

# VOTING PATTERNS BY RACE/ETHNICITY IN RECENT KANSAS STATEWIDE AND LEGISLATIVE ELECTIONS

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## 1.0 Introduction

On the basis of the analysis I conducted of voting patterns by race, I have determined that voting in recent statewide and legislative contests in Kansas is racially/ethnically polarized. As a result of this consistent pattern of polarized voting, and the relatively low rate of white crossover voting for minority-preferred candidates, minority-preferred candidates tend to succeed only in legislative districts that a majority minority in composition.

**Scope of Project** I was retained by the Kansas Legislative Research Department to perform a racial bloc voting analysis of recent (2008 – 2010) statewide and state legislative elections. I conducted a similar analysis on behalf of the Kansas Legislative Research Department in 2001.<sup>1</sup>

**Professional Background and Experience** I have advised numerous jurisdictions and other clients on voting rights-related issues and have served as an expert in dozens of voting rights and redistricting cases. My clients have included scores of state and local jurisdictions, a number of civil rights organizations, the U.S. Department of Justice, and such international organizations as the United Nations.

I have been actively involved in researching, writing and teaching on subjects relating to voting rights, including minority representation, electoral system design and redistricting. I co-authored a book, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992), and numerous articles, as well as co-edited a volume (*Redistricting in Comparative Perspective*, Oxford University Press, 2008) on these subjects. I have taught several political science courses, both at the undergraduate and graduate level, related to representation and redistricting and have trained election commissions around the world on the basics of redistricting. I hold a Ph.D. in political science from George Washington University.

I have been a principal of Frontier International Electoral Consulting since co-founding the company in 1998. Frontier IEC specializes in providing electoral assistance in transitional democracies and post-conflict countries.

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<sup>1</sup> “Voting Patterns by Race/Ethnicity in Kansas Statewide and Legislative Elections, 1998-2000.”

## 2.0 Racial Bloc Voting Analysis

An election is racially polarized if minorities and whites, considered separately, would have elected different candidates (this is referred to as the "separate electorates test" in the seminal 1986 US Supreme Court decision *Thornburg v. Gingles*). An analysis of voting patterns by race serves as the foundation of two of the three elements of the "results test" as outlined in *Gingles*: a racial bloc voting analysis is needed to determine whether the minority group is politically cohesive; and the analysis is required to determine if whites are voting sufficiently as a bloc to usually defeat minority-preferred candidates.<sup>2</sup>

The voting patterns of white and minority voters must be estimated using statistical techniques because direct information about how individuals have voted is simply not available. Three complementary statistical techniques were used in this study to estimate voting patterns by race: homogeneous precinct analysis, bivariate ecological regression and ecological inference.<sup>3</sup> Two of these analytic procedures – homogeneous precinct analysis and bivariate ecological regression – were employed by the plaintiffs' expert in *Thornburg v. Gingles* and have the benefit of the Supreme Court's approval in this case. These statistical methods have been used in most subsequent voting rights cases. The third technique, ecological inference, was developed after the Court considered *Gingles* and was designed to address the issue of out-of-bounds estimates (estimates that exceed 100 percent or are less than zero percent) which can arise in bivariate ecological regression analysis. Ecological

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<sup>2</sup> The "results test" as interpreted by the Supreme Court in *Thornburg v. Gingles* requires plaintiffs to demonstrate three threshold factors to establish a §2 violation:

- The minority group must be sufficiently large and geographically compact to constitute a majority in a single member district;
- The minority group must be politically cohesive;
- The minority group must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it – in the absence of special circumstances, such as the minority candidate running unopposed – usually to defeat the minority's preferred candidate.

<sup>3</sup> These three statistical approaches to measuring racial bloc voting are discussed in Bruce M. Clark and Robert Timothy Reagan, "Redistricting Litigation: An Overview of Legal, Statistical and Case-Management Issues" (Federal Judicial Center, 2002). For further explanation of homogenous precinct analysis and bivariate ecological regression see Bernard Grofman, Lisa Handley and Richard Niemi, *Minority Representation and the Quest for Voting Equality* (Cambridge University Press, 1992). See Gary King, *A Solution to the Ecological Inference Problem* (Princeton University Press, 1997) for a more detailed explanation of ecological inference.

inference analysis has been introduced and accepted in numerous district court proceedings.

### 3.0 Findings

I examined all 2008 and 2010 general election statewide and legislative contests in the State of Kansas that included a minority candidate.<sup>4</sup> There were 29 minority candidates that ran for federal, statewide or legislative office in 2008 or 2010. Table 1, below, lists the names of each of these candidates, as well as the office for which they ran, and whether they won the seat. As the table demonstrates, a number of minority candidates faced no competition in their bid for office. Voting patterns for these contests have not been analyzed since all voters casting a ballot in this contest, regardless of their race, supported this candidate.

**Table 1: List of Minority Candidates Competing for Office in 2008 or 2010**

Name of Candidate	Office	Won/Lost
<b>2008</b>		
Barack Obama	US President 2008	Did not carry the state
Donald Betts	US Congress 2008	Lost
David Haley	State Senate District 4	Unopposed
Shala Perez	State Senate District 28	Lost
Oletha Faust-Goudeau	State Senate District 29	Won
Louis Ruiz	State House District 32	Unopposed
Valdenia Winn	State House District 34	Unopposed
Broderick Henderson	State House District 35	Unopposed
Barbara Ballard	State House District 44	Unopposed
Cecil Washington, Jr.	State House District 53	Lost
Gail Finney	State House District 84	Unopposed
Emanuel Banks	State House District 88	Lost
Melody McCray Miller	State House District 89	Unopposed
Delia Garcia	State House District 103	Unopposed
Rebecca Escalante	State House District 119	Lost
<b>2010</b>		
Wayne Hodges	State Senate District 7	Lost

<sup>4</sup> This approach is the standard methodology for this type of inquiry because if white voters are willing to vote only for minority-preferred candidates who are white – and not for minority-preferred candidates who are minority – we cannot conclude that voting is not polarized by race. Only evidence that white voters are willing to support minority candidates who are the choice of the minority community allows us to conclude that voting is not polarized.

Name of Candidate	Office	Won/Lost
Steve Wright	State House District 15	Lost
Louis Ruiz	State House District 32	Unopposed
Valdenia Winn	State House District 34	Unopposed
Broderick Henderson	State House District 35	Won
Chiquita Coggs	State House District 35	Lost
Barbara Ballard	State House District 44	Unopposed
Larry Hicks	State House District 65	Lost
Gail Finney	State House District 84	Won
Emmanuel Banks	State House District 88	Lost
Melody McCray Miller	State House District 89	Unopposed
Ponka-We Victors	State House District 103	Unopposed
Rebecca Escalante	State House District 119	Lost
Reynaldo Mesa	State House District 123	Unopposed

For elections that were contested, an analysis was conducted in order to compare the voting behavior of the minority population (black and Hispanic) to the voting behavior of the white population.<sup>5</sup> Because it is very difficult to derive reliable estimates in instances where the minority population is small, I have produced estimates only for racial/ethnic groups (white, black and Hispanic) that exceed 15% in a given district unless neither minority group reaches this threshold. If the district is not at least 15% black or Hispanic, then I attempted to derive estimates for the larger of the two minority groups in the district. (The exceptions to this are the two contests that include a large number of precincts: the 2008 contest for US President and the 2008 contest for US Congressional District 4.)

The results of this analysis can be found in Table 2 (2008 elections) and Table 3 (2010 elections) at the end of the report.

**2008 Elections** Although neither blacks nor Hispanics make up 15% of the statewide population, the first election I analyzed was the 2008 contest for US President. As the estimates in Table 2 indicate, this contest was racially polarized. An overwhelming majority of black and Hispanic voters supported Barack Obama (between 91 and 100% of the black voters and between 78 and 100% of the Hispanic voters), while the majority (60 to 64%) of white voters cast a ballot for John McCain. McCain carried the State of Kansas.

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<sup>5</sup> Blacks and Hispanics are the only groups covered under the Voting Rights Act of sufficient size and geographic concentration in Kansas to be of potential concern under the Act. In fact, in many areas of Kansas the concentration of minority voters was insufficiently high to produce reliable estimates of voting behavior.

The election for US Congressional District 4 in 2008 was also racially polarized. A very large majority (82 to 100%) of black voters supported the African American Democratic candidate, Donald Betts. White voters, however, cast a large majority (71 to 73%) of their votes for his white Republican opponent, Todd Tiahart, who won the contest in this nearly 80% white congressional district.

The two 2008 state senate contested elections that included a minority candidate were racially polarized. In State Senate District 28, an overwhelming majority of Hispanics cast their votes for Shala Perez, a Hispanic Democrat. The majority of white voters, however, supported her white Republican opponent, Mike Peterson, who won the contest in this majority white district.

The minority-preferred candidate won in majority minority State Senate District 29, however. In this contest, a strong majority of black and Hispanic voters supported the African American Democrat, Oletha Faust-Goudeau. White voters cast a majority of their votes for her opponent, Kenya Cox, an African American Republican.

There were three state house contested elections that included minority candidates in 2008. None of these contests were racially/ethnically polarized. In the contest for State House District 53, the majority of both Hispanic and white voters supported Ann Mah, a white Democrat, in her bid for office against her African American Republican opponent, Cecil Washington. Similarly, the majority of whites, blacks and Hispanics supported the white incumbent Democrat, Jim Ward over his African American Republican opponent, Emanuel Banks, in the contest in State House District 88. And in State House District 119, a majority of both Hispanic and white voters supported the white Republican candidate, Pat George.

**2010 Elections** One of the two off-cycle state senate contests held in 2010 included a minority candidate: African American Democrat Wayne Hodges ran for State Senate District 7. This contest was racially polarized, with a majority of Hispanics supporting his bid for office, but the majority of white voters supporting his white Republican opponent, Terrie Huntington. Huntington won in this heavily white senate district.

There were six state house contested races that included minority candidates in 2010. Almost all of these contests were racially/ethnically polarized. In the contest for State House District 15, the majority of Hispanic voters supported African American Democrat Steve Wright. White voters, however, supported white Republican Arlen Siegfried, who won the seat.

The contest in majority minority State House District 35 featured two African Americans, Democratic incumbent Broderick Henderson and his Republican opponent Chiquita Coggs. Minority voters supported the Democratic candidate. A slight majority of white voters, however, supported his Republican opponent. The minority-preferred candidate won this contest.

In the contest for State House District 65, the majority of black voters supported the African American Democrat, Larry Hicks. Hicks lost the contest to the white-preferred candidate, white Republican James Fawcett.

Although the contest for State House District 84 was racially polarized, the minority-preferred candidate, African American incumbent Democrat Gail Finney, won in this majority minority district.

As in 2008, the elections in State House Districts 88 and 119 were not racially polarized. Both of these contests featured the same set of candidates as in 2008. In State House District 88, the majority of whites, blacks and Hispanics again supported the white incumbent Democrat, Jim Ward over his African American Republican opponent, Emanuel Banks. And in State House District 119, the majority of both Hispanic and white voters supported the white Republican incumbent, Pat George over his Hispanic Democratic opponent, Rebecca Escalante.

#### **4.0 Conclusion: Voting is Often Racially Polarized in Kansas Elections**

I examined a total of 14 contests that included minority candidates: seven elections in 2008 and seven elections in 2010. I found that the majority of these contests (nine of the fourteen, or 64.3%) were racially/ethnically polarized – minority and white voters clearly supported different candidates. The minority-preferred candidates were usually African American Democrats; white voters, however, inevitably preferred their white Republican opponents.<sup>6</sup> As a consequence of both the consistent pattern of polarization and the relatively low degree of white crossover voting for minority-preferred candidates, candidates supported by minority voters tended to be successful only in districts in which a majority of the voters were black and/or Hispanic.

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<sup>6</sup> State House Districts 53 and 88 are the exceptions to this rule. In both of these districts the minority-preferred candidate was the white Democrat. (The Republican candidates in these two districts were African Americans and were not supported by either white or minority voters.) State House District 119 was another exception: the minority-preferred candidate in this majority minority district was the white Republican.

**Table 2: Voting Patterns by Race/Ethnicity in the 2008 General Election,  
Contested Elections that includes Minority Candidates**

Election Contest and Candidates	District Information	Candidate Information		Estimate of the Percent of White and Minority Voters Casting a Vote for Each of the Candidates								
	Minority Composition of District	Party	Race	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference
<b>US President</b>	5.9%Blk 10.5%His			White:			Black:			Hispanic:		
Barack Obama		DEM	Black	34.2	34.3	37.9	98.7	100.0	91.4	NP	100.0	78.0
John McCain		REP	White	64.0	63.9	60.0	1.0	0.0	8.3	NP	0.0	20.1
Others				1.8	1.8	1.4	.2	0.0	2.7	NP	0.0	3.6
<i>Turnout</i>				69.1	70.0	62.5	63.9	67.6	66.8	NP	NP	55.4
<b>US Congress District 4</b>	10.8%Blk 7.1%His			White:			Black:			Hispanic:		
Donald Betts		DEM	Black	25.0	22.6	22.2	100.0	100.0	82.0	NP	NP	NP
Todd Tiahart*		REP	White	71.0	73.3	72.9	0.0	0.0	18.4	NP	NP	NP
Others				4.0	4.1	3.4	0.0	0.0	.4	NP	NP	NP
<i>Turnout</i>				64.6	62.6	61.6	75.0	18.3	24.5	NP	NP	NP
<b>State Senate District 28</b>	7.6%Blk 17.7%His			White:			Hispanic:					
Shala Perez		DEM	Hispanic	36.8	39.6	31.3	NP	88.0	88.7			
Mike Peterson*		REP	White	63.2	60.4	68.7	NP	12.0	13.0			
<i>Turnout</i>				49.8	52.3	45.2	NP	39.2	44.0			
<b>State Senate District 29</b>	33.1%Blk 22.2%His			White:			Black:			Hispanic:		
Faust-Goudeau*		DEM	Black	NP	33.9	37.1	100.0	92.9	99.1	NP	79.5	73.0
Kenya Cox		REP	Black	NP	66.1	62.9	0.0	7.1	.7	NP	20.5	26.8
<i>Turnout</i>				NP	36.3	42.0	100.0	52.2	55.9	NP	3.5	2.9

Election Contest and Candidates	District Information	Candidate Information		Estimate of the Percent of White and Minority Voters Casting a Vote for Each of the Candidates								
	Minority Composition of District	Party	Race	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference
<b>State House District 53</b>	5.6%Blk 7.6%His			White:			Hispanic:					
Ann Mah*		DEM	White	65.0	65.5	64.7	NP	86.5	99.0			
Cecil Washington		REP	Black	35.0	34.6	35.4	NP	14.5	0.0			
<i>Turnout</i>				75.6	77.4	80.2	NP	31.3	15.8			
<b>State House District 88</b>	15.4%Blk 28.5%His			White:			Black:			Hispanic:		
Jim Ward*		DEM	White	NP	70.7	68.3	NP	81.4	79.0	NP	86.5	75.7
Emanuel Banks		REP	Black	NP	29.3	30.5	NP	18.6	20.0	NP	14.5	25.0
<i>Turnout</i>				NP	80.9	72.5	NP	24.3	19.8	NP	11.3	4.7
<b>State House District 119</b>	2.5%Blk 52.1%His						Hispanic:					
R. Escalante		DEM	Hispanic	13.4	14.2	12.2	NP	45.6	42.6			
Pat George*		REP	White	86.6	85.9	86.4	NP	54.4	57.4			
<i>Turnout</i>				65.1	74.4	72.4	NP	2.9	3.2			

**Abbreviations:**

- Asterisk (\*) by candidate's name = winner of contest
- Blk = Black; His = Hispanic; DEM= Democrat; REP =Republican
- NP= estimation is Not Possible

**Table 3: Voting Patterns by Race/Ethnicity in the 2010 General Election,  
Contested Elections that includes Minority Candidates**

Election Contest and Candidates	District Information	Candidate Information		Estimate of the Percent of White and Minority Voters Casting a Vote for Each of the Candidates								
	Minority Composition of District	Party	Race	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference
<b>State Senate District 7</b>	3.0%Blk 6.6%His			White:			Hispanic:					
Wayne Hodges		DEM	Black	34.4	32.0	35.8	NP	NP	74.4			
T. Huntington*		REP	White	65.6	68.0	66.6	NP	NP	27.5			
<i>Turnout</i>				57.2	65.5	55.5	NP	NP	7.3			
<b>State House District 15</b>	5.8%Blk 16.5%His			White:			Hispanic:					
Steve Wright		DEM	Black	34.7	32.0	33.2	NP	77.3	63.0			
Arlen Siegfried*		REP	White	65.3	68.0	66.8	NP	22.7	37.5			
<i>Turnout</i>				62.4	55.3	60.5	NP	1.9	2.5			
<b>State House District 35</b>	52.2%Blk 14.9%His			White:			Black:			Hispanic:		
B Henderson*		DEM	Black	NP	48.2	48.9	NP	100.0	98.2	NP	65.6	63.5
Chiquita Coggs		REP	Black	NP	51.8	50.5	NP	0.0	0.4	NP	34.4	34.9
<i>Turnout</i>				NP	32.2	33.0	NP	30.3	38.5	NP	38.4	52.4
<b>State House District 65</b>	20.3%Blk 12.0%His			White:			Black:					
Larry Hicks		DEM	Black	27.9	28.9	27.6	NP	88.7	73.4			
James Fawcett*		REP	White	72.1	71.1	74.3	NP	11.3	26.9			
<i>Turnout</i>				73.6	69.8	54.4	NP	26.0	53.1			

Election Contest and Candidates	District Information	Candidate Information		Estimate of the Percent of White and Minority Voters Casting a Vote for Each of the Candidates								
	Minority Composition of District	Party	Race	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference	Homogen Precinct	Bivariate Ecological Regress	Ecological Inference
<b>State House District 84</b>	47.4%Blk 13.0%His			White:			Black:					
Gail Finney*		DEM	Black	NP	41.1	30.5	NP	88.0	84.7			
Dan Heflin		REP	White	NP	58.9	67.5	NP	12.0	15.2			
<i>Turnout</i>				NP	39.6	40.2	NP	17.8	19.8			
<b>State House District 88</b>	15.4%Blk 28.5%His			White:			Black:			Hispanic:		
Jim Ward*		DEM	White	NP	66.5	56.4	NP	91.9	79.0	NP	79.8	74.8
Emanuel Banks		REP	Black	NP	33.5	43.4	NP	8.1	20.0	NP	10.2	25.5
<i>Turnout</i>				NP	57.5	49.5	NP	12.4	10.4	NP	4.9	1.8
<b>State House District 119</b>	2.5%Blk 52.1%His			White:			Hispanic:					
R. Escalante		DEM	Hispanic	10.5	11.0	7.9	NP	39.9	32.6			
Pat George*		REP	White	89.5	89.0	91.8	NP	59.1	67.2			
<i>Turnout</i>				50.0	59.4	52.2	NP	.9	1.0			

**Abbreviations:**

- Asterisk (\*) by candidate's name = winner of contest
- Blk = Black; His = Hispanic; DEM= Democrat; REP =Republican
- NP= estimation is Not Possible