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Report on Demographic Characteristics and Voting Patterns of Residents of the City of Santa Clara, California

September 12, 2011

We were asked to provide the demographic evidence needed to assess the City of Santa Clara's situation with regard to its need to comply with the California and Federal Voting Rights Acts. We have studied the characteristics of the city's population and voters, and reviewed election histories. We have assessed whether the City has racially polarized voting. Because there are large numbers of members of groups protected under the federal Voting Rights Act (VRA), if racially polarized voting were present, then the city's at-large election system would likely be found to violate the California Voting Rights Act (CVRA).

Our analyses suggest that there is some evidence of racially polarized voting, although the method used to reach this conclusion has flaws, and that the CVRA might require the city to move from at-large election to election by council district. Furthermore, if the city were sued under the CVRA, it could be very difficult for the City to defend itself. This is primarily because, on the surface, Santa Clara *appears* to be in violation of the Act, given its large numbers of members of protected groups and the fact that members of protected groups have not been elected to seats on the city council.

Moreover, we believe that some analysts might argue that there is evidence of racially polarized voting based on substandard assumptions and produce results that supported the allegation. There are many different elections that could be analyzed, and a plaintiff might select the races that best supported allegations of racially polarized voting. It is difficult *not* to find statistical evidence of racially polarized voting in communities with diverse populations. Further complicating matters is the fact that court rulings have not established comprehensive guidelines for assessing the presence of racially polarized voting and the need to comply with the CVRA.

We begin this report with background information about the City's population, and then turn to a discussion of the history of City Council and Mayoral elections. After that, we describe in detail our analyses of voting patterns in various key elections.

Demographic Characteristics of the City's Population

Census 2000 and 2010 Data

Our analysis of Census 2000 and 2010 counts show that the City is becoming more diverse (Table 1). The non-Hispanic (NH) White share of the District's population fell from 48 percent

in 2000 to 36 percent in 2010. During the decade, the number of NH Asians grew by 48 percent, the number of Hispanics increased by 38 percent, and the number of NH African Americans/Blacks grew by 37 percent so that these groups now comprise, respectively, 39, 19, and three percent shares of the total. These groups, protected by the federal and state Voting Rights Acts, are growing rapidly. Shares of the voting age population shifted to a similar degree over the decade.

Table 1

Group	2000 Population	2010 Population	Change	% Change	Shares	
					2000	2010
Hispanic	16,364	22,589	6,225	38%	16%	19%
NH* White	49,392	42,026	-7,366	-15%	48%	36%
NH Black	2,439	3,334	895	37%	2%	3%
NH American Indian	525	492	-33	-6%	1%	0%
NH Asian	30,969	45,681	14,712	48%	30%	39%
NH Hawaiian/Pacific Islander	547	745	198	36%	1%	1%
NH Other Race	1,185	420	-765	-65%	1%	0%
NH Mixed Race	940	1,181	241	26%	1%	1%
Total	102,361	116,468	14,107	14%	100%	100%

*NH = non-Hispanic

Map 1 shows the distribution of the various groups, by individual Census block. Concentrations of Asians, non-Hispanic Whites, Hispanics, and other groups differ by subarea of the City.

The city's Asian population has become more diverse as well as increasingly numerous. Table 2 contrasts the numbers of members of various Asian subgroups in 2000 and 2010. Asian Indians are the most numerous (14 percent of the City's population), followed by Chinese (seven percent), Filipino (six percent), and Vietnamese (four percent). The number of Asian Indians grew by more than 7,000 over the decade, and Chinese, Filipino, Korean, and other Asian numbers grew, as well.

Map 1

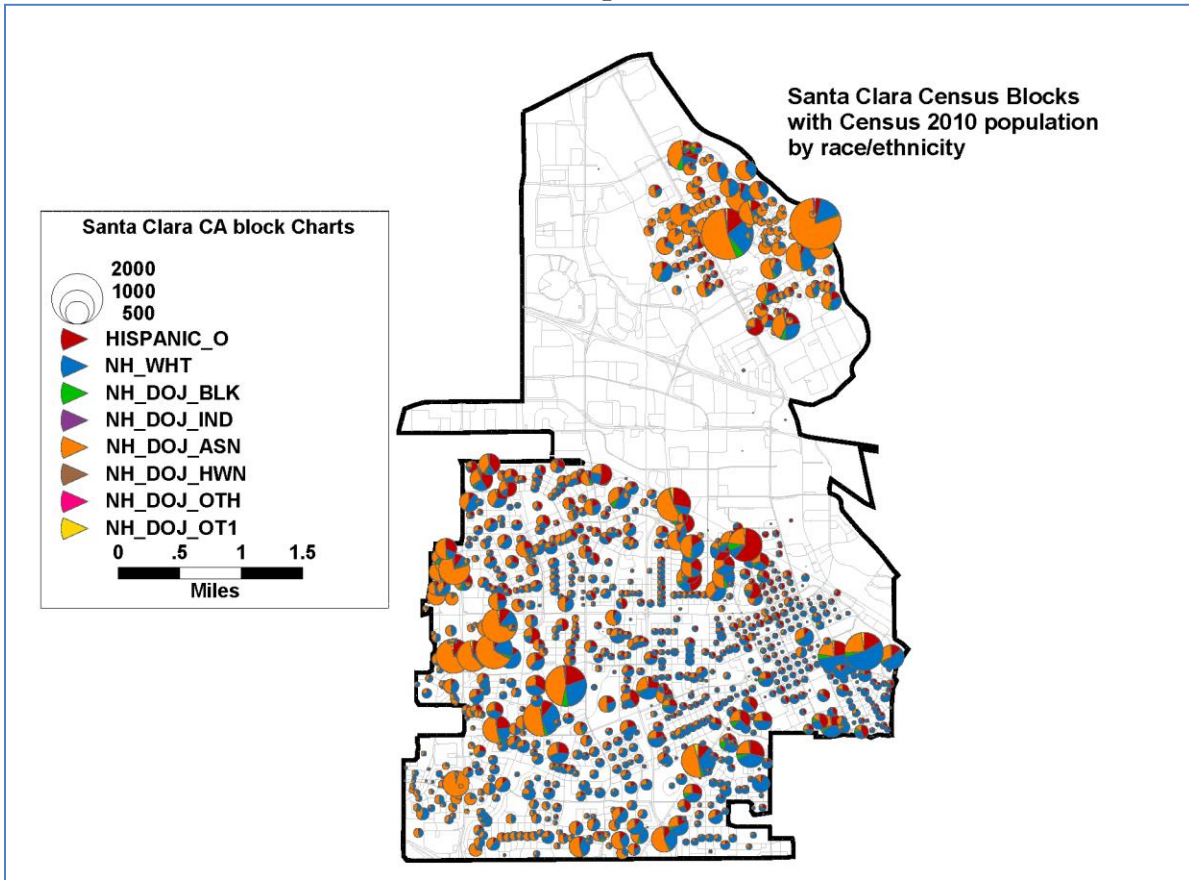


Table 2

**City of Santa Clara
Comparison of 2000 and 2010 Asian Populations**

Detailed Asian group data (from SF2 Census 2000 and SF1 Census 2010 releases):

Group	Shares		2000 Population	2010 Population	Change	% Change
	2000	2010				
Asian Indian	9%	14%	8,853	15,890	7,037	79%
Chinese	5%	7%	5,197	8,176	2,979	57%
Filipino	6%	6%	5,819	7,222	1,403	24%
Japanese	2%	1%	2,103	1,731	-372	-18%
Korean	2%	3%	2,471	3,506	1,035	42%
Vietnamese	5%	4%	5,046	4,498	-548	-11%
Other Asian	1%	2%	743	2,866	2,123	286%
Pakistani				491		
Thai				125		
Indonesian				127		

Census 2010 Total Population and Citizenship Voting Age Population (CVAP) by Group

The potential political influence of groups protected under the VRA is reduced by the groups' relatively low citizenship rates. Only 53 percent of Asians and 68 percent of Hispanics are citizens. This compares to 93 percent of Whites (Table 3). The relatively low Asian and Hispanic citizenship rates suggest that many adults in these groups may be recent immigrants, or perhaps temporarily in the U.S. on work visas for jobs in the Silicon Valley area's high tech companies. The estimated citizenship rates for Blacks are lower than we usually see, suggesting that significant numbers may be recent immigrants or temporary residents.

As a result, among the citizen voting age population (CVAP), 53 percent are (non-Hispanic) White, 26 percent are Asian, and 15 percent are Hispanic. This means that the number of Asians and Hispanics eligible to vote is far smaller than their shares of the total and voting age populations would suggest. Table 4 shows how these shares vary using different measures.

The low Asian and Hispanic citizenship rates also means that fewer members of these groups who are eligible to run for office than their shares of the total and voting age populations would suggest. For example, the fact that only 15 percent of the CVAP population is Hispanic would help explain why few Hispanics have run for the City Council.

Table 3: Citizenship rates for various racial/ethnic groups

	Estimated		Percent of VAP who were citizens
	VAP	CVAP	
White Alone	35,695	33,125	93%
Asian Alone	31,175	16,465	53%
Hispanic or Latino	13,675	9,360	68%
Black or African American Alone	2,375	2,005	84%
Asian and White	950	915	96%
Native Hawaiian or Other Pacific Islander Alone	430	275	64%
American Indian or Alaska Native Alone	270	260	96%
Black or African American and White	155	135	87%
American Indian or Alaska Native and White	140	140	100%
Remainder of Two or More Race Responses	130	130	100%
American Indian or Alaska Native and Black or African American	80	80	100%
Total	85,070	62,895	74%

Source: special tabulation of American Community Survey 2005-09 data by the U.S. Census Bureau.

Table 4

Group	Total Population	Voting Age Population	Citizen Voting Age Population	November 2010 Voters
NH Asian*	39%	38%	26%	18%
NH White	36%	40%	53%	
Hispanic or Latino	19%	17%	15%	11%
NH Black or African American	3%	3%	3%	
NH Multiple Race	1%	1%		
NH Hawaiian	1%	1%		
NH Native Americans	0%	0%		
NH Other	0%	0%		
all others, combined			3%	71%
Total	100%	100%	100%	100%

*The Census definition of Asian includes Filipinos and East Indians
NH=Non-Hispanic

Map 2 shows the estimated CVAP share in each of the City’s precincts. The map reflects the fact that no portion of Santa Clara is racially or ethnically homogeneous, although members of the various groups are not evenly distributed.

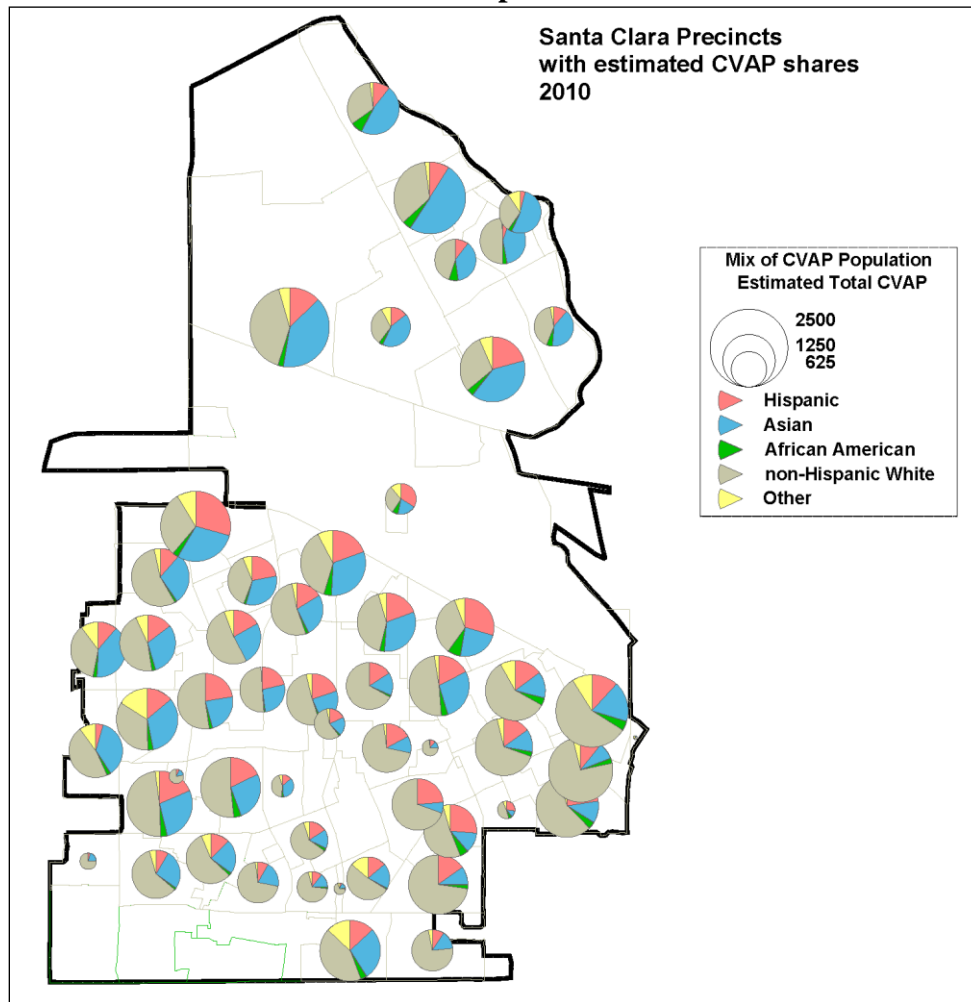
The Use of Surname Analysis in Voting Studies

Studies of voting behavior by race/ethnicity rely on surname analysis. Data used for these studies in California are compiled by experts at the Statewide Database (at U.C. Berkeley). They identify voter surnames as Spanish and Asian (as well as a few other categories) and summarize numbers by precinct for each primary and general election. This surname analysis is necessary because when we register to vote, we are not asked to identify our race/ethnicity. There is some uncertainty associated with this methodology, but surname matching for the purpose of studying voting behavior in the aggregate (precinct level, and for larger geographical areas) is widely accepted. However, there are some caveats. One is that some people whose surname appears on the list of Spanish surnames might be Hispanic *or* Portuguese *or* Filipino.

Hispanic, Portuguese, and Filipino

Santa Clara has a significant Portuguese ancestry population, and a number of persons of Portuguese descent have been elected to the City Council. The City is also home to a significant number of Filipinos. The presence of these two groups matters when we study voting patterns because analyses of these patterns are based on surname analysis and some names could be Spanish, Portuguese, or Filipino.

Map 2



The U.S. Census Bureau does not count Portuguese persons as Hispanic. The Bureau identifies “Portuguese” as an ancestry or language category, while “Hispanic” is a separate category that might be called an “ethnicity.” Because almost all Census Bureau data on Hispanics are based on self-reporting, people who consider themselves to be Portuguese may also consider themselves to be Hispanic (or not). That said, the Bureau does not include Portuguese as an example of an Hispanic group; nor does federal law recognize it as a protected group. The definition of Hispanic or Latino Origin used in the 2010 Census was: *“Hispanic or Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.* Other definitions of “Hispanic” used by the Census Bureau state that Hispanics are characterized by use of the Spanish language.

Also, according to the Santa Clara City Attorney’s investigation, there are inconsistencies in whether “Portuguese” is considered to be “Hispanic” for legal purposes. However, from a Voting Rights Act perspective, we are not familiar with any instances in which Portuguese ancestry people have been grouped with Hispanic/Latino populations.

The fact that some people with Spanish surnames may actually be Portuguese or Filipino means that they may be over-represented in our estimates of Hispanic voters.

History of Santa Clara City Council/Mayoral Races

Candidates and Elected Council Members

The City provided election data from 1979-2010 that identified candidates who were Asian and Hispanic.¹ We analyzed the information and learned that a total of 157 candidates ran for office during this time period. Persons running multiple times were counted multiple times. Of these 157 candidates, four were Asian (Nam Nguyen ran twice, Gap Kim once and Mohammed Nadeem once) and five were Hispanic, assuming Lisa Gillmor is considered Hispanic (Lisa Gillmor² ran four times and Mike Rodriguez ran once). None of the Asian candidates was elected, while Lisa Gillmor was elected twice. Table 5 summarizes the ethnic statistics by election.

Note that if Lisa Gillmor were not considered Hispanic, then the history would show that four Asians and one Hispanic have run for office, and that none were elected. All of these candidates have run since 2000. Thus, if one considered only the elections after 2000, there have been 20 candidates, including five minority candidates, with no minority candidate getting elected.

The election history makes Santa Clara vulnerable to challenge under the CVRA for two reasons. First, minority candidates have seldom (perhaps never, depending on how Lisa Gillmor is counted) been elected, at least not in the last decade. Second, few minority candidates have run for office. It is often argued that minority candidates are more likely to run in districts rather than at-large because it is less expensive to run and they have a better chance of getting elected, and this may be a factor in Santa Clara.

¹ The City also reported Portuguese status of elected officials and of candidates for office, but we do not report those statistics because they are not relevant under the Federal or California Voting Rights Acts.

² We understand that Lisa Gillmor is half Spanish, and may consider herself to be Hispanic. Our understanding of voting patterns should include the possibility that voters may not *perceive* her to be Hispanic.

Table 5

Election Date	Elected				Not Elected			
	Asian	Hispanic	Other	Total	Asian	Hispanic	Other	Total
3/13/1979			4	4			10	10
11/10/1981			3	3			10	10
11/15/1983			4	4			8	8
11/12/1985			3	3			6	6
11/8/1988			4	4		1	6	7
11/6/1990			3	3			5	5
11/3/1992		1	3	4			5	5
11/8/1994			3	3		1	9	10
11/5/1996		1	3	4			6	6
11/3/1998			3	3			5	5
11/7/2000			4	4			3	3
11/5/2002			3	3	1	1	3	5
11/2/2004			4	4	2		6	8
11/7/2006			3	3			4	4
11/4/2008			4	4			6	6
11/2/2010			3	3	1		2	3
Total elected	0	2	54	56	4	3	94	101
appointed 2011		1						

Description of Precincts and Implications for Measuring Racially-Polarized Voting

The California Statewide Database (SWDB)³ reports the results of surname analysis of registered voters, by precinct. The SWDB identifies voters with Spanish, Korean, Japanese, Chinese, Vietnamese, Filipino, and (East) Indian surnames. In November 2010, 30,829 city voters cast ballots. The distribution of voters by surname is shown in Table 6.

Table 6

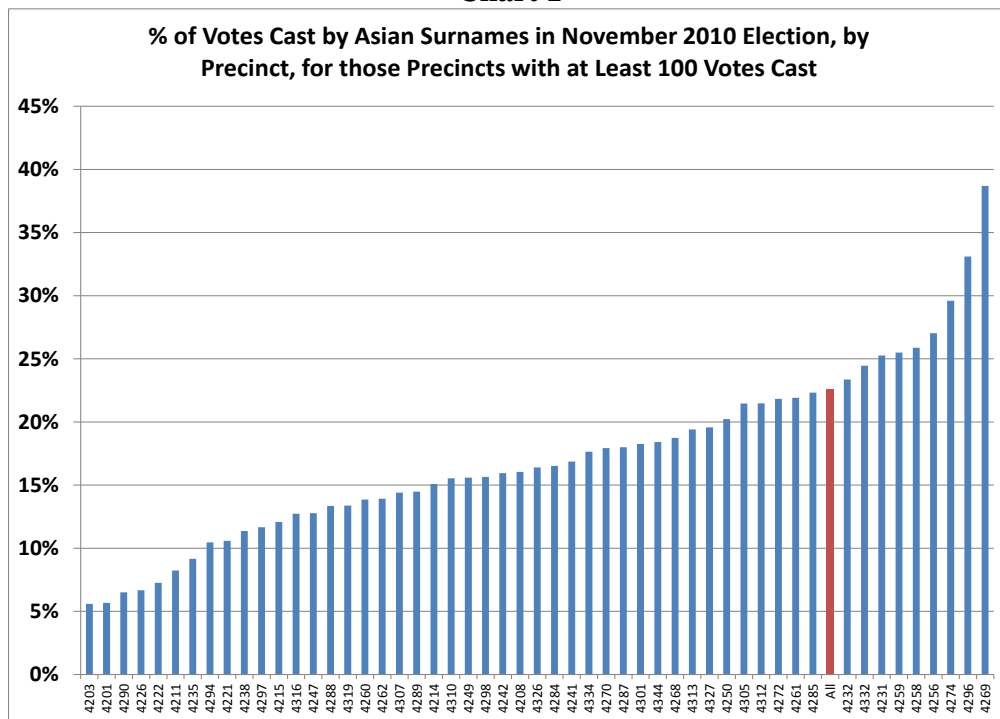
All Votes Cast in November 2010	30,829
%Hispanic	10.7%
% Chinese	5.8%
% Indian	3.5%
% Vietnamese	3.1%
% Japanese	2.3%
% Filipino	2.2%
% Korean	1.3%
% All Asian (including Filipino and Indian as Asian)	18.3%

³ <http://swdb.berkeley.edu/>

In November, 2010, the City of Santa Clara had 62 precincts; however, data for only 52 precincts were available for analysis.⁴ In the City, minority populations are not concentrated to the extent that there are “homogeneous precincts,” with 90 percent or more of the registered voters either Asian or Hispanic. Charts 1 and 2 show that there are no precincts in which more than 39 percent of voters had Asian surnames, and no precincts in which more than 29 percent of voters had Spanish surnames. The lack of geographic concentration of minorities has very important implications for analyzing racially polarized voting: it makes ecological regression inappropriate. Nonetheless, someone suing the City could use this technique, and produce “evidence” of polarization.

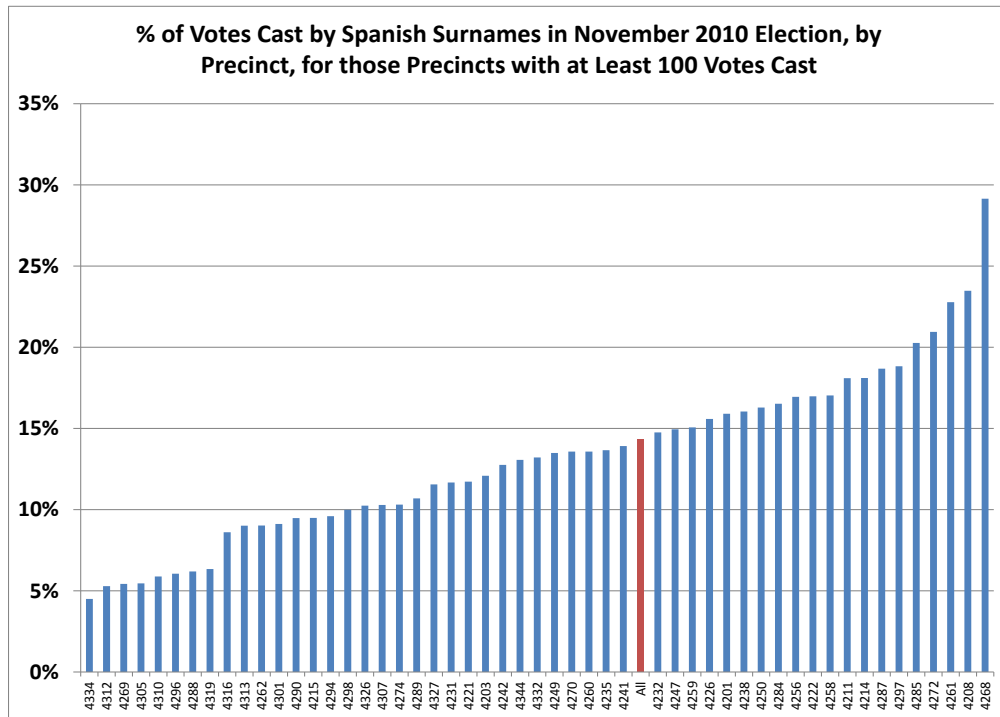
Map 3 shows the distribution of minority voters, by precinct. Pie charts are shown in each precinct. The size of the pie indicates the number of voters in the precinct. The colors of the pie indicate the ethnic distribution in that area. Note that there is relatively little difference in the ethnic distribution by precinct. As we explain below, when minority voters are geographically integrated to this extent, it is very difficult to identify racially polarized voting using ecological regression analysis.

Chart 1



⁴ In nine precincts less than 100 votes were cast. Because patterns could be random when the numbers of votes are small, we excluded these precincts from our analysis. We also had to exclude one large precinct because no surname analysis data were available from the SWDB.

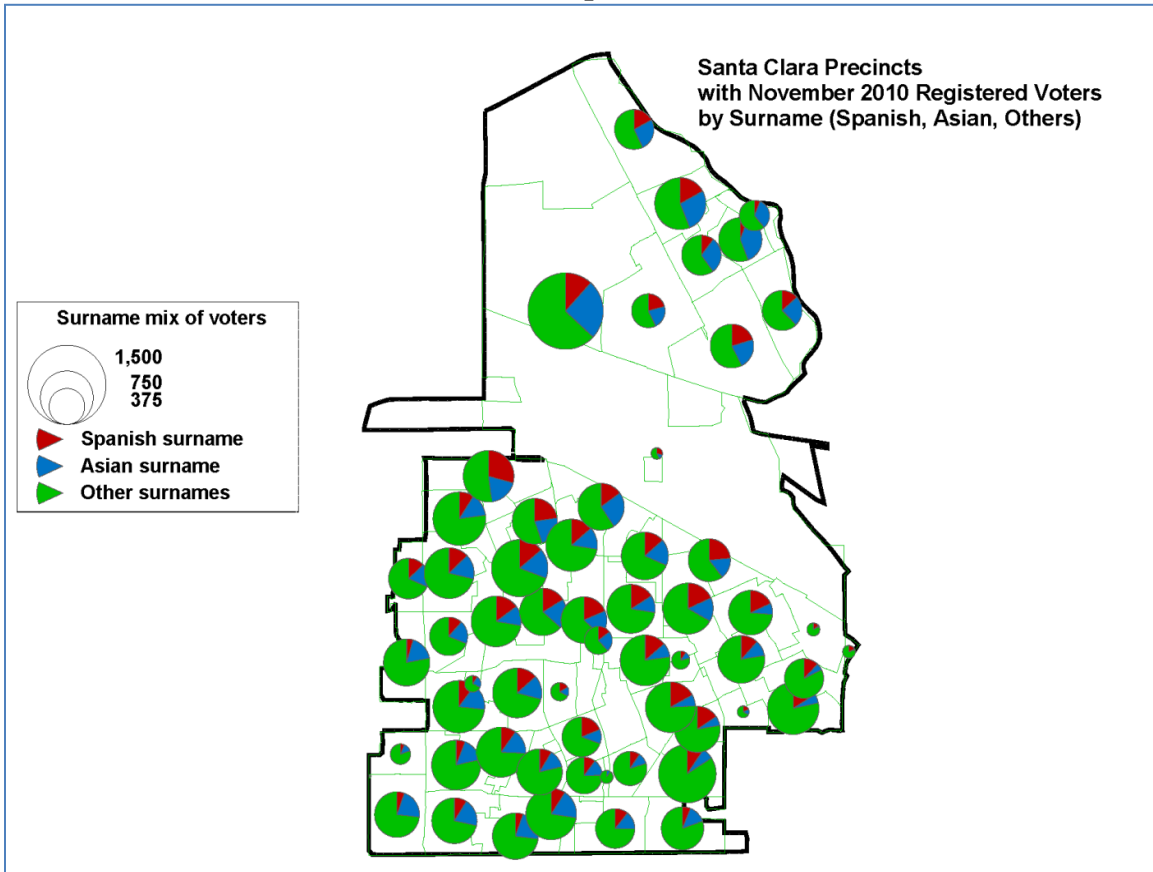
Chart 2



To clarify why the geographical integration of minorities affects the measurement of racially polarized voting, we start by explaining the two standard methods that the courts have recognized for analyzing voting: homogenous precinct analysis (the “neighborhood model”) and ecological regression. Homogeneous precinct analysis identifies precincts with high concentrations of minorities – the standard is 90 percent. The homogenous precincts are compared one another to determine if there is a substantial difference in voting patterns between the minority precincts and others. Note that the city of Santa Clara is not close to having any homogenous precincts (minority or otherwise).

Ecological regression analysis has been applied in jurisdictions where there are no (or few) homogenous precincts. Ecological regression uses imperfect data to estimate what the results would be if there were homogeneous precincts. The fact that Santa Clara has only heterogeneous precincts renders ecological regression inappropriate. Even if a regression line were fit to the data that was statistically significant, and showed a positive slope (indicating racially polarized voting), the interpretation of the regression would be questionable. There is no reason to favor the ecological regression model over the neighborhood model, that is, even if there is a strong correlation between percent minority and percent supporting a minority candidate, such a result could be easily explained in a world in which neighborhood influences are more important than minority background.

Map 3



Despite the fact that ecological regression analysis has serious limitations, we nonetheless did perform ecological regressions for several races in which minority candidates ran for office. We did this analysis because anyone suing the City would perform these regressions, despite the lack of concentrated minority precincts. To understand the results they would get, we also ran the regressions. In theory, heterogeneous precincts also make it less likely that there will be a finding of racially polarized voting, because many other factors will affect voting patterns, causing random variation.

Ecological Regression Analysis

We studied voting patterns in the following elections for City Council that involved minority candidates:

- November, 2004: Nam Nguyen (Asian), Karen Hardy, and Will Kennedy
- November, 2004: Gap Kim (Asian), Kevin Moore, Mario Bouza, Frederick Clegg
- November, 2010: Mohammed Nadeem (Asian Indian) and Patrick Kolstad

We also analyzed two statewide races involving minority candidates:

- 2010 Democratic primary for Insurance commissioner: Dave Jones vs. Hector De La Torre (Hispanic)

- 2010 Democratic primary for Attorney General: Pedro Nava (Hispanic), Alberto Torrico (Hispanic), Rocky Delgadillo (Hispanic), Ted W. Lieu (Chinese surname), Mike Schmier, Chris Kelly, and Kamala Harris (Asian Indian/African American).

In the charts presented here, each precinct is a point on the scatter plot. Each precinct point is located on the graph according to its percentage of voters with Asian or Spanish surnames and the percent of the voters who voted for an Asian or Hispanic candidate. An upward slope of the line means that the higher the percentage of voters with Asian or Spanish surnames, the greater the share who voted for the Asian or Hispanic candidate. The steepness of the slope of the line is important – the steeper the slope, the greater the racial polarization. There are, therefore, two things to look for in the statistical analysis. First, whether the result is statistically significant; that is, the likelihood that the observed differences could have happened by chance alone. The second thing to look for is the substantive importance of the result: whether the voting patterns of the groups are substantially different. This distinction is somewhat subjective, but essentially the steeper the slope of the line, the more important the result and the more pronounced the racially polarized voting.

Charts 3-7 show the results of our graphic analysis of these races. In all cases, ecological regression analysis, weighted by the number of voters in each precinct, shows the voting pattern to be racially polarized to a statistically significant extent ($p < .001$). This kind of result could be used by plaintiffs arguing that the City needs to change its method of electing the Council Members.

Conclusions

In our opinion, the City of Santa Clara is vulnerable to a lawsuit because of its election history. Very few minority candidates have run for office, and those that ran were not elected (with the exception of Lisa Gillmor).

In our opinion, racially polarized voting cannot be proven one way or the other. This is because it is inappropriate to use ecological regression analysis in such a residentially integrated community as the City of Santa Clara. However, the courts have accepted ecological regression as a method for determining racially polarized voting, and the inappropriateness of this method for integrated communities has not been ruled upon. Thus, someone suing the City could use this technique. If they do so, the results will show that there has been racially polarized voting by City residents. Therefore, the City is probably vulnerable to charges that its practice of electing the Mayor and Council Members at large violates the California Voting Rights Act.

Chart 3: Votes for Mohammad Nadeem for Council Seat 2, Nov. 2010

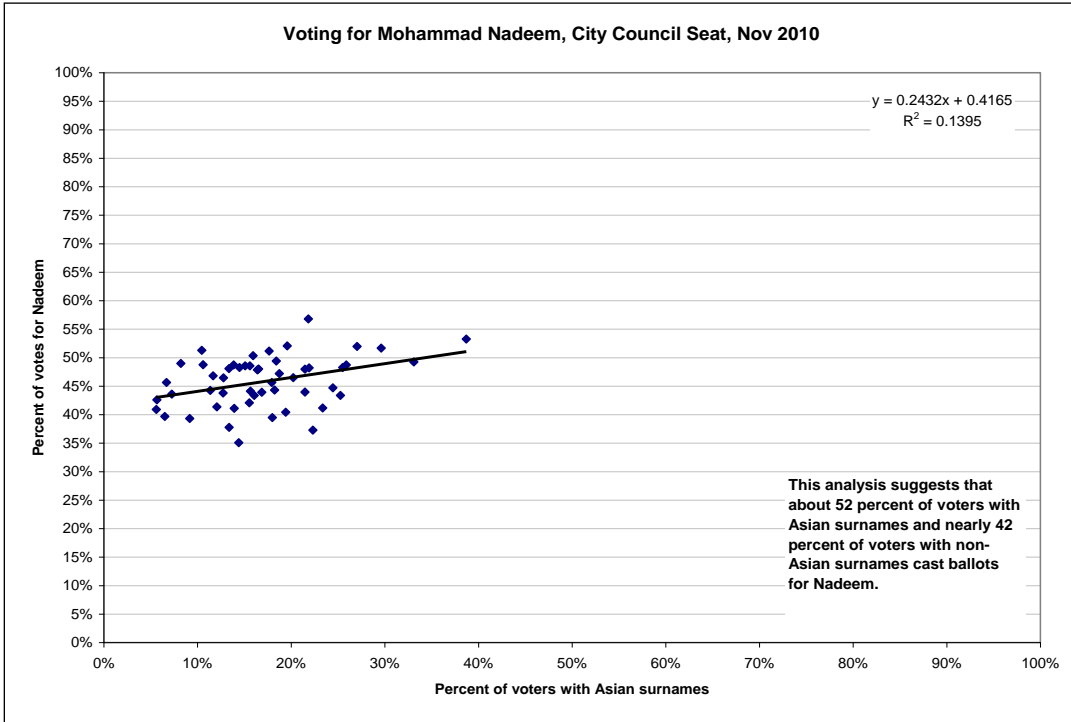


Chart 4: Votes for Nam Nguyen for Council Seat 3, Nov. 2004

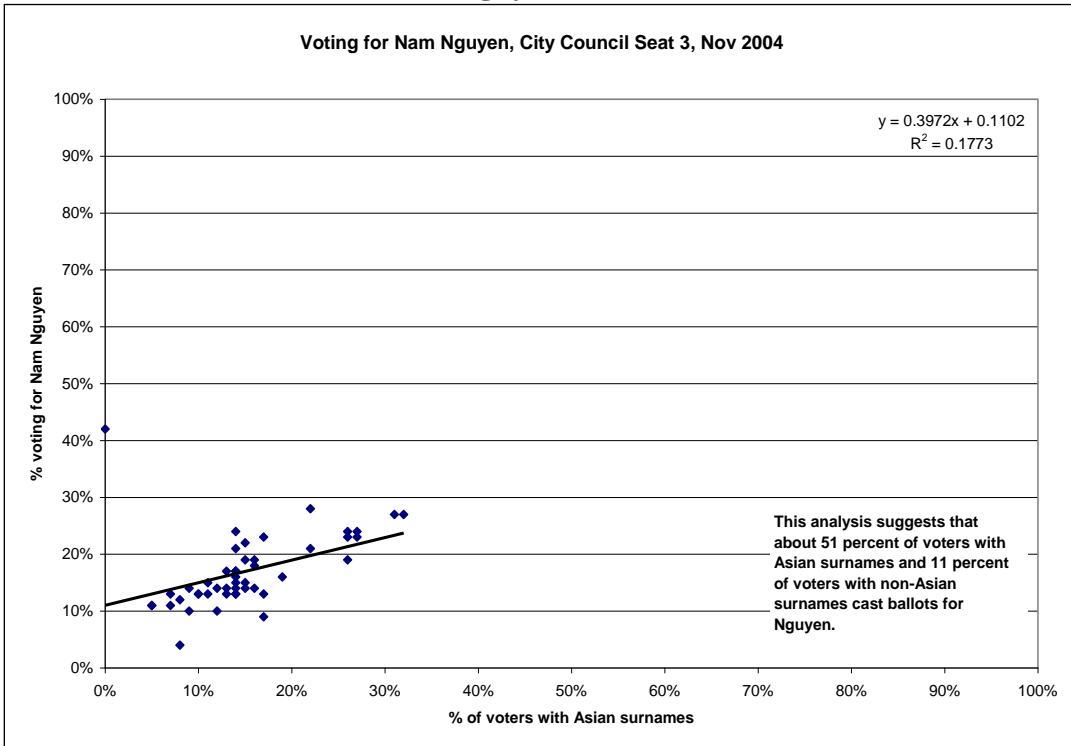


Chart 5: Votes for Gap Kim for Council Seat 4, Nov. 2004

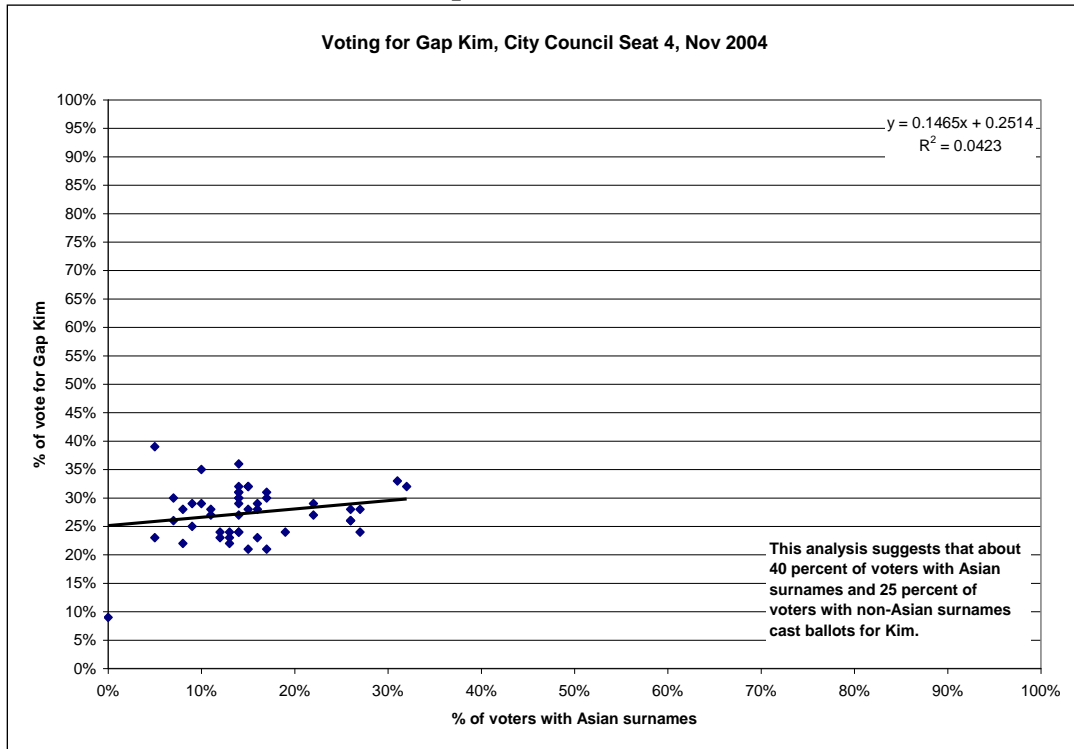


Chart 6: Votes for Ted Lieu for Attorney General, Democratic Primary, Nov. 2010

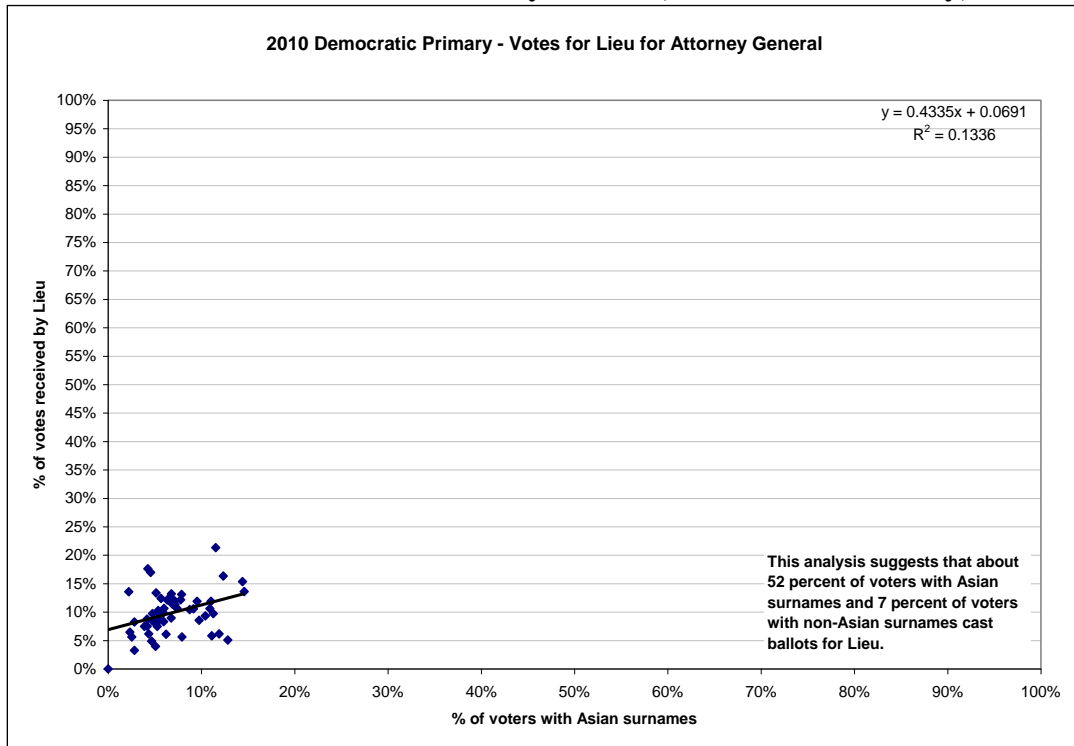
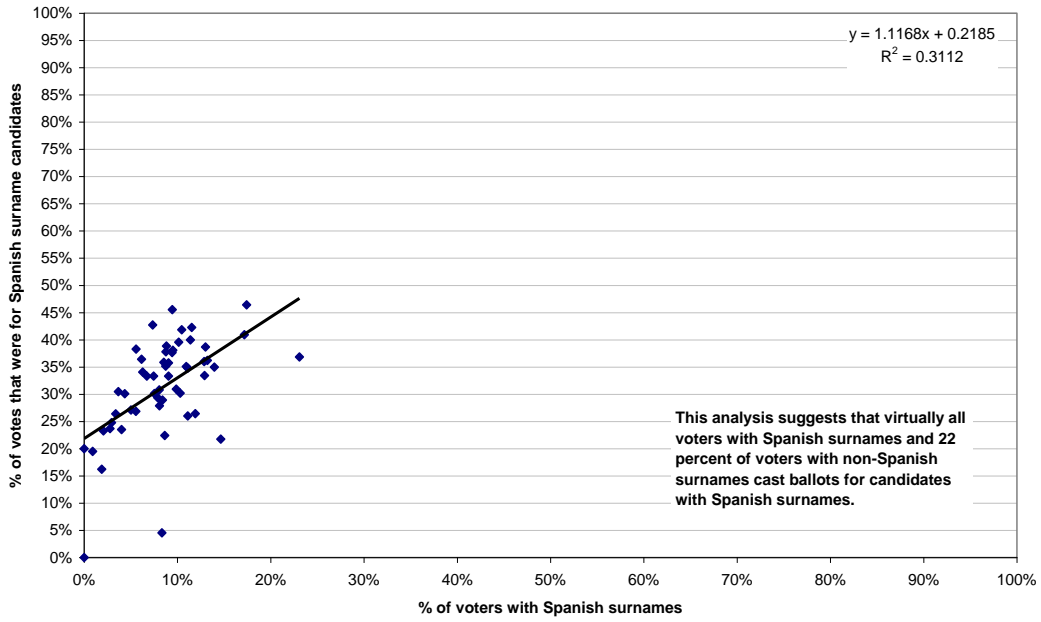


Chart 7: Votes for Spanish Surname Candidates for Attorney General (Pedro Nava, Alberto Torrico, and Rocky Delgadillo) Democratic Primary, Nov. 2010

2010 Democratic primary - votes for all Spanish Surname candidates for California Attorney General combined



Appendix: Election History, Santa Clara City Council & Mayor, 1979-2011