

Groffman

To: Joint Legislative Committee on Redistricting

From: Dr. Lisa Handley

Re: Dr. King presentation to the Arizona Independent Redistricting Commission

Date: March 30, 2012

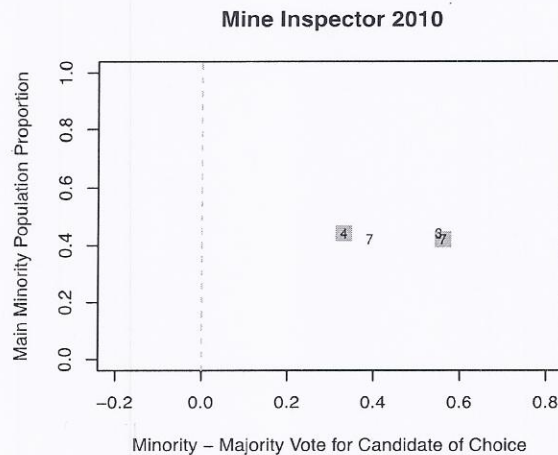
I have reviewed Dr. Gary King's presentation to the Redistricting Commission and this memo provides my comments on his work and the conclusions he draws on the basis of this work.

Racial Bloc Voting Analysis

Dr. Gary King's racial bloc voting analysis considered only the vote differential between the percentage of minority voters who supported the minority-preferred candidate and the percentage of white voters who supported the minority-preferred candidate.¹ Because the vote differential is consistently substantial, we know that the voting patterns of the two groups are different – and quite likely to be polarized.

However, we cannot tell by looking at Dr. King's graphs how cohesive minority voters are, nor can we tell whether white voters, voting alone, would usually defeat the minority-preferred candidate.² For example, a "30" on the horizontal axis of one of

¹In the graph below, for example, the vote differential for the Hispanic candidate competing for Mine Inspector in 2010 was approximately 30% in Benchmark Congressional District 4. This can be determined by looking at the placement of the "4" with relation to the horizontal axis. (The position of the "4" on the vertical axis indicates the minority composition of the district – in this case, slightly over 40% Hispanic).



²A racial bloc voting analysis is conducted in order to determine if the minority group is politically cohesive and if whites vote sufficiently as a bloc to enable it to usually to defeat the minority's preferred candidate.

Dr. King's graphs could mean that 95% of the minority voters and 65% of the white voters supported the minority-preferred candidate, or it could mean that that 55% of the Hispanic voters and 25% of the white voters supported the minority-preferred candidate. These two examples point to very different situations: in the first instance, Hispanics are very cohesive and white voters, though less enthusiastic about the minority-preferred candidate, are still voting to elect that candidate. In the second instance, Hispanics are less cohesive, and white voters are bloc voting to defeat the minority-preferred candidate. While it is probably safe to assume that the latter example is more likely to be indicative of actual voting patterns in most areas of Arizona, this is not evident from Dr. King's presentation or handout.

A more important consequence of this missing information is that it is not possible to determine the percentage minority voting age population required to create an effective minority district – that is, a district that provides minority voters with the ability to elect their candidates of choice to office. To calculate this percentage for any given area, it is necessary to know how cohesive minority voters are likely to be, and how much white crossover vote minority-preferred candidates are likely to obtain.

Another problem with Dr. King's analysis as presented to the Board is that the contests considered were quite limited – for example, no primary elections were analyzed – and included contests that offered no minority candidates (US presidential election of 2004). Even more important, however, is the fact that the contests examined did not include the most relevant election contests – that is, the congressional and state legislative contests for the congressional and legislative districts at issue. The Department of Justice will first and foremost want to examine voting patterns in these “endogenous” contests, and will conduct its own racial bloc voting analysis of these elections before it ever considers voting patterns in the exogenous contests included in Dr. King's report.³

Benchmark Plan versus Proposed Plan

The determination that the Proposed Plan is not retrogressive is based on a series of exogenous (non-legislative) elections that leads Dr. King to conclude that Benchmark Districts 23, 24 and 25 are not effective minority districts.⁴ However, this

³The term “endogenous” is used to denote election contests for the office at issue – in this case congressional elections for the congressional plan and state legislative elections for the state legislative plan. All other elections are typically referred to as “exogenous” contests.

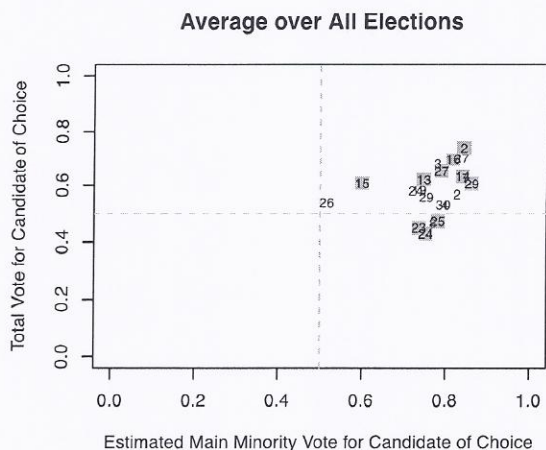
⁴In the graph below, for example, Benchmark districts 23, 24 and 25 fall below the horizontal axis indicating the minority-preferred candidate received, on average, less than 50% of the total vote (hence lost the election) in the general elections considered. (The placement of these districts right of the vertical axis indicates the majority of minority voters supported this candidate, ensuring that the candidate has been correctly identified as the minority-preferred candidate.)

determination could be in error. The Department of Justice will turn first to the state legislative elections over the past decade to determine if these three districts (as well as all of the other conceivable benchmark minority districts) have been effective at electing the minority-preferred candidate to office. If any of these districts have consistently elected the Hispanic-preferred candidate to the legislature, then the conclusion that the Proposed Plan is not retrogressive must be revisited because the number of effective minority districts in the Benchmark Plan will be higher than the number in the graphs offered by Dr. King suggest.⁵

In summary, the analysis conducted by Dr. King as presented to the Redistricting Commission is missing an essential component in assessing what districts to include as effective minority districts in the Benchmark Plan: whether the districts have demonstrated the ability to elect minority-preferred candidates to legislative office. Because this analysis has not been done, a determination of whether the Proposed Plan is retrogressive cannot be made on the basis of Dr. King's work.

Can the Proposed Plan be Modified to be More Effective for Minority Voters?

Dr. King investigates the question of whether the Proposed Plan could be redrawn in such a way that it offers minority voters a better opportunity to elect their preferred candidates.⁶ His analysis does not, however, address the broader issue of whether a



⁵Dr. King concluded, on the basis of his analysis of only exogenous elections, that only seven of the Benchmark districts with substantial Hispanic populations provided minority voters the ability to elect candidates of their choice – Districts 23, 24 and 25 did not.

⁶To be more precise, Dr. King's analysis is designed to measure how difficult it would be to alter the minority districts in the Proposed Plan so that any given district would provide minority voters with the ability to elect their preferred candidate with 55% of the total vote in select statewide contests.

plan that provides minority voters with a greater ability to elect candidates of their choice to legislative office is possible. The reason is simple: Dr. King's analysis uses only the Proposed Plan as a base; it does not consider a complete redrawing of the proposed legislative district boundaries. Furthermore, Dr. King's approach considers including only Hispanic population in territory adjacent to a given district that is not already assigned to a majority Hispanic district. So, for example, even if a neighboring minority district had far more minority voters than needed to elect minority-preferred candidates to office, these voters would not be moved into the district at issue.

The Department of Justice will not take such a narrow approach to assessing whether alternatives exist that would provide minority voters with a greater ability to elect candidates of choice. Not only will the Department consider alternative plans – with conceivably substantially different district configurations – proposed by interested minority groups but rejected by the Redistricting Commission; it could well attempt to draw its own district plans.⁷

Conclusion

Because Dr. King's analysis is incomplete, I do not believe we can conclude that the Proposed Plans are not retrogressive. The Department of Justice will conduct additional analyses, the results of which may or may not support Dr. King's assessment.

⁷ The Department of Justice is likely to resort to drawing plans only if the jurisdiction contends that it was not possible to draw a plan that was not retrogressive.