

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.

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 the Plaintiffs in this matter. I submitted a declaration in this case on October 15, 2016.

2. I submit this supplemental declaration to comment on several erroneous or misleading statements by Peter Morrison, the expert for the Defendants, in his October 15, 2016 Declaration.

3. My comments are referenced paragraph-by-paragraph from Dr. Morrison's Declaration. For comparison, **Exhibits A-1, A-2, A-3, and A-4** include a demographic summary and maps depicting the Defendants' Plan in the same style as the demographic summary and maps for the Plaintiff's Plan attached to my

October 15, 2016 Declaration.¹

Pasco School District Boundary

Morrison ¶ 4

4. Contrary to Dr. Morrison’s “visual assessment”, Pasco city boundaries are not “closely coextensive” with Pasco School District. To be sure, all of Pasco is within the Pasco School District, but the school district extends north to encompass an extensive rural area outside of the city limits. (See **Exhibit B.**)

5. The Pasco School District encompasses an area of about 302 square miles, while the city of Pasco encompasses an area of about 38.7 square miles. According to the 2010 census, the Pasco School District has a population of 68,155, of whom 35,463 (52.03%) are Latino. After adjusting for post-2010 Census annexations, the city of Pasco has a population of 62,452, of whom 33,735 (54.02%) are Latino.

6. Based on the 2010-2014 American Community Survey (ACS), Pasco School District has a Latino citizen voting age population (LCVAP) of 29.66% and a Latino citizen population of 42.20%. After adjusting for post-2010 Census annexations, the city of Pasco has an LCVAP of 32.02%, with a Latino citizen population of 45.02%.

7. Because the city and school district are not one and the same, there is no logical reason for Dr. Morrison to refer to student demographics (71% Latino)

¹ See October 15, 2016 Declaration of William S. Cooper, exhibits C-1, C-2, C-3, and C-4.

for the Pasco School District as background information for the rationale behind the development of an election plan for the City of Pasco. The appropriate city-specific metrics are the under -18 (U18) population (66.47% Latino), as reported in the 2010 Census, and the U18 Latino citizen population estimates from the ACS – 64.86% Latino (5-year 2010-2014 ACS) and 66.6% Latino (1-year 2015 ACS).²

Current LCVAP Estimates

Morrison ¶ 6

8. Dr. Morrison uses a different method to disaggregate block group-level CVAP data to census blocks than my method. But the bottom line CVAP percentage differences between the two methods for Pasco by district and citywide are not significant.³

9. The 2015 1-year ACS LCVAP estimate indicates that Latinos represent 38.5% of citizen voting age population in Pasco. But as noted in my October 15, 2016 Declaration, there is a wide margin of error in the 1-year ACS because just one of about 40 households is surveyed in a single year.⁴ The 1-year ACS margin of error intervals are shown in **Exhibit C**. Moreover, the 2015 ACS estimates are based on city boundaries as of January 1, 2015, so the 2015 annexations in

² See October 15, 2016 Declaration of William S. Cooper ¶ 15 and ¶¶ 22-23.

³ My method disaggregates Hispanic CVAP and non-Hispanic CVAP to the block level. Dr. Morrison's method disaggregates Hispanic CVAP and total CVAP to the block level. Dr. Morrison's method tends to slightly understate the LCVAP in areas where there are a large number of non-citizen Latinos.

⁴ See October 15, 2016 Declaration of William S. Cooper ¶ 22.

predominantly non-Hispanic west Pasco are not factored into the ACS estimate.⁵

Due to the 2015 annexations and the large margin of error inherent in the 1-year ACS for a small city like Pasco, the 2016 ACS, which will be released in September 2017, could show a drop in the citywide LCVAP compared to the 2015 LCVAP estimate.

Projected LCVAP and 2021 Redistricting

Morrison ¶ 5

10. Dr. Morrison has not provided details on how he projected 43% for the 2021 Pasco LCVAP, but I agree that such a percentage is within the realm of possibility in the future 2021 1-year ACS estimate – assuming there are no further major annexations of predominantly non-Hispanic areas beyond the “donut holes” in west Pasco.

11. The 5-year ACS estimates must be used for redistricting purposes because the 1-year ACS estimates are not available for small geographic areas (census tracts and block groups) below the city level. Therefore, the LCVAP calculations in the potential 2021 redistricting will be based on block group estimates from the 5-year 2016-2020 ACS, with a survey midpoint of 2018.

⁵See: “Geography Boundaries by Year - Vintage of Geographic Areas for ACS Estimates”

<http://www.census.gov/programs-surveys/acs/geography-acs/geography-boundaries-by-year.html>

12. In my opinion, it is unlikely that the citywide 5-year LCVAP estimate will be above 40% during the 2021 redistricting cycle. A 2021 survey midpoint for the 5-year ACS will not be available until the 2019-2023 ACS, which will be released at the block group level in January 2025.

13. According to the 1-year 2015 ACS, Pasco has a 49.7% Latino citizen population. After adjusting for post-Census 2010 annexations, based on the 5-year 2010-14 ACS, Pasco has a 45.02% Latino citizen population.

14. In sum, while it is probable that for the 2021 redistricting cycle Pasco will be Latino citizen-majority under the 2016-2020 ACS – assuming no further dilutive annexations – Pasco will clearly not have a majority of Latino citizens of voting age by the 2021 cycle.

Precinct Splits

Morrison ¶ 7

15. Dr. Morrison erroneously states that district boundaries under Defendants' Plan "align with virtually all the City's existing precincts". In fact, the Defendants' Plan splits populated areas in 9 of the 67 precincts encompassing all or part of Pasco.

Latino Registered Voters

Morrison ¶ 9

16. Dr. Morrison's estimate that Latinos represent 44% of all registered voters citywide is incorrect and substantially overstates the current citywide Latino

registered voter percentage. Dr. Morrison has provided no supporting documentation as to how he arrived at a 44% Latino registration rate except for an unexplained reference to November 2014 election data in paragraph 8 of his declaration .

17. As explained in my October 15, 2016 Declaration, I employed the standard method for determining Latino registered voters in Section 2 Voting Rights Act litigation.⁶ I matched the City of Pasco's November 2015 registered voter list surnames to a U.S. Department of Justice list of over 12,000 Spanish surnames. Of the 23,674 registered voters in Pasco in November 2015, I found 7,019 (29.65%) whose surnames matched the DOJ list.⁷

18. The Latino voter registration rate (29.65%) in Pasco is about 2.5 percentage points below the citywide LCVAP of 32.02% based on the 5-year 2010-2014 ACS. Pasco's Latino voter registration rate/LCVAP gap also parallels recent levels of Latino voter registration in Yakima, Washington (2013) and Wenatchee, Washington (2016). In both jurisdictions, Latino registration trailed the 5-year LCVAP estimate by 3 to 4 percentage points, according to my analysis in *Montes v.*

⁶ See October 15, 2016 Declaration of William S. Cooper ¶¶ 32-35. I used the same surname matching methodology in *Montes v. City of Yakima, Washington* (E.D. Wash. Aug. 22, 2014) and in my 2016 consulting work for the Electoral Process Committee of the City of Wenatchee, Washington.

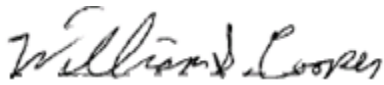
⁷ Of the 23,674 voters, 98.8% (23,385) were geocoded with census block-level precision using *Maptitude for Redistricting*. Latino voters comprise 29.8% of the geocoded list of registered voters. As explained in ¶35 of my October 15, 2016 Declaration, geocoding is a technical process available in GIS software that locates voters by street number and address and converts those locations to points on a computer map.

Yakima and my consulting work with the Electoral Process Committee of the City of Wenatchee.⁸

At-Large Voting

19. As explained in my October 15, 2016 Declaration, due to socio-economic disparities, Latino citizenship status, and Latino voter registration rates the hybrid 6-district, 1 at-large position in Defendants' Plan will not afford Latinos an opportunity to elect a fourth candidate of choice at-large to Pasco's City Council now or in the foreseeable future.⁹

Executed on: November 1, 2016


WILLIAM S. COOPER

⁸ In Yakima, the citywide LCVAP was 22.66% according to the 2008-2012 ACS, compared to a surname-matched Latino voter registration rate of 19.56%. In Wenatchee, the citywide LCVAP was 16.36% according to the 2010-2014 ACS, compared to a surname-matched Latino voter registration rate of 12%.

⁹ See October 15, 2016 Declaration of William S. Cooper ¶¶ 58-63.

Exhibit A-1

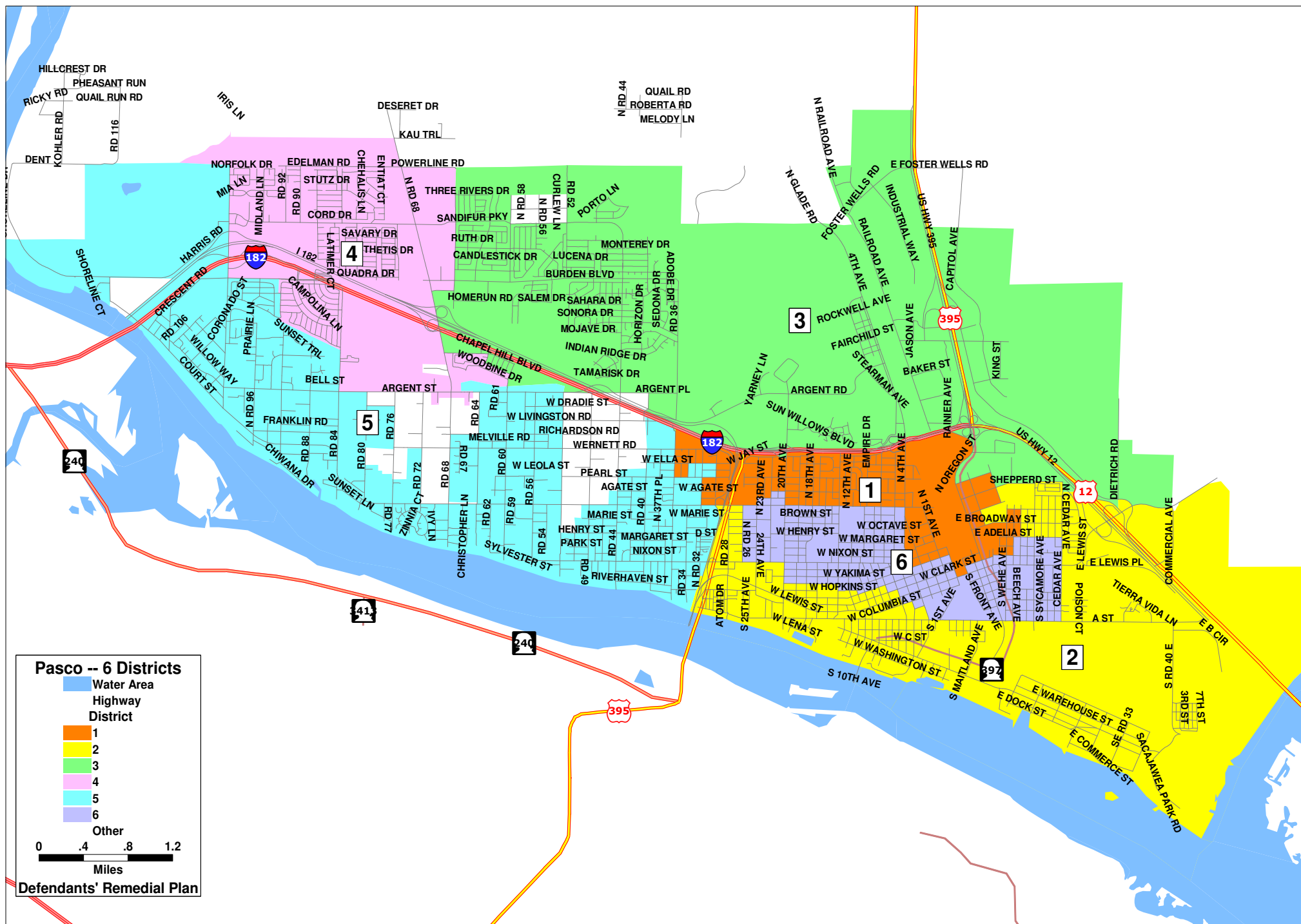


Exhibit A-2

Population Summary Report

Pasco City Council -- Defendants' Remedial Plan

District	Population	Deviation	% Deviation	Latino	% Latino	NH White	% NH White	% Latino of all citizens	2010-14 ACS Estimated Citizens
1	10048	-361	-3.47%	7801	77.64%	1824	18.15%	75.39%	6900
2	10009	-400	-3.84%	8287	82.80%	1449	14.48%	70.51%	6805
3	10532	123	1.18%	3037	28.84%	6789	64.46%	30.57%	11984
4	10062	-347	-3.33%	3039	30.20%	6095	60.57%	31.22%	10335
5	11003	594	5.71%	2591	23.55%	7727	70.23%	17.38%	10329
6	10798	389	3.74%	8980	83.16%	1373	12.72%	72.61%	7630
Total	62452			33735	54.02%	25257	40.44%	45.02%	53983

Total Deviation 9.55%

District	18+_Pop	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White	% Latino of CVAP	% Latino of Registered Voters
1	6191	4386	70.84%	1481	23.92%	53.67%	56.22%
2	6100	4697	77.00%	1208	19.80%	53.91%	63.06%
3	7115	1734	24.37%	4940	69.43%	27.18%	20.84%
4	6538	1688	25.82%	4249	64.99%	23.57%	20.12%
5	8045	1534	19.07%	6036	75.03%	12.97%	14.70%
6	6569	5144	78.31%	1108	16.87%	55.57%	63.78%
Total	40558	19183	47.30%	19022	46.90%	32.02%	29.81% (geocoded) 29.65% (all voters)

Note:

(1)% LCVAP calculated by disaggregating 2010-2014 ACS block group estimates for 18+ citizen Hispanics and Non-Hispanics to 2010 census blocks.

(3) Surname match of registered voters as of Nov. 30, 2015

Exhibit A-3

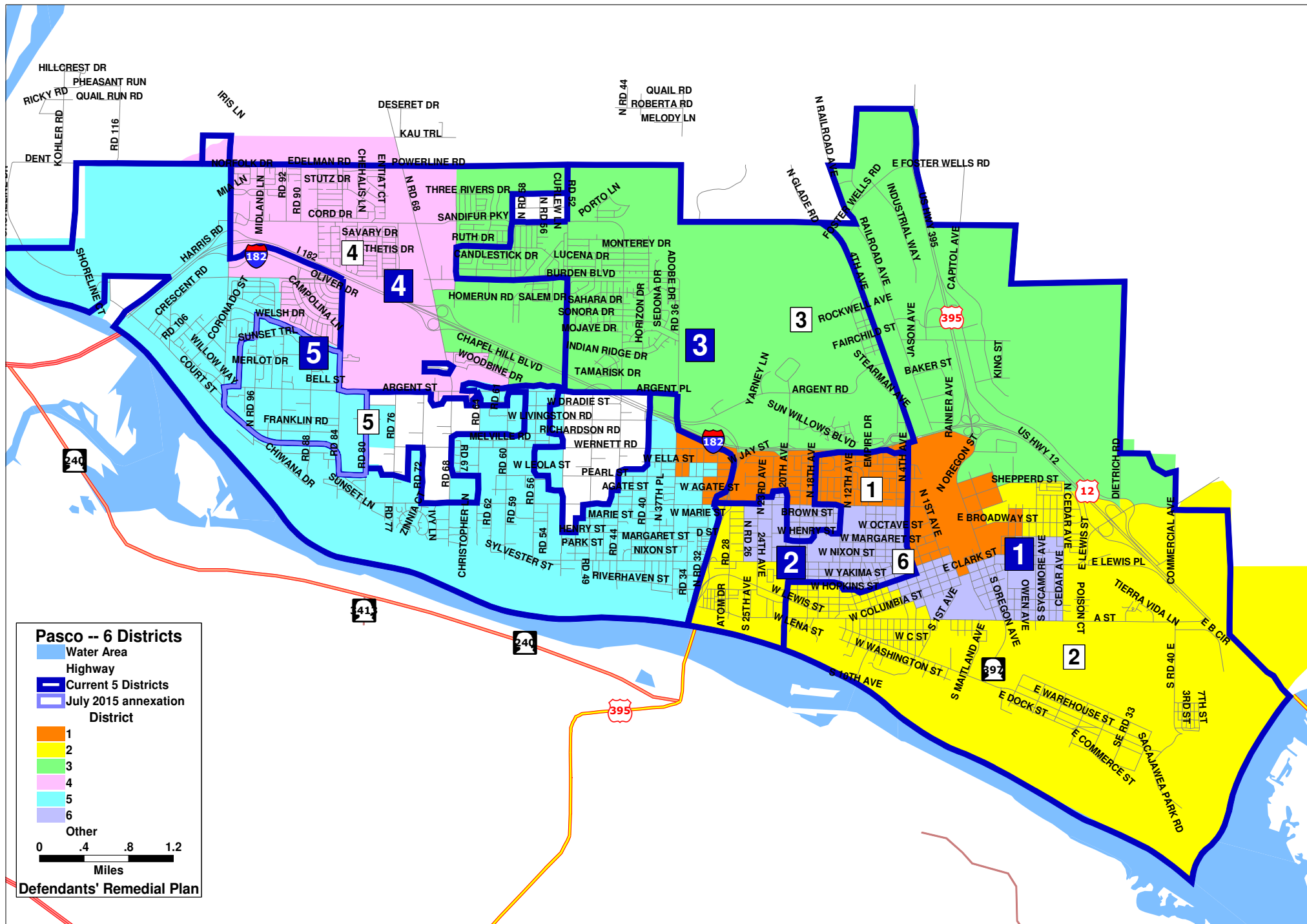


Exhibit A-4

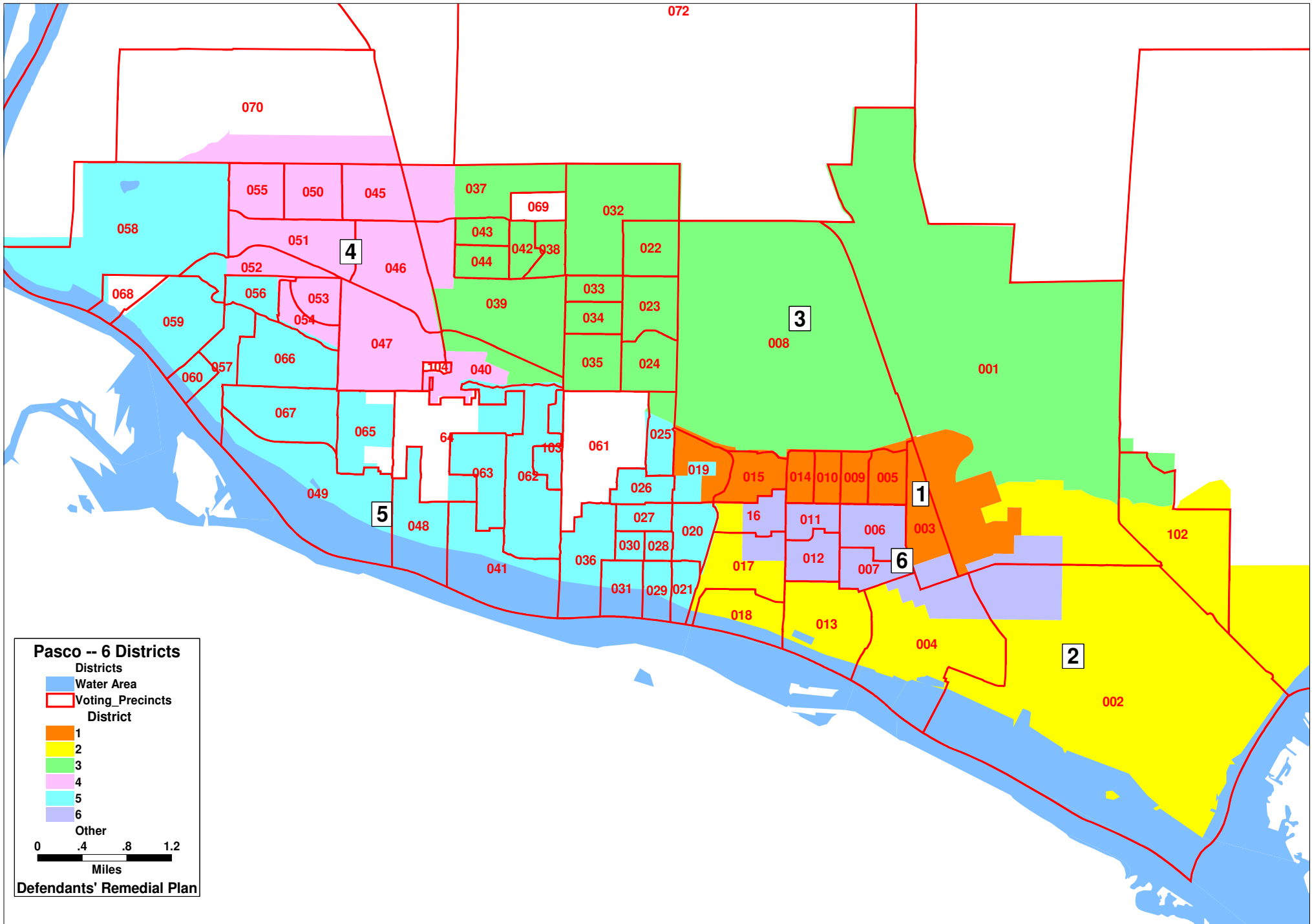


Exhibit B

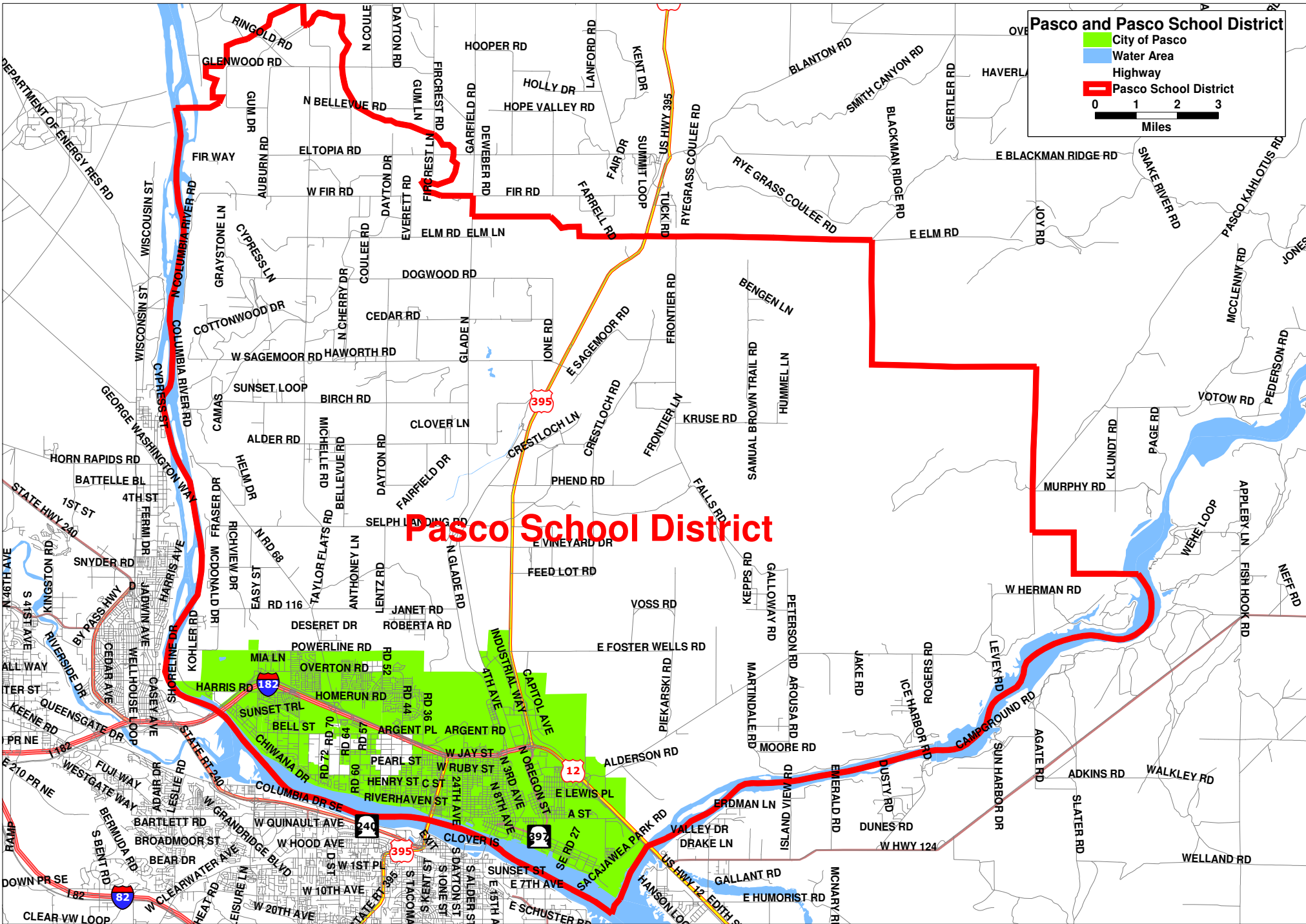


Exhibit C



B05003

SEX BY AGE BY NATIVITY AND CITIZENSHIP STATUS

Universe: Total population

2015 American Community Survey 1-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Pasco city, Washington	
	Estimate	Margin of Error
Total:	68,097	+/-4,032
Male:	35,298	+/-2,377
Under 18 years:	12,338	+/-1,394
Native	11,866	+/-1,374
Foreign born:	472	+/-383
Naturalized U.S. citizen	0	+/-195
Not a U.S. citizen	472	+/-383
18 years and over:	22,960	+/-1,501
Native	15,212	+/-1,836
Foreign born:	7,748	+/-1,545
Naturalized U.S. citizen	2,095	+/-938
Not a U.S. citizen	5,653	+/-1,642
Female:	32,799	+/-2,183
Under 18 years:	11,152	+/-1,102
Native	10,760	+/-1,123
Foreign born:	392	+/-340
Naturalized U.S. citizen	0	+/-195
Not a U.S. citizen	392	+/-340
18 years and over:	21,647	+/-1,441
Native	13,994	+/-1,581
Foreign born:	7,653	+/-1,361
Naturalized U.S. citizen	2,782	+/-1,139
Not a U.S. citizen	4,871	+/-1,444

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2015 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.



B05003I

SEX BY AGE BY NATIVITY AND CITIZENSHIP STATUS (HISPANIC OR LATINO)

Universe: People who are Hispanic or Latino

2015 American Community Survey 1-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Pasco city, Washington	
	Estimate	Margin of Error
Total:	38,883	+/-2,859
Male:	20,537	+/-1,660
Under 18 years:	8,283	+/-1,052
Native	7,811	+/-1,082
Foreign born:	472	+/-383
Naturalized U.S. citizen	0	+/-195
Not a U.S. citizen	472	+/-383
18 years and over:	12,254	+/-880
Native	5,166	+/-1,458
Foreign born:	7,088	+/-1,551
Naturalized U.S. citizen	1,673	+/-794
Not a U.S. citizen	5,415	+/-1,627
Female:	18,346	+/-1,580
Under 18 years:	7,612	+/-843
Native	7,256	+/-846
Foreign born:	356	+/-331
Naturalized U.S. citizen	0	+/-195
Not a U.S. citizen	356	+/-331
18 years and over:	10,734	+/-906
Native	4,357	+/-1,143
Foreign born:	6,377	+/-1,195
Naturalized U.S. citizen	1,936	+/-922
Not a U.S. citizen	4,441	+/-1,418

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2015 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates

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6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 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:

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