

Drawing Districts that Provide Minority Voters with an Opportunity to Elect Their Candidates of Choice

Dr. Lisa Handley

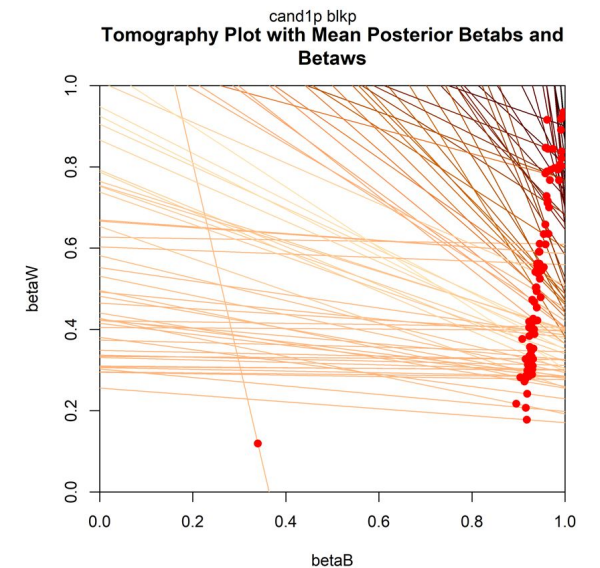
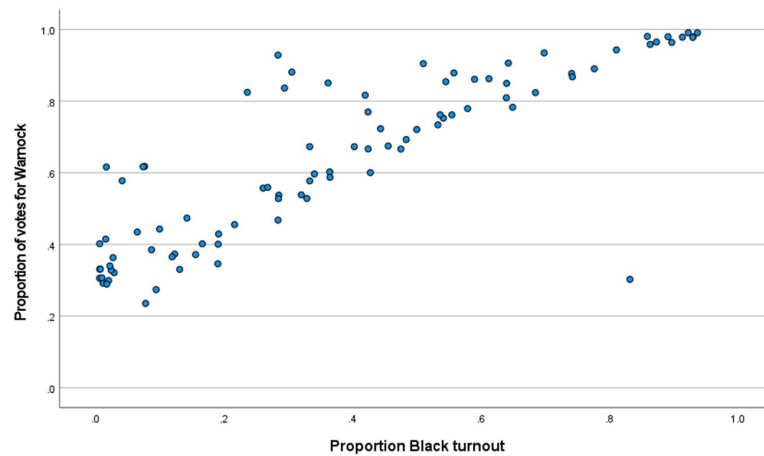
Complying with the Voting Rights Act

- If, based on a racial bloc voting (RBV) analysis, it is determined voting is racially polarized, and candidates preferred by a politically cohesive minority group are usually defeated by white voters not supporting these candidates, a district(s) that offers minority voters an opportunity to elect their candidates of choice must be drawn.
- If such districts already exist, and minority-preferred candidates are winning only because these districts exist, then these minority districts must be maintained in a manner that continues to provide minority voters with an opportunity to elect their preferred candidates.

Analyzing Voting Behavior by Race

Two standard statistical techniques for estimating voting patterns of minority and white voters:

- Ecological regression analysis (ER)
- Ecological inference analysis (EI)



Analysis of recent election: Apache and Navajo Counties

Apache & Navajo Counties	Party	Race	Vote Percent	Estimates for Native American Voters			Estimates for NonNative American Voters		
				ER	EI	HP	ER	EI	HP
2018 General Election									
State Senate District 7 (split)									
Peshlakai (62.7)	D	NativeAm	64.9%	92.0%	92.3%	89.7%	20.1%	19.5%	22.8%
Mealer (32.8)	R	NHWhite	35.1%	8.0%	7.7%	10.3%	79.9%	80.5%	77.2%
<i>estimated turnout</i>				48.9%	46.4%	40.7%	60.1%	50.9%	44.7%

Drawing Minority Opportunity Districts

- Line drawers cannot simply set an arbitrary demographic target (e.g., 50% black voting age population) for all minority districts across the jurisdiction (*Alabama Legislative Black Caucus v. Alabama*, 2015).
- A district-specific, functional analysis is required to determine if a proposed district will provide minority voters with the ability to elect minority-preferred candidates to office.

District-specific, Function Approaches

- Estimates of participation rates, minority cohesion and white crossover voting for minority-preferred candidates derived from the RBV analysis can be used to calculate the percent minority population needed in a specific area for minority-preferred candidates to win a district in that area.
- Election results from previous contests that included minority-preferred candidates (“bellwether elections” as identified by the RBV analysis) can be recompiled to reflect the boundaries of the proposed district to determine if minority-preferred candidates would consistently carry this proposed district.

Calculating the Percent Minority Needed to Win

Example:

Population: District has 1000 persons of voting age, 50% of whom are Black and 50% of whom are white.

Turnout: Black turnout is lower than white turnout in our hypothetical election: 50% of Blacks of voting age turn out to vote and 60% of whites vote. This means that, for our illustrative example, there are 250 Black voters and 300 white voters.

Votes: Black voters strongly support their candidate of choice with 96% of their votes. Only 30% of the white voters cast their votes for this candidate (with the other 70% supporting her opponent in the election contest).

Mathematics of Electing Candidates of Choice

	Voters	Votes for Black-Preferred Candidate	Votes for White-Preferred Candidate
Blacks	$500 \times .50 = 250$	$250 \times .96 = 240$	$250 \times .04 = 10$
Whites	$500 \times .60 = 300$	$300 \times .30 = 90$	$300 \times .70 = 210$
Votes	550	330	220

Conclusion: The candidate of choice of Black voters received a total of 330 votes (240 from Black voters and 90 from white voters), while the candidate preferred by white voters received only 220 votes (10 from Black voters and 210 from white voters). The Black-preferred candidate won the election with 60% (330/550) of the vote in this hypothetical 50% Black VAP district.

Percent Native American CVAP Needed to Elect Candidates of Choice: Apache and Navajo Counties

Apache and Navajo Counties Percent Native American CVAP needed to win	race of NA-P candidate	turnout rate and percent vote for Native American-preferred candidates						percent of vote NA-P cand would have received if district was 60% Native American CVAP	percent of vote NA-P cand would have received if district was 55% Native American CVAP	percent of vote NA-P cand would have received if district was 50% Native American CVAP	percent of vote NA-P cand would have received if district was 45% Native American CVAP	percent of vote NA-P cand would have received if district was 40% Native American CVAP	percent Native American CVAP must exceed for NA-P candidate to win	comments
		Native American votes			NonNative American votes									
		votes cast for office	NA-P	all others	votes cast for office	NA-P	all others							
2018 Governor	H	46.2	76.9	23.1	54.3	13.0	87.0	48.8	45.6	42.4	39.2	36.1	61.8	polarized
2018 Attorney General	H	45.5	85.6	14.4	53.1	18.0	82.0	56.0	52.6	49.2	45.9	42.6	51.2	polarized
2018 Cong District 1	W	46.2	87.0	13.0	53.9	23.8	76.2	59.4	56.1	53.0	49.9	46.8	45.2	polarized
2018 St Sen District 7	NA	46.4	92.3	7.7	50.9	19.5	80.5	61.5	57.9	54.2	50.6	47.0	44.2	polarized
2020 Cong District 1	W	66.3	86.9	13.1	71.2	20.5	79.5	59.2	55.8	52.5	49.2	45.9	46.2	polarized

Apache & Navajo Counties	Party	Race	Vote Percent	Estimates for Native American Voters			Estimates for NonNative American Voters		
				ER	EI	HP	ER	EI	HP
2018 General Election									
State Senate District 7 (split)									
Peshlakai (62.7)	D	NativeAm	64.9%	92.0%	92.3%	89.7%	20.1%	19.5%	22.8%
Mealer (32.8)	R	NHWhite	35.1%	8.0%	7.7%	10.3%	79.9%	80.5%	77.2%
estimated turnout				48.9%	46.4%	40.7%	60.1%	50.9%	44.7%

Percent Hispanic CVAP Needed to Elect Candidates of Choice: Maricopa County Contests with Minority Candidates

Maricopa County Percent Hispanic CVAP needed to win	race of H-P candidate	turnout rate and percent vote for Hispanic-preferred candidates						percent of vote H-P cand would have received if district was 60% Hispanic CVAP	percent of vote H-P cand would have received if district was 55% Hispanic CVAP	percent of vote H-P cand would have received if district was 50% Hispanic CVAP	percent of vote H-P cand would have received if district was 45% Hispanic CVAP	percent of vote H-P cand would have received if district was 40% Hispanic CVAP	percent Hispanic CVAP district must exceed for H-P candidate to win	comments
		Hispanic votes			NonHispanic votes									
		votes cast for office	H-P	all others	votes cast for office	H-P	all others							
2018 Governor	H	27.4	97.8	2.2	55.7	34.4	65.6	61.3	58.2	55.3	52.6	50.1	39.9	polarized
2018 Attorney General	H	27.4	99.1	0.9	54.6	40.8	59.2	65.8	63.0	60.3	57.8	55.4	27.2	polarized
2018 Cong District 6	A	27.6	99.6	0.4	58.0	41.5	58.5	65.7	62.9	60.2	57.8	55.5	26.5	polarized
2018 Cong District 7	H	23.4	92.5	7.5	40.6	80.2	19.8	85.9	85.3	84.7	84.1	83.6		not polarized
2018 Cong District 8	A	32.4	100.0	0.0	56.6	39.6	60.4	67.5	64.5	61.6	58.9	56.3	26.7	polarized
2020 Cong District 3	H	47.2	100.0	0.0	70.6	21.4	78.6	60.8	56.7	52.9	49.2	45.6	46.1	polarized
2020 Cong District 4	H	75.8	75.2	24.8	99.2	21.1	78.9	50.0	47.2	44.5	41.9	39.4	60.0	polarized
2020 Cong District 6	A	46.0	99.3	0.7	78.6	43.9	56.1	69.8	67.0	64.4	61.8	59.4	17.5	polarized
2020 Cong District 7	H	39.1	92.5	7.5	65.1	63.2	36.8	77.1	75.6	74.2	72.9	71.6		not polarized
2020 St Sen District 4	H	50.5	100.0	0.0	73.9	25.1	74.9	63.0	59.2	55.5	52.0	48.5	42.2	polarized
2020 St Sen District 12	B	61.7	98.2	1.8	96.3	31.6	68.4	64.2	60.8	57.6	54.5	51.5	37.3	polarized
2020 St Sen District 27	H	45.5	99.7	0.3	66.1	65.6	34.4	82.9	81.2	79.5	77.9	76.3		not polarized
2020 St Sen District 29	H	38.9	100.0	0.0	61.6	42.4	57.6	70.4	67.5	64.7	62.0	59.5	19.4	polarized

Conclusion

- A racial bloc voting analysis is required to determine if voting is polarized in areas of the State with minority concentrations.
- If voting is polarized, a district-specific, functional analysis should be conducted to ensure that districts are drawn so that they provide minority voters with an opportunity to elect their candidates of choice without unnecessarily packing the district.

Caveat: None of this is to say that you cannot or should not draw districts with substantial minority populations if they are a geographically concentrated community of interest – you certainly can do this so long as race is not the predominant factor in the creation of these districts.