn@wawd.uscourts.gov, 206-370-8504.</p> <p>Release of Transcript Restriction set for 2/14/2024, (DZ) (Entered: 11/16/2023)</p>
11/20/2023	235	RESPONSE, by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, to 232 Emergency MOTION to Stay <i>Proceedings</i> . (Attachments: # 1 Proposed Order)(Dunn, Chad) (Entered: 11/20/2023)
11/20/2023	236	RESPONSE, by Defendant State of Washington, to 232 Emergency MOTION to Stay <i>Proceedings</i> . (Hughes, Andrew) (Entered: 11/20/2023)
11/20/2023	237	<p>TRANSCRIPT REQUEST by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra for proceedings held on 04/12/2022 03/07/2023, 05/19/2023 re 65 Motion Hearing,, 163 Motion Hearing,,, 187 Status Conference,,,,. Requesting Attorney: Andrew R Stokesbary.</p> <p>Posting of this Transcript Order form does not constitute an official request for transcript(s). If you have not already done so, you MUST contact the individual court reporter(s), Nickoline Drury (nickoline_drury@wawd.uscourts.gov, 206-370-8508), Sheri Schelbert (sheri_schelbert@wawd.uscourts.gov, 206-370-8507) to make payment arrangements and secure your desired delivery time. (Stokesbary, Andrew) (Entered: 11/20/2023)</p>
11/21/2023	238	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing held on 4/12/2022 before Judge Robert S. Lasnik.</p> <p>Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov.</p> <p>To purchase a copy of the transcript, contact court reporter Nickoline Drury,</p>

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		nickoline_drury@wawd.uscourts.gov, 206-370-8508. Release of Transcript Restriction set for 2/20/2024, (ND) (Entered: 11/21/2023)
11/22/2023	239	REPLY, filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, TO RESPONSE to 232 Emergency MOTION to Stay <i>Proceedings</i> (Stokesbary, Andrew) (Entered: 11/22/2023)
11/25/2023	240	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion for Inquiry held on 3/7/2023 before Judge Robert S. Lasnik. Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov . To purchase a copy of the transcript, contact court reporter Sheri Schelbert, sheri_schelbert@wawd.uscourts.gov, 206-370-8507. Release of Transcript Restriction set for 2/23/2024, (Schelbert, Sheri) (Entered: 11/25/2023)
11/25/2023	241	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference held on 5/19/2023 before Judge Robert S. Lasnik. Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov . To purchase a copy of the transcript, contact court reporter Sheri Schelbert, sheri_schelbert@wawd.uscourts.gov, 206-370-8507. Release of Transcript Restriction set for 2/23/2024, (Schelbert, Sheri) (Entered: 11/25/2023)
11/27/2023	242	ORDER denying Intervenor-Defendants' 232 Emergency Motion to Stay Proceedings. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 11/27/2023)
11/28/2023	243	REPRESENTATION STATEMENT, (23-35595) by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, (re: 222 Notice of Appeal..) (Stokesbary, Andrew) (Entered: 11/28/2023)
12/01/2023	244	Joint MOTION Joint Submission of Proposed Special Master Candidates , filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Exhibit Ex. A - Ely CV, # 2 Exhibit Ex. B - Ely Affidavit, # 3 Exhibit Ex. C - Mac Donald CV, # 4 Exhibit Ex. D - Mac Donald Statement, # 5 Exhibit

		Ex. E - Johnson CV, # 6 Exhibit Ex. F - Johnson Letter)(Harless, Annabelle) (Entered: 12/01/2023)
12/01/2023	245	OPENING BRIEF <i>in Support of Plaintiffs Remedial Proposals</i> by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer (Attachments: # 1 Ex. 1 - Dr. Oskooii Declaration, # 2 Ex. 2 - Dr. Collingwood Declaration)(Harless, Annabelle) (Entered: 12/01/2023)
12/20/2023	246	ORDER Regarding Retention of Karin Mac Donald re Parties' 244 Joint Submission of Proposed Special Master Candidates. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 12/20/2023)
12/21/2023	247	ORDER OF USCA (23-35595) as to 222 Notice of Appeal, filed by Alex Ybarra, Ismael G Campos, Jose A Trevino. (RE) (Entered: 12/21/2023)
12/22/2023	248	RESPONSE by Defendant Steven Hobbs re 245 Brief - Opening, (Smith, Karl) (Entered: 12/22/2023)
12/22/2023	249	DECLARATION of Nicholas Pharris in Support of Defendant Secretary of State Steven Hobbs's Response to Plaintiffs' Brief in Support of Remedial Proposals re 245 Brief - Opening, by Defendant Steven Hobbs (Smith, Karl) (Entered: 12/22/2023)
12/22/2023	250	RESPONSE by Defendant State of Washington re 245 Brief - Opening, <i>Response to Plaintiffs' Remedial Proposals</i> (Hughes, Andrew) (Entered: 12/22/2023)
12/22/2023	251	REPORT of <i>Sean P. Trende, Ph.D.</i> by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra (Stokesbary, Andrew) (Entered: 12/22/2023)
12/22/2023	252	RESPONSE by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra re 245 Brief - Opening, (Attachments: # 1 Exhibit A - Email from Sen. Nikki Torres, # 2 Exhibit B - Members of the Legislature, 1889-2019, # 3 Exhibit C - Op-Ed by Chair Sarah Augustine, # 4 Exhibit D - Yakama Nation June Letter to Commission, # 5 Exhibit E - Yakama Nation August Consultation Materials, # 6 Exhibit F - Yakama Nation November Letter to Commission, # 7 Exhibit G - Proposed Legislative Map of Commissioner Graves)(Stokesbary, Andrew) (Entered: 12/22/2023)
12/22/2023	253	MOTION to Intervene of <i>Senator Nikki Torres</i> Attorney Andrew R Stokesbary added to party Nikki Torres(pty:intv), filed by Intervenor Nikki Torres. (Attachments: # 1 [Proposed] Response in Opposition to Plaintiffs' Remedial Proposals, # 2 Proposed Order [Proposed] Order Granting Motion to Intervene) Noting Date 1/12/2024, (Stokesbary, Andrew) (Entered: 12/22/2023)
01/05/2024	254	REPLY BRIEF <i>in Support of Plaintiffs' Remedial Proposals</i> by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Exhibit Dr. Oksooii Rebuttal Report)(Mulji, Aseem) (Entered: 01/05/2024)
01/08/2024	255	RESPONSE, by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, to 253 MOTION to Intervene of <i>Senator Nikki Torres</i> Attorney Andrew R Stokesbary added to party Nikki Torres(pty:intv). (Attachments: # 1 Exhibit 1: Torres Subpoena Response)(Gaber, Mark) (Entered: 01/08/2024)
01/08/2024	256	RESPONSE, by Defendant State of Washington, to 253 MOTION to Intervene of <i>Senator Nikki Torres</i> Attorney Andrew R Stokesbary added to party Nikki Torres(pty:intv). (Hughes, Andrew) (Entered: 01/08/2024)
01/10/2024	257	REPLY, filed by Intervenor Nikki Torres, TO RESPONSE to 253 MOTION to Intervene of <i>Senator Nikki Torres</i> Attorney Andrew R Stokesbary added to party Nikki Torres(pty:intv) (Stokesbary, Andrew) (Entered: 01/10/2024)

01/19/2024	258	MOTION to Suspend Remedial Proceedings for Want of Jurisdiction or Order an Evidentiary Hearing , filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Attachments: # 1 Proposed Order Granting Motion to Suspend Remedial Proceedings or Order an Evidentiary Hearing) Noting Date 2/9/2024. (Stokesbary, Andrew) (Entered: 01/19/2024)
01/22/2024	259	ORDER denying Senator Nikki Torres' 253 Motion to Intervene. The Court will, however, consider Senator Torres' submission, Dkt. # 253 -1, when selecting a remedy in this case. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 01/22/2024)
01/25/2024	260	MINUTE ORDER entered at the direction of Judge Robert S. Lasnik. Oral argument regarding remedial proposals is scheduled for 2/9/2024 at 9:30 AM in Courtroom 15106 before Judge Robert S. Lasnik. The Court has allocated one hour for this hearing. (VE) (Entered: 01/25/2024)
01/25/2024	261	ORDER OF USCA (23-35595) as to 222 Notice of Appeal, filed by Alex Ybarra, Ismael G Campos, Jose A Trevino. The motion to hold briefing in this appeal in abeyance pending the district court's order adopting a remedial map (Docket Entry No. 48) is granted. Within 60 days after the date of this order, or within 14 days after the district court's order adopting the new map, whichever occurs first, the parties must file a report on the status of district court proceedings, which may include any motion for appropriate relief. The motion for an extension of time to file the opening brief (Docket Entry No. 50) is denied as moot. Briefing is stayed pending further court order. (RE) (Entered: 01/30/2024)
02/05/2024	262	RESPONSE, by Defendant State of Washington, to 258 MOTION to Suspend Remedial Proceedings for Want of Jurisdiction or Order an Evidentiary Hearing . (Hughes, Andrew) (Entered: 02/05/2024)
02/05/2024	263	RESPONSE, by Plaintiffs Fabiola Lopez, Alberto Macias, Heliodora Morfin, Caty Padilla, Susan Soto Palmer, to 258 MOTION to Suspend Remedial Proceedings for Want of Jurisdiction or Order an Evidentiary Hearing . (Gaber, Mark) (Entered: 02/05/2024)
02/08/2024	264	REPLY, filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, TO RESPONSE to 258 MOTION to Suspend Remedial Proceedings for Want of Jurisdiction or Order an Evidentiary Hearing (Stokesbary, Andrew) (Entered: 02/08/2024)
02/09/2024	265	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Sonni Waknin, Ernest Herrera, Edwardo Morfin, Aseem Mulji and Chad Dunn</i> ; Def Counsel: <i>Andrew Hughes and Cristina Sepe for Defendant State of Washington; Andrew Stokesbary and Dallin Holt for Intervenor-Defendants; Karl Smith for Defendant Hobbs</i> ; CR: <i>Nancy Bauer</i> ; MOTION HEARING held on 2/9/2024. The Court hears argument of counsel regarding remedial proposals. The Court denies 258 MOTION to Suspend Remedial Proceedings for Want of Jurisdiction filed by Intervenor-Defendants. Evidentiary Hearing set for 3/8/2024 at 1:30 PM in Courtroom 15106 before Judge Robert S. Lasnik. Written order to follow. (Entered: 02/09/2024)
02/09/2024	266	ORDER. An evidentiary hearing regarding remedial proposals, in particular, Remedial Map 3A, is scheduled for 3/8/2024, at 1:30 p.m. in Courtroom 15106, before Judge Robert S. Lasnik. On or before 2/15/2024, the Intervenor-Defendants shall identify the usual and accustomed hunting and fishing grounds of the Yakama Nation, off-Reservation trust parcels, and/or traditional family homestead that they maintain are not included in LD 14 in Remedial Map 3A. See Dkt. # 252 at 12. The disclosure shall include the data set from which the information is gleaned, screenshots of a map showing the excluded areas, and the number of people impacted. The parties may supplement their expert reports regarding Remedial Map 3A on or before 2/23/2024. They may file rebuttal expert

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		reports on or before 3/1/2024. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 02/09/2024)
02/12/2024		***Motion terminated: 258 MOTION to Suspend Remedial Proceedings for Want of Jurisdiction or Order an Evidentiary Hearing filed by Alex Ybarra, Ismael G Campos, Jose A Trevino is terminated. Motion was denied by the Court at the 2/9/2024 hearing. (VE) (Entered: 02/12/2024)
02/15/2024	267	MEMORANDUM filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra re 258 MOTION to Suspend Remedial Proceedings for Want of Jurisdiction or Order an Evidentiary Hearing (Attachments: # 1 Exhibit A - Letter from Yakama Nation to Attorney General)(Stokesbary, Andrew) (Entered: 02/15/2024)
02/20/2024	268	ORDER FROM US SUPREME COURT (23-484) (23-35595) re 222 Notice of Appeal. The Court today entered the following order in the above-entitled case: The petition for a writ of certiorari is denied. (RE) (Entered: 02/21/2024)
02/23/2024	269	MEMORANDUM re 245 Brief - Opening, 266 Order,,, Set Deadlines,,, by Defendant Steven Hobbs (Smith, Karl) (Entered: 02/23/2024)
02/23/2024	270	DECLARATION of Nicholas Pharris in Support of Defendant Secretary of State Steven Hobbs's Memorandum Regarding Remedial Maps re 245 Brief - Opening, 266 Order,,, Set Deadlines,,, by Defendant Steven Hobbs (Smith, Karl) (Entered: 02/23/2024)
02/23/2024	271	NOTICE of Appearance by attorneys Ethan A. Jones and Anthony S Aronica on behalf of Interested Party Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation"). (MJV) (Entered: 02/23/2024)
02/23/2024	272	STATEMENT by Interested Party Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation"). (MJV) (Entered: 02/23/2024)
02/23/2024	273	REPORT (<i>Supplemental</i>) of Sean P. Trende, Ph.D. by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra (Stokesbary, Andrew) (Entered: 02/23/2024)
02/23/2024	274	REPORT <i>Supplemental of Dr. Loren Collingwood</i> by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer (Harless, Annabelle) (Entered: 02/23/2024)
02/26/2024	275	TRANSCRIPT REQUEST by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra for proceedings held on 02/09/2024 re 265 In Court Hearing,,, Set Hearings,,, Requesting Attorney: Andrew R Stokesbary. Posting of this Transcript Order form does not constitute an official request for transcript(s). If you have not already done so, you MUST contact the individual court reporter(s) Nancy Bauer (nancy_bauer@wawd.uscourts.gov, 206-370-8506) to make payment arrangements and secure your desired delivery time. (Stokesbary, Andrew) (Entered: 02/26/2024)
02/29/2024	276	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of the oral argument on remedial issues held on 2/9/2024 before Judge Robert S. Lasnik. Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found

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		on the court's website at www.wawd.uscourts.gov .
		To purchase a copy of the transcript, contact court reporter Nancy Bauer, nancy_bauer@wawd.uscourts.gov , 206-370-8506.
		Release of Transcript Restriction set for 5/29/2024, (NB) (Entered: 02/29/2024)
03/01/2024	277	REPORT <i>Supplemental of Dr. Kassra Oskooii</i> by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer (Mulji, Aseem) (Entered: 03/01/2024)
03/01/2024	278	REPORT <i>Supplemental of Dr. Loren Collingwood</i> by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer (Mulji, Aseem) (Entered: 03/01/2024)
03/03/2024	279	Unopposed MOTION to Extend Time of, and Establish Procedures for, Remedial Evidentiary Hearing , filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Attachments: # 1 Proposed Order Granting Intervenor-Defendants Motion to Extend Time of, and Establish Procedures for, Remedial Evidentiary Hearing) Noting Date 3/22/2024, (Stokesbary, Andrew) Modified on 3/4/2024 to indicate motion is not unopposed. (VE) (Entered: 03/03/2024)
03/03/2024	280	Unopposed MOTION to Expedite <i>Consideration of Intervenor-Defendants' Motion to Extend Time of, and Establish Procedures for, Remedial Evidentiary Hearing</i> , filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. Noting Date 3/4/2024, (Stokesbary, Andrew) (Entered: 03/03/2024)
03/04/2024	281	RESPONSE, by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer, to 279 Unopposed MOTION to Extend Time of, and Establish Procedures for, Remedial Evidentiary Hearing . (Leeper, Simone) (Entered: 03/04/2024)
03/04/2024	282	ORDER granting 280 Motion to Expedite. Intervenor-Defendants shall file their reply to Dkt. # 281 by midnight tonight. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 03/04/2024)
03/04/2024	283	REPLY, filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra, TO RESPONSE to 279 Unopposed MOTION to Extend Time of, and Establish Procedures for, Remedial Evidentiary Hearing (Stokesbary, Andrew) (Entered: 03/04/2024)
03/05/2024	284	ORDER REGARDING EVIDENTIARY HEARING PROCEDURES re Intervenor-Defendants' 279 Motion. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 03/06/2024)
03/08/2024	285	MINUTE ENTRY for proceedings held before Judge Robert S. Lasnik - Dep Clerk: <i>Victoria Ericksen</i> ; Pla Counsel: <i>Annabelle Harless, Simone Leeper, Aseem Mulji, Benjamin Phillips and Ernest Herrera</i> ; Def Counsel: <i>Caleb Acker, Dallin Holt and Andrew Stokesbary for Intervenor-Defendants; Andrew Hughes and Cristina Sepe for Defendant State of Washington; Karl Smith for Defendant Hobbs</i> ; CR: <i>Nickie Drury</i> ; EVIDENTIARY HEARING held on 3/8/2024. Dr. Loren Collingwood, Dr. Kassra Oskooii and Caty Padilla are sworn and testify. Anthony Aronica addresses the Court on behalf of Interested Party Confederated Tribes and Bands of the Yakama Nation. Dr. Sean Trende is sworn and testifies. Dr. Kassra Oskooii is recalled in rebuttal. Dr. Sean Trende is recalled in rebuttal. Exhibits Admitted: 533-538. The Court takes this matter under advisement. (VE) (Entered: 03/08/2024)
03/11/2024	286	DECLARATION of Nicholas Pharris Regarding Remedial Maps re 245 Brief - Opening, by Defendant Steven Hobbs (Attachments: # 1 Exhibit A-B (Sunnyside Ordinance and

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		annex map))(Smith, Karl) (Entered: 03/11/2024)
03/12/2024	287	TRANSCRIPT REQUEST by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra for proceedings held on 03/08/2024 re 285 Evidentiary Hearing,... Requesting Attorney: Andrew R Stokesbary. Posting of this Transcript Order form does not constitute an official request for transcript(s). If you have not already done so, you MUST contact the individual court reporter(s), Nickoline Drury (nickoline_drury@wawd.uscourts.gov, 206-370-8508) to make payment arrangements and secure your desired delivery time. (Stokesbary, Andrew) (Entered: 03/12/2024)
03/13/2024	288	NOTICE (<i>Plaintiffs' Notice of Filing Remedial Map 3B and Proposed Order</i>) ; filed by Plaintiffs Fabiola Lopez, Alberto Macias, Heliadora Morfin, Caty Padilla, Susan Soto Palmer. (Attachments: # 1 Proposed Order)(Gaber, Mark) (Additional attachment(s) added on 3/14/2024: # 2 Remedy Map 3 csv, # 3 Map 3B) (VE) (Entered: 03/13/2024)
03/13/2024	289	DECLARATION of Sean P. Trende, Ph.D. by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra (Stokesbary, Andrew) (Additional attachment(s) added on 3/15/2024: # 1 Intervenor-Defendant Revised Map) (VE) (Entered: 03/13/2024)
03/15/2024	290	ORDER REGARDING REMEDY. The Secretary of State is hereby ORDERED to conduct future elections according to Remedial Map 3B (Dkt. # 288), with the adjustments herein. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 03/15/2024)
03/15/2024	291	NOTICE OF Emergency APPEAL to Ninth Circuit (24-1602) re 290 Order by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. \$605, receipt number AWAWDC-8392051 (cc: USCA) (Stokesbary, Andrew) Modified on 3/22/2024 to add CCA#. (RE) (Entered: 03/15/2024)
03/15/2024	292	NOTICE of Motion for Stay re 291 Notice of Appeal ; filed by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. (Stokesbary, Andrew) (Entered: 03/15/2024)
03/18/2024	293	ORDER re Intervenor-Defendant's 292 Notice of Motion for Stay Based on Constructive Denial. Signed by Judge Robert S. Lasnik. (MJV) (Entered: 03/18/2024)
03/19/2024	294	TIME SCHEDULE ORDER/USCA CASE NUMBER (24-1602) as to 291 Notice of Appeal, filed by Alex Ybarra, Ismael G Campos, Jose A Trevino. (RE) (Entered: 03/22/2024)
03/19/2024	295	ORDER OF USCA (24-1602) as to 291 Notice of Appeal, filed by Alex Ybarra, Ismael G Campos, Jose A Trevino. (RE) (Entered: 03/22/2024)
03/22/2024	296	ORDER OF USCA (24-1602) as to 291 Notice of Appeal, filed by Alex Ybarra, Ismael G Campos, Jose A Trevino. (RE) (Entered: 03/25/2024)
03/26/2024	297	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Evidentiary Hearing held on 3/8/2024 before Judge Robert S. Lasnik. Parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Information regarding the policy can be found on the court's website at www.wawd.uscourts.gov .

		To purchase a copy of the transcript, contact court reporter Nickoline Drury, nickoline_drury@wawd.uscourts.gov, 206-370-8508. Release of Transcript Restriction set for 6/24/2024, (ND) (Entered: 03/26/2024)
03/29/2024	298	TRANSCRIPT DESIGNATION (#24-1602) by Intervenor Defendants Ismael G Campos, Jose A Trevino, Alex Ybarra. Requesting Attorney: Andrew R Stokesbary. (Stokesbary, Andrew) (Entered: 03/29/2024)
05/21/2024	299	ORDER OF USCA (23-35595, 24-1602) as to 291 Notice of Appeal, filed by Alex Ybarra, Ismael G Campos, Jose A Trevino, 222 Notice of Appeal, filed by Alex Ybarra, Ismael G Campos, Jose A Trevino. (RE) (Entered: 05/22/2024)

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