

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

BERTHA ARANDA GLATT  
Plaintiff,

Case No. 4:16-CV-05108-LRS

v.

CITY OF PASCO, *et al.*  
Defendants.

**SECOND SUPPLEMENTAL DECLARATION OF WILLIAM S. COOPER**

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. §1746 and Rules 702 and 703 of the Federal Rules of Evidence, does hereby declare and say:

1. My name is William S. Cooper. I serve as a demographic and redistricting expert for Plaintiff in this matter. I submitted declarations in this case on October 15, 2016 and November 1, 2016.

2. I submit this supplemental declaration in order to provide updated voter registration counts for the City of Pasco, as of November 1, 2016. In addition, I comment on two issues relating to delayed voter electoral participation (until 2019) and councilmember representation in Latino-majority District 2 under Defendants' Remedial Plan ("Defendants' Plan"), with a staggered election cycle. As a final note, I also clarify that the Latino citizen voting age population (LCVAP) percentage in District 5 under Plaintiff's Plan is about the same as the citywide

LCVAP percentage.

**Current Citywide Voter Registration Statistics**

3. Since November 2015, there has been an increase in the number of registered voters in Pasco from 23,674 in November 2015, as reported by the Franklin County Auditor, to 24,374 in November 2016, as reported by the Washington Secretary of State.<sup>1</sup> The number of registered voters in Pasco increased by 1,060 voters, or 4.48%.

4. I do not have access to a current November 2016 list of registered voters by surname and address for the City of Pasco. Such a list in electronic format would allow me to update the November 2015 voter registration statistics by district and ethnicity, as reported in my October 15, 2016 Declaration and November 1, 2016 Supplemental Declaration.<sup>2</sup>

5. Assuming that 50% of the 1,060 new registered voters in Pasco were Latino, the citywide November 2016 Latino registered voter rate would be 30.81%.<sup>3</sup>

---

<sup>1</sup> Source: Washington Secretary of State Elections Division, *City Registration Demographics updated 11/1/2016. Registered Voters by City and Gender*, <https://www.sos.wa.gov/elections/research/City-Registration-Demographics.aspx> (last accessed Nov. 15, 2016).

<sup>2</sup> Surname matching and subsequent geocoding by district is a simple technical procedure which should require no more than three or four hours from start to finish.

<sup>3</sup> This assumes that there is no change in the underlying Latino registered voter rate to account for churn associated with registered voters who have moved in or out of Pasco since November 2015.

This Latino registered voter rate is calculated by allocating 530 of the 1,060 new voters to the November 2015 count of 7,091 Latino registered voters, resulting in an estimated 7,621 Latino registered voters in November 2016, and then dividing by the total number of registered voters in November 2016 of 24,374.

6. Therefore, it is unlikely that the percentage of Latino registered voters, which was 29.65%<sup>4</sup> in November 2015, would have increased by more than about a percentage point since November 2015.

**Staggered Elections and Impact on Latino Voters in District 2 under Defendants' Plan**

7. Defendants have indicated their intent to delay elections until 2019 in Latino-majority District 2 under Defendants' Plan. This delay will have an unfair impact on District 2 Latino voters for the two reasons outlined below.

8. First, Councilmember Yenney, who would represent Defendants' District 2, would not represent the same voters under Defendants' Plan as under the City of Pasco's admittedly unlawful 5-2 election system ("2015 Plan").

9. Specifically, portions of Precincts 016 and 017, and all of Precinct 018 in District 2 under Defendants' Plan were previously in Councilmember Hoffman's district under the 2015 Plan. These voters did not have an opportunity to vote in the

---

<sup>4</sup> See November 1, 2016 Declaration of William S. Cooper ¶ 17.

2015 primary election contest between Mr. Yenney and three Latino candidates.<sup>5</sup>

10. Second, under a staggered election cycle with Defendants' District 2 not scheduled for an election until 2019, voters in portions of Precincts 016 and 017 and all of Precinct 018 will be denied the opportunity to cast a ballot in a district-based election for another three years.<sup>6</sup> This is because under the 2015 Plan the affected voters in Defendants' District 2 lived in Mr. Hoffman's district, and Mr. Hoffman was elected under the at-large plan that was in place in 2013. Thus, under a staggered election cycle, the affected voters in Defendants' District 2 – 532 registered voters, of whom 245 are Latino (46%), according to the November 2015 registered voter list – will have had to wait six years (from 2013 to 2019) to cast a ballot in a district-based primary or general election.

11. The affected population (2,391 persons of all ages) in District 2 is 54.33% Latino citizens, with an LCVAP of 35.32%, based on the 2010-2014 American Community Survey (ACS) 5-year estimates. (See map in **Exhibit A**.)<sup>7</sup>

---

<sup>5</sup> Also, portions of Precincts 001, 002, and 004 and all of Precinct 003, which were previously in Mr. Yenney's district under the 2015 Plan, are no longer in his district. All told, just 1,537 voters of the 2,071 registered voters in District 2 under Defendants' Plan had an opportunity to vote in the 2015 primary election involving Mr. Yenney.

<sup>6</sup> The affected area and population is the same as that referenced in ¶ 9 *supra*.

<sup>7</sup> The affected area includes the densely-populated Flamingo Village Mobile Home Park (adjacent to the U.S Highway 395 bridge) that I visited when I was in Pasco for a "windshield survey" on April 7, 2016.

12. In sum, Latino voters in Defendants' District 2 would be adversely impacted by the proposed two-year delay in District 2 elections under Defendants' Plan. Latino voters in Precincts 016, 017, and 018 will be particularly impacted, as discussed in ¶ 10 *supra*.

**Plaintiff's Plan District 2 LCVAP versus Citywide LCVAP**

13. Defendants assert that "the citywide LCVAP is 38.5% – almost ten percentage points higher than Plaintiff's District 5" and that therefore "the City's at-large position is much more Hispanic-influenced than the Plaintiff's next closest district."<sup>8</sup> Defendants arrive at this erroneous conclusion by comparing estimates from the 1-year 2015 citywide ACS LCVAP estimates with the 5-year 2010-2014 ACS estimates. However, the proper comparison must be between the citywide 5-year 2010-2014 ACS LCVAP estimates and the district-level 5-year 2010 ACS estimates, because 1-year ACS LCVAP estimates are not available for census block groups, and district-level LCVAP estimates must be based on LCVAP estimates for census block groups, which can be obtained only by looking at the citywide 5-year 2010-2014 ACS LCVAP estimates and the district-level 2010 ACS LCVAP estimates, as I have done.<sup>9</sup>

---

<sup>8</sup> Dkt. 28 at p.10.


<sup>9</sup> See October 15, 2016 Declaration of William S. Cooper ¶ 21.

14. After taking into account the 2014 and 2015 annexations, based on the 5-year 2010-14 ACS estimates, the citywide LCVAP is 32.09%, which is just 3 points higher than the estimated 28.98% LCVAP in Plaintiff's District 5 – not 10 points as Defendants assert.<sup>10</sup>

15. According to the November 2015 registered voter list, Latinos represent 29.65% of citywide registered voters and 27.25% of registered voters in Plaintiff's District 5.<sup>11</sup>

16. Therefore, in fact, Plaintiff's District 5 is roughly commensurate with citywide LCVAP and Latino registered voter rates.

Executed on: November 15, 2016

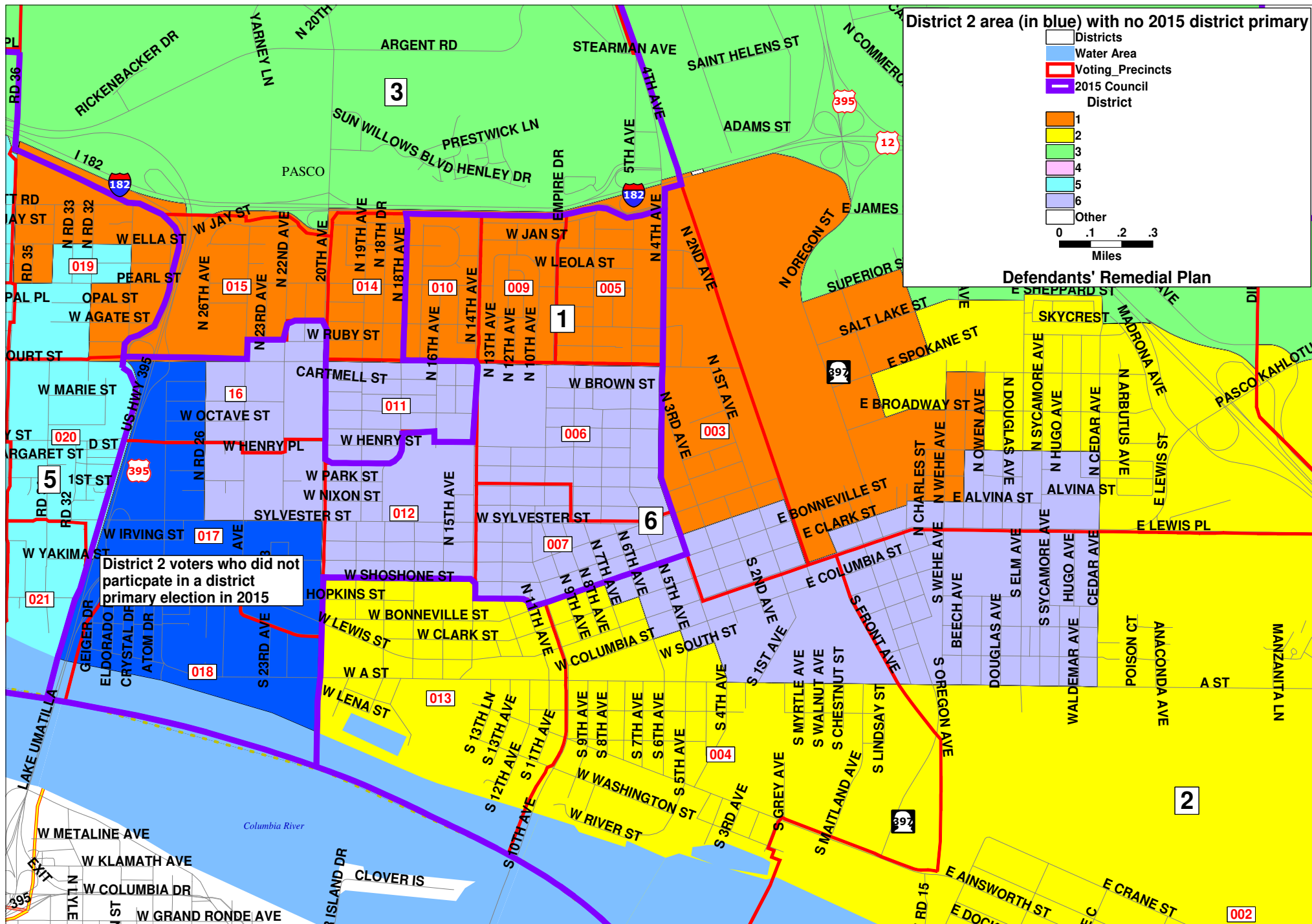
  
WILLIAM S. COOPER

---

<sup>10</sup> See October 15, 2016 Declaration of William S. Cooper ¶ 11.

<sup>11</sup> See October 15, 2016 Declaration of William S. Cooper ¶ 39, Figure 4.

# Exhibit A





**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2016, I caused the foregoing document to be:

☒ electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Emily Chiang	echiang@aclu-wa.org
Brendan V. Monahan	Brendan.Monahan@stokeslaw.com
Jaime Cuevas, Jr.	Jaime.Cuevas@stokeslaw.com
Cristin Kent Aragon	caragon@yarmuth.com
Gregory Landis	glandis@yarmuth.com
Leland Barrett Kerr	lkerr@kerrlawgroup.net
John A. Safarli	jsafarli@floyd-ringer.com
Casey M. Bruner	cbruner@floyd-ringer.com

/s/La Rond Baker

La Rond Baker, WSBA No. 43610

lbaker@aclu-wa.org

AMERICAN CIVIL LIBERTIES UNION  
OF WASHINGTON FOUNDATION

901 Fifth Avenue, Suite 630

Seattle, Washington 98164

Telephone: (206) 624-2184