

**ANALYZING VOTING PATTERNS
TO DETERMINE IF A
REDISTRICTING PLAN COMPLIES
WITH THE VOTING RIGHTS ACT**

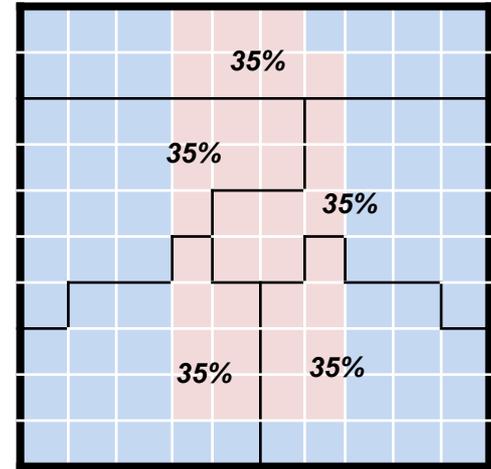
Dr. Lisa Handley

Redistricting Plans that Violate the Voting Rights Act

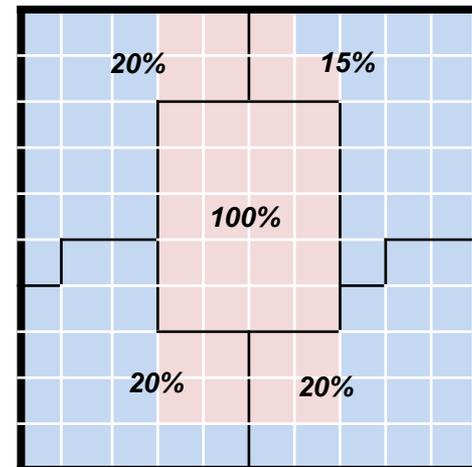
Redistricting plans cannot:

- crack, or
- pack

a geographically concentrated minority community across districts or within a district in a manner that dilutes their voting strength.



Plan that cracks minority community across 5 districts



Plan that packs minority community into single district

Thornburg v. Gingles: Three-Pronged Test

U.S. Supreme Court held that plaintiffs must satisfy three preconditions to qualify for relief under Section 2 of the Voting Rights Act:

- The minority group must be sufficiently large and geographically compact to form a majority in a single-member district
- The minority group must be politically cohesive
- Whites must vote as a bloc to usually defeat the minority-preferred candidates

A racial bloc voting analysis is used to ascertain whether minority voters are politically cohesive and if white voters bloc vote to usually defeat minority-preferred candidates.

Data Required for Racial Bloc Voting Analysis

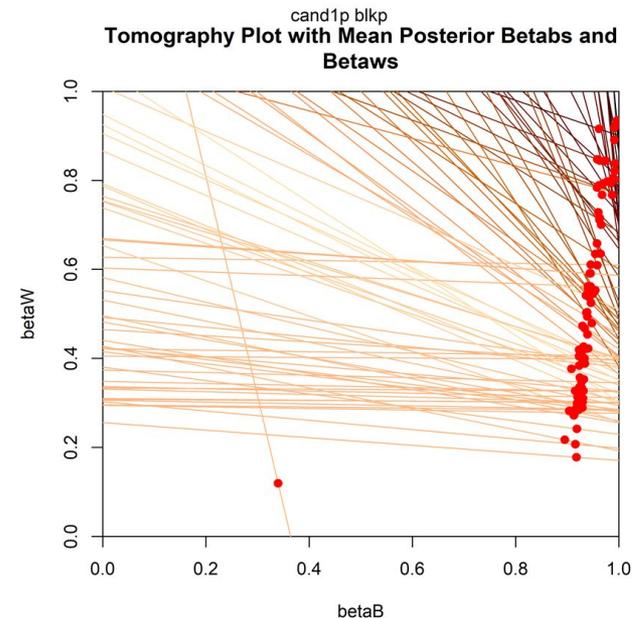
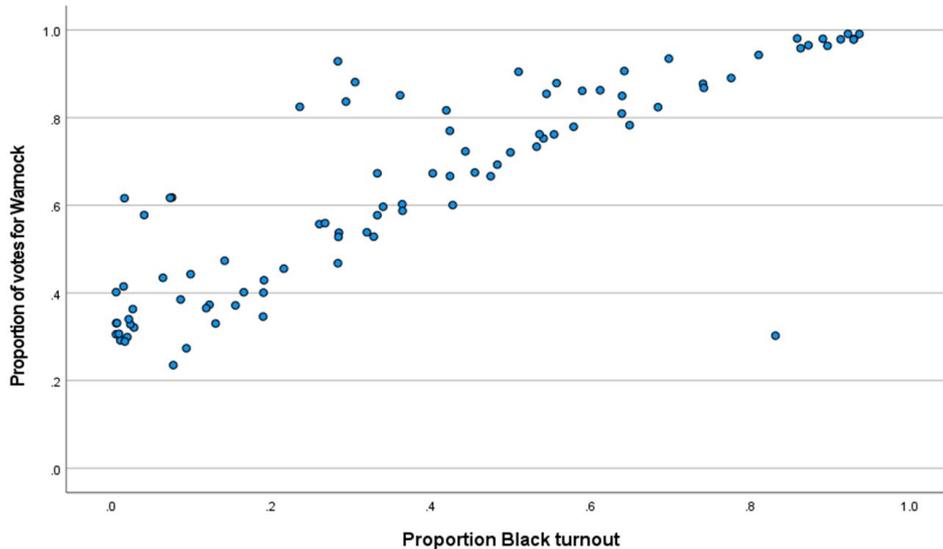
Database combining demographic information and election returns needed to analyze voting patterns by race/ethnicity:

- Precinct election returns – votes cast for each of the candidates competing in the election contest
 - The most relevant contests are recent contests that include minority candidates for the office at issue
- Demographic composition of precinct
 - Registration by race, if available
 - Voting age population by race
 - Citizen voting age population by race

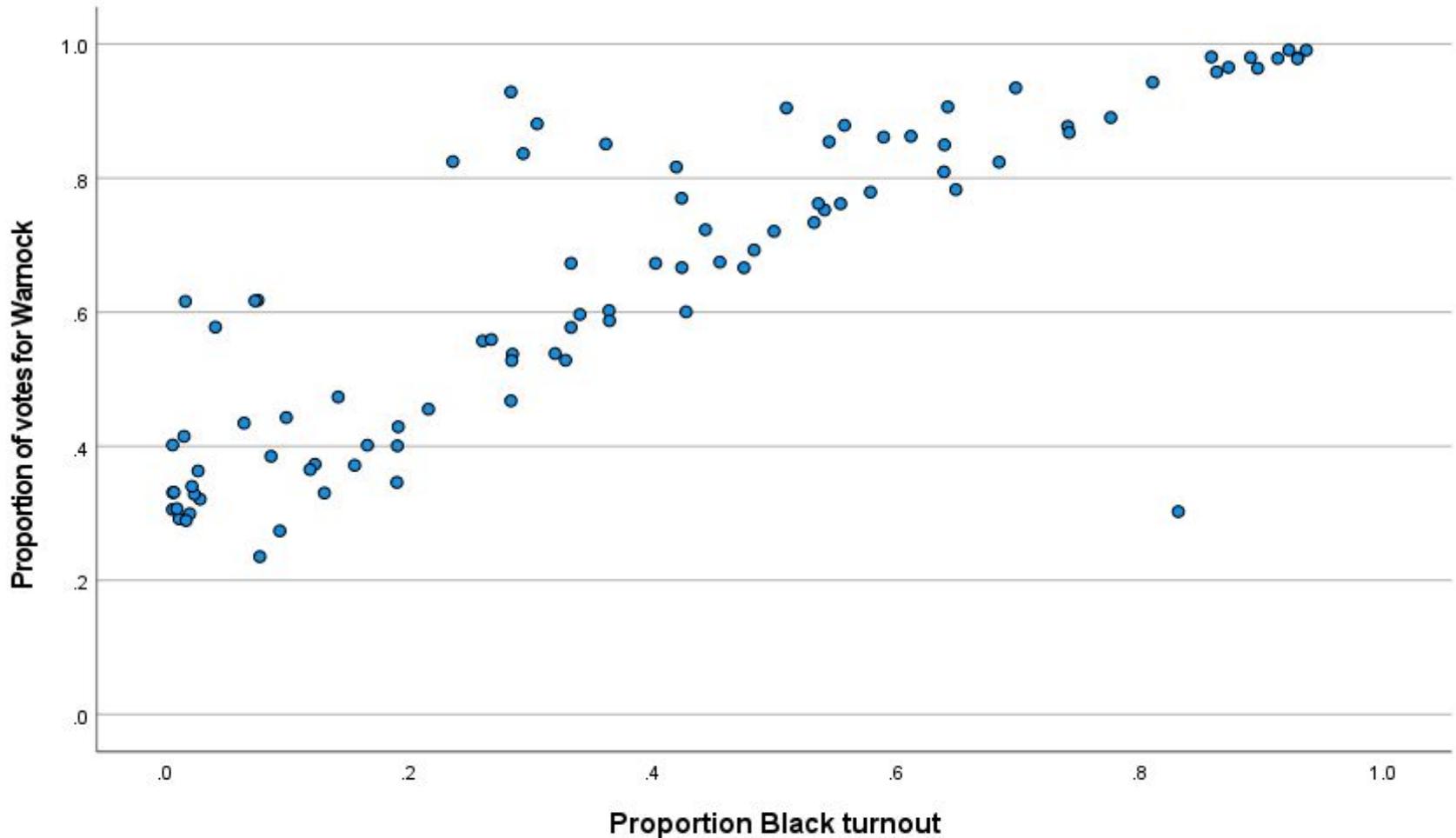
Analyzing Voting Behavior by Race

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

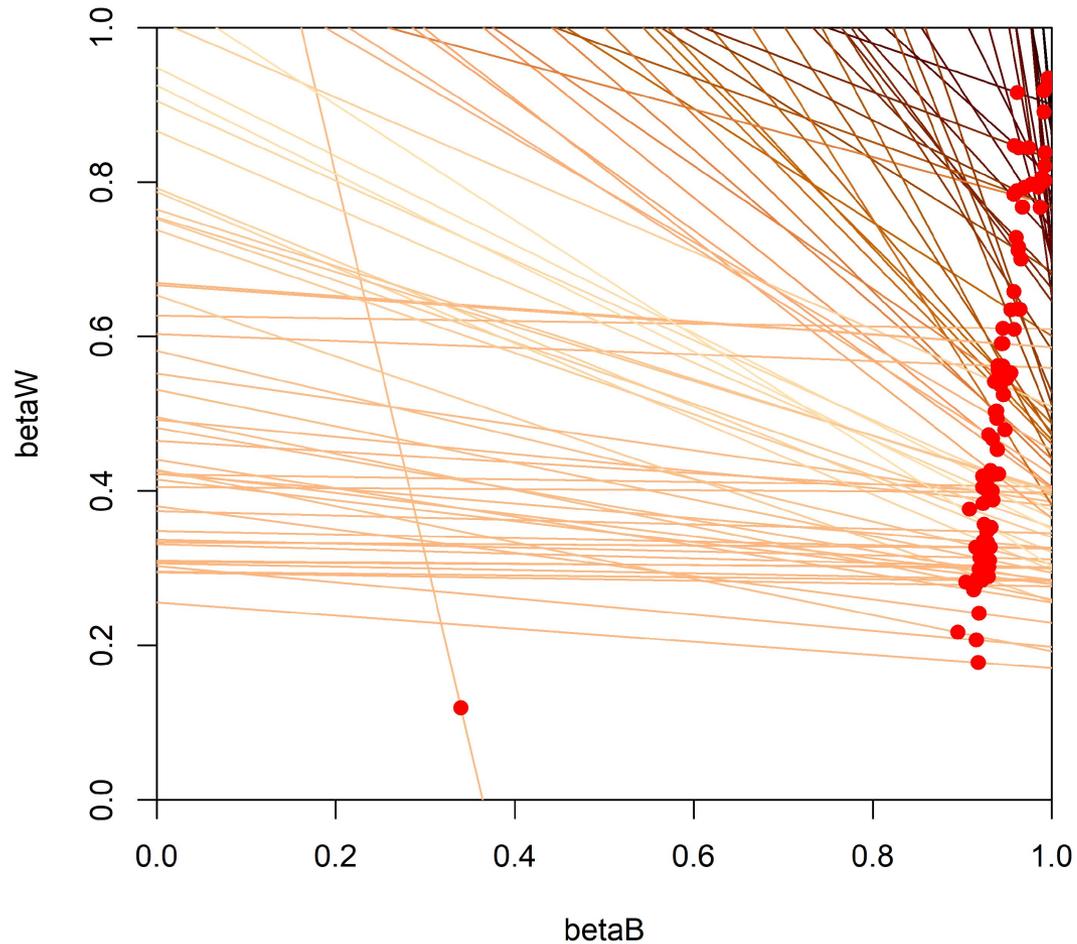
- Ecological regression analysis (ER)
- Ecological inference analysis (EI)



Ecological regression: Plot of black proportion turnout and proportion of votes for Raphael Warnock



Ecological inference: Tomographic plot of black proportion turnout and proportion of votes for Raphael Warnock



Estimates of Black and White Votes in 2021 Runoff Special Election for U.S. Senate in Georgia, Select County

Candidates	Race	Party	Percent of Actual Votes	Percent of Black Votes		Percent of White Votes	
				<i>ER</i>	<i>EI</i>	<i>ER</i>	<i>EI</i>
Warnock	AA	D	59.8%	94.9%	94.4%	23.5%	25.5%
Loeffler	W	R	40.2%	5.1%	5.9%	76.5%	74.4%

Conclusion: In the 2021 Runoff Special Election for U.S. Senate in Georgia, in this specific county, both sets of estimates (ER and EI) point to very strong support (more than 94%) for African American Democratic candidate Raphael Warnock among Black voters and strong support (around 75%) for his opponent, Kelly Loeffler, among White voters.

Complying with the Voting Rights Act

- If 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 the 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.

Determining if District Provides Minority Voters with an Opportunity to Elect

Two related approaches:

- Estimates derived from a racial bloc voting 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 a racial bloc voting 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 Minority Percent Needed to Win

	percent black VAP of jurisdiction	race of B-P candidate	actual vote for B-P candidate	turnout rate for office and percent vote for black-preferred candidates						percent of vote B-P cand would have received if district was 50% black VAP	percent of vote B-P cand would have received if district was 45% black VAP	percent of vote B-P cand would have received if district was 40% black VAP	percent of vote B-P cand would have received if district was 35% black VAP	percent black VAP must exceed for B-P candidate to win
				black votes			white votes							
				votes cast for office	B-P	all others	votes cast for office	B-P	all others					
General elections														
2018														
State House 110	15.3	AA	32.2	29.5	95.7	4.3	52.7	27.8	72.2	52.2	49.1	46.3	43.5	46.5
State Senate 43	14.8	AA	33.8	20.8	100.0	0.0	29.8	26.4	73.6	56.7	53.2	49.8	46.5	40.3
2016														
2016 Lt Governor	16.2	AA	31.8	37.1	99.6	0.4	63.9	23.1	76.9	51.2	47.7	44.4	41.3	48.3
2016 Treasurer	16.2	AA	36.0	37.2	99.6	0.4	61.8	27.0	73.0	54.3	51.0	47.8	44.8	43.5

Recompiled Election Results for Proposed Plan

DISTRICT	Dem. Pres. '12	Rep. Pres. '12	US Sen. Dem. '12	US Sen. Rep. '12	Dem. Pres. '08	Rep. Pres. '08	Other Pres. '08
1	44.2%	55.8%	45.1%	54.9%	45.2%	53.9%	0.9%
2	45.3%	54.7%	46.8%	53.2%	44.8%	54.3%	0.9%
3	67.0%	33.0%	66.9%	33.1%	64.3%	35.0%	0.7%
4	68.1%	31.9%	68.3%	31.7%	66.7%	32.6%	0.7%
5	52.3%	47.7%	52.6%	47.4%	52.3%	46.7%	1.0%
6	35.3%	64.7%	36.2%	63.8%	36.8%	62.1%	1.1%
7	40.6%	59.4%	43.2%	56.8%	41.2%	58.0%	0.8%
8	66.9%	33.1%	66.9%	33.1%	64.8%	34.4%	0.8%
9	34.4%	65.6%	37.0%	63.0%	38.5%	60.0%	1.5%
10	54.6%	45.4%	55.7%	44.3%	54.8%	44.4%	0.8%

Conclusion

What this means for this round of redistricting:

- A racial bloc voting analysis is required to determine if voting is polarized in areas of the State with minority concentrations.
- A district-specific, functional analysis should
- be conducted to ensure that minority districts are drawn so that they provide minority voters with an opportunity to elect their candidates of choice without unnecessarily packing the district or unnecessarily violating such redistricting criteria as consideration for political subdivision boundaries and compactness.

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 predominate factor in the creation of these districts.