

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

MANUEL A. BENAVIDEZ,

Plaintiff,

v.

IRVING INDEPENDENT SCHOOL
DISTRICT (TEXAS), et. al.

Defendants.

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Civil Action No. 3:08-CV-00924-D

SUPPLEMENTAL
REPORT OF RICHARD L. ENGSTROM

I declare the following:

1. My name is Richard L. Engstrom and I am a resident of Durham, North Carolina. My initial Report in this case is dated December 10, 2008. A copy of my curriculum vita was attached to that Report. Since that Report was written I have testified, by deposition and at trial, in United States of America v. Euclid City School District Board of Education and Cuyahoga County Board of Elections (N.D. Ohio 2009), and at trial in Benavidez v. City of Irving, Texas (N.D. Tex. 2009).

2. Since my deposition in this case I became aware of another Latino candidate who ran for the Irving ISD Board of Trustees (Board) in 2008. This was Stacey Ponce, a candidate for the Place 1 seat on the Board. This Supplemental Report provides the

results of an analysis of that election to determine whether voting in that election was racially polarized.

3. Ms. Ponce competed with two non-Latino candidates in this election. They were Gina Bates and Nancy Jones. The election was won by Ms. Jones, who received 51.0 percent of the votes. Ms. Bates finished second with 32.2 percent of the votes, while Ms. Ponce finished last with 16.8 percent.

4. My analysis of this election is based on the same independent variable that I employed in my analysis of the election contest for the Place 2 position on the Board, in which another Latino was a candidate, Jorge Alfonso Chac, II. This variable was the percentage of people receiving ballots in each precinct that day that had a Spanish surname. The dependent variable is the percentage of the votes received in each precinct that were cast for Ms. Ponce.

5. The same statistical procedures are used to derive estimates of Latino and non-Latino voters' candidate preferences as were used in the analysis for my initial Report; these are Ecological Inference (EI), ecological regression (ER), and homogeneous precinct analysis (HP). These procedures are discussed in my initial Report.

6. The results of all three procedures reveal large differences in candidate preferences between the Latino and non-Latino voters. Ms. Ponce was the candidate preferred by Latino voters, but was not the preference of non-Latino voters. The correlation coefficient for the relationship between the Latino percentage of voters receiving ballots and the percentage of votes received by Ms. Ponce was a statistically significant .758. A scatterplot depicting this relationship is provided at the end of this

Report. All three estimation procedures reveal a marked difference in the candidate preferences of Latino and non-Latino voters. The EI estimates show that Ms. Ponce was the candidate of choice of the Latino voters, receiving an estimated 89.5 percent of their votes. The EI estimate of her non-Latino support is only 10.0 percent.¹ The ER estimates place Ms. Ponce's vote among Latinos at 69.3 percent, while that among the non-Latinos was only 8.6 percent. The HP analysis shows her vote in the only homogeneous Latino precinct to be 100 percent, although it must be noted that only five votes were cast in this precinct. Her vote in the homogenous non-Latino precincts was 13.9 percent. The votes cast in the 17 homogeneous non-Latino precincts constituted 41.1 percent of all of the votes cast in this Place 1 election.

7. My initial Report contained my finding that Latino and non-Latino voters in the most recent school board elections, when presented with a choice between or among Latino and non-Latino candidates, always differed in their candidate preferences. Latino voters supported Latino candidates and non-Latino voters supported non-Latino candidates. This pattern was repeated in the contest for Place 1 in 2008. This result enhances my conclusion, expressed in my initial Report, that voting in elections for seats on the Irving ISD Board has been polarized between Latino and non-Latino voters. Table I attached to this Supplemental Report reproduces the results contained in my initial Report along with the results for the Place 1 contest in 2008.

¹ The standard errors produced by the EI procedure are .0388 for the Latino estimate and .0036 for the non-Latino estimate. This reveals a statistically significant difference between the two groups, as was the case for all of the EI estimates reported in my initial Report.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and that this Affidavit was executed on July 8, 2009 in Durham, NC.

A handwritten signature in black ink, appearing to read 'Richard L. Engstrom', with a long horizontal flourish extending to the right.

Richard L. Engstrom

TABLE 1
Estimated Divisions in Vote for Latino Candidates

In the following order:
 Ecological Inference (EI)
 Regression Analysis (ER)
 Homogeneous Precinct Analysis (HP)

<u>Election</u>	<u>Percent of Latino Voters</u>	<u>Percent of Non-Latino Voters</u>	<u>Correlation Coefficient</u>
<u>Place 1, 2008</u>			
Ponce	89.5	10.0	
	69.3	8.6	.758*
<u>Place 2, 2008</u>			
Chac	99.0	8.9	
	83.6	9.5	.826*
	100.0	15.2	
<u>Place 3, 2006</u>			
Benavidez	99.4	10.8	
	98.6	11.9	.554*
	NA	15.9	
<u>Place 4, 2006</u>			
Carranza	80.0	11.1	
	83.7	11.8	.429*
	NA	14.6	