



Comments of League of United Latin American Citizens (“LULAC”) and Colorado League of United Latin American Citizens (“Colorado LULAC”) Regarding First Staff Congressional Plan Released September 3, 2021

On behalf of the League of United Latin American Citizens and the Colorado League of United Latin American Citizens (collectively “LULAC”), Campaign Legal Center (“CLC”) submits the following comments regarding the First Staff Congressional Plan released on September 3, 2021. These comments supplement those LULAC submitted on August 17, 2021, in response to the Staff’s preliminary redistricting plans.

I. Introduction and Summary

Latinos constitute over 15.6% of Colorado’s citizen voting age population (“CVAP”)—over one eighth of its total CVAP—yet because of their distribution throughout the State, they do not constitute a majority of a single of the State’s eight proposed congressional district, and no current member of Colorado’s congressional delegation (nor any member for the past decade) is Latino. Because the U.S. Supreme Court has interpreted the federal Voting Rights Act (“VRA”) to require a threshold showing that a majority-minority district can be drawn, Latinos in Colorado currently have no *federal* statutory protection against vote dilution absent a showing of intentional discrimination.

Colorado’s voters responded to the U.S. Supreme Court’s narrow interpretation of the VRA by adopting Amendments X and Y in 2018, which provide broader protections than federal law for Colorado’s large, but geographically dispersed, Latino population. Under § 44.3(4)(b) of the Colorado Constitution, the Commission is prohibited from adopting a plan that dilutes Latino voters’ electoral *influence*. This language is a stark and intentional departure from the VRA’s text, and a direct rejection of the numerical majority standard adopted by the U.S. Supreme Court in *Bartlett v. Strickland*, 556 U.S. 1 (2009). And this departure was at the *Bartlett* Court’s invitation. Although the Court held that *federal* law did not require the adoption of crossover districts—districts in which sizeable minority populations coalesce with white crossover voters to elect minority-preferred candidates—it explained that states could choose to adopt crossover districts to remedy vote dilution. As LULAC explained in detail in its prior comments, this is precisely what Colorado voters did.

Yet the staff’s September 3, 2021 memo disregards the plain text of § 44.3(4)(b) and LULAC’s detailed legal analysis, and instead notes that “[t]o the extent that section

44.4(4)(b) [*sic*] is a restatement of the federal Voting Rights Act, nonpartisan staff does not believe that there is an area in Colorado with sufficient citizen voting age population to form a majority-minority congressional district.” If § 44.3(4)(b) were a *restatement* of the VRA, it would use the same words as the VRA. It does not. *Compare* 52 U.S.C. § 10301 with Colo. Const. art. V, § 44.3(4)(b). It was adopted precisely *because* Colorado’s Latino voters cannot form a majority of a district, despite constituting over 15% of the state’s CVAP, as a way to nevertheless protect against minority vote dilution.

The memo accompanying the First Staff Congressional Plan asserts that the staff “does not believe that the electoral influence of any . . . community [of interest] was diluted in this plan.” But § 44.3(4)(b) is separate from the “community of interest” provision in the State Constitution; it expressly prohibits diluting ability of *minority voters* to influence electoral outcomes. Moreover, the “belief” of the staff is insufficient. Whether a proposal complies with § 44.3(4)(b) is a question to be answered by demographic and electoral data—data that LULAC provided the Commission well in advance of the release of the First Staff Congressional Plan, and that plainly reveal that the staff’s plan dilutes the ability of Latino voters to influence electoral outcomes.

As LULAC explained, with detailed demographic and electoral data, the staff’s preliminary congressional plan diluted the electoral influence of Latino voters by cracking them among Districts 3, 4, and 5, preventing them from coalescing with white crossover voters to elect their preferred candidates. The staff’s preliminary plan included two districts with sizeable Latino populations in which the data showed that candidates opposed by Latino voters would not win the general election (Districts 1 and 8), and one district in which the data showed that white voters would successfully bloc vote to elect the general election candidate opposed by Latino voters (District 4). LULAC proposed a congressional plan, consistent with all the Colorado Constitution’s criteria, in which Latino voters would not only succeed in overcoming white bloc voting to prevent general election candidates they oppose from prevailing, but that also included a district (LULAC District 8) in which Latino voters could reliably elect their preferred candidate in both the primary *and* general election.

Far from correcting these defects in the preliminary staff plan that LULAC identified, the First Staff Congressional Plan *worsens* the dilution of Latino voters’ electoral influence. The new plan again contains three districts with sizeable Latino populations: Districts 1, 3, and 8. But the electoral data reveal that Latino voters could reliably overcome white bloc voting in the general election in just *one* of those districts. This violates the Colorado Constitution.

I. District 3 in the First Staff Congress Plan Dilutes the Ability of Latino Voters to Influence Electoral Outcomes.

District 3 dilutes the ability of Latino voters to influence electoral outcomes. District 3 has a Latino total population of 25.8%, and a Latino CVAP of 20.9%.¹ As LULAC previously explained, with a thorough analysis of election results in racially homogenous precincts, voting in the affected area of the State is racially polarized: Latino voters strongly support Democratic candidates while white voters throughout rural Colorado strongly support Republican candidates. As a result, it dilutes the electoral influence of Latino voters to combine them with rural white voters who oppose Latino-preferred candidates if an alternative district can be drawn that includes a sufficient number of white crossover voters to permit Latino voters to reliably elect their candidates of choice.

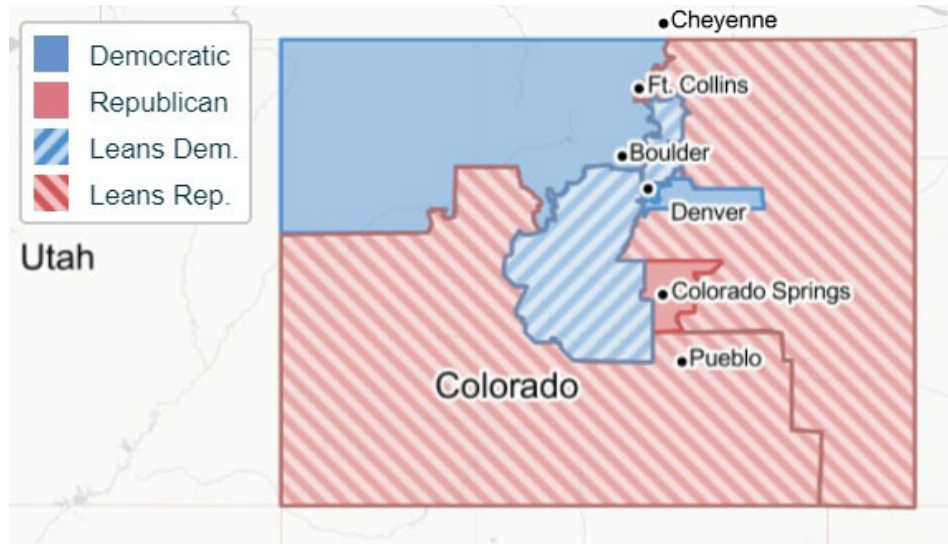
Although District 3 corrects the fracturing of Latinos in Pueblo, southern Colorado, and Eagle County—one of the problems with the preliminary proposal—it continues to fracture Latino populations in southern Colorado Springs and Lake County. Moreover, instead of combining the Latino population with white crossover voters in southern Colorado Springs and Lake, Summit, and Chaffee Counties, District 3 instead includes Mesa, Delta, Montrose, Dolores, and Custer Counties, where white voters overwhelmingly vote as a bloc against Latino-preferred candidates.²

The result is a district that dilutes the electoral influence of Latino voters. As the staff's analysis shows, the Democratic candidate—the preferred candidate of Latino voters in District 3—would have lost *each* of the eight elections assessed by the staff, ranging from a loss by 2.2% in the 2018 gubernatorial election to a loss by 11.3% in the 2016

¹ The Commission's staff reports include only total population. The CVAP data provided in these comments—the metric relevant to assessing eligible voters—were obtained from Dave's Redistricting App ("DRA"), davesredistricting.org, by uploading the Block Equivalency File for the First Staff Congressional Plan. The Commission website encourages the public to use DRA.

² For example, in the 2020 presidential election, Trump (R) received 62.8% in Montrose County, 67.5% in Delta County, 67.3% in Montrose County, 75.2% in Dolores County, and 68.1% in Custer County. In the 2020 Senate election, Gardner (R) received 64.2% in Mesa County, 68.0% in Delta County, 68.3% in Montrose County, 74.5% in Dolores County, and 68.3% in Custer County. In the 2018 Governor election, Stapleton (R) received 61.0% in Mesa County, 64.1% in Delta County, 65.8% in Montrose County, 73.3% in Dolores County, and 65.3% in Custer County. In the 2018 Attorney General election, Brauchler (R) received 64.5% in Mesa County, 66.2% in Delta County, 68.7% in Montrose County, 74.9% in Dolores County, and 67.6% in Custer County. In the 2016 presidential election, Trump received 64.1% in Mesa County, 69.4% in Delta County, 67.9% in Montrose County, 75.2% in Dolores County, and 67.2% in Custer County. And in the 2016 Senate election, Glenn (R) received 62.8% in Mesa County, 65.4% in Delta County, 66.5% in Montrose County, 67.1% in Dolores County, and 64.8% in Custer County. These election results were obtained from DRA.

presidential election. In the 2020 presidential election, Trump would have carried the district by a margin of 51.0% to 46.6%. As shown below, PlanScore—a CLC project that predicts the partisan fairness and outcome of redistricting plans—reveals that District 3 would lean Republican, with just a 21% chance that a Democratic candidate could win.³

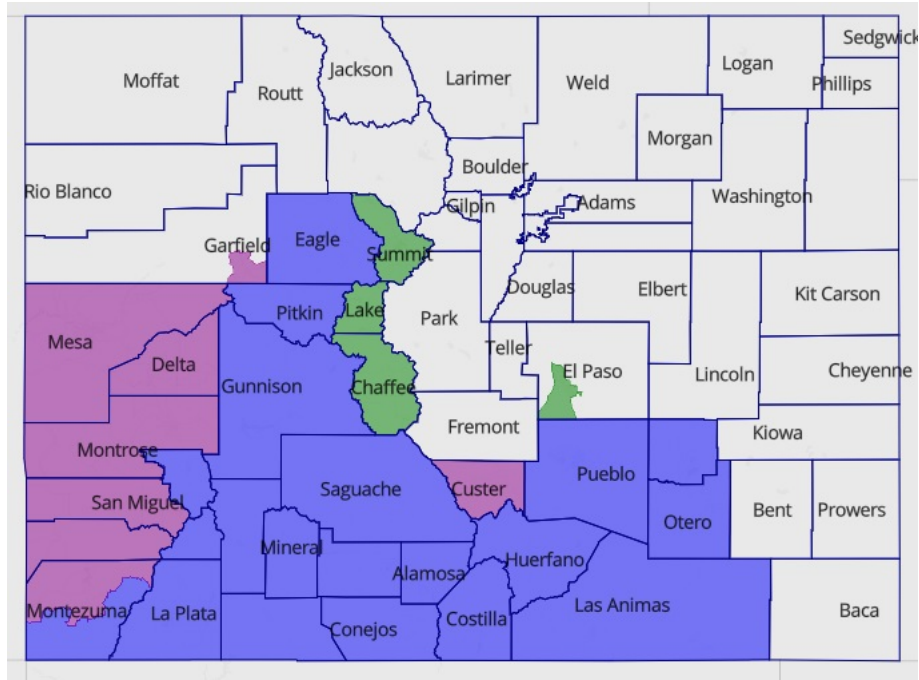


As LULAC previously explained, an effective crossover district can be drawn that would afford Latino voters in Pueblo, southern Colorado, southern Colorado Springs, and Eagle and Lake Counties an opportunity to elect their preferred candidate. In LULAC proposed District 8, Latinos are 29.0% of the district’s total population and 23.3% of the district’s CVAP, and the Latino-preferred candidate would prevail in every recent election, with PlanScore reporting a 74% chance that the Democratic candidate—the preferred candidate of Latino voters in the district—would prevail.

The map below compares LULAC’s proposed District 8 with the First Staff Congressional Plan’s District 3. The areas in blue are those common to both districts, the area in green shows the additional territory included in LULAC’s proposed District 8, and the area in purple shows the territory the First Staff Congressional Plan instead includes.

[IMAGE ON NEXT PAGE]

³ See Ex. 1 (PlanScore Analysis of First Staff Congressional Plan).



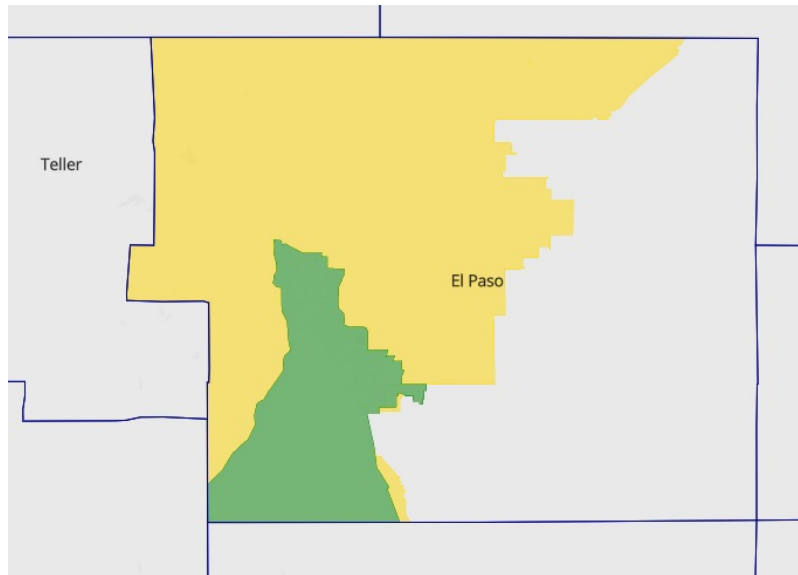
The blue area has a Latino total population of 32.0% and CVAP of 27.4%. The blue area reliably performs to elect Latino voters' preferred candidates: Biden received 53.2% in this area, Hickenlooper received 52.4%, Polis received 53.4%, Weiser received 52.6%, Clinton received 47.8% (to Trump's 43.8%), and Bennet received 52.2%.

The green area (proposed by LULAC) has a Latino total population of 24.5% (and a Black total population of 11.4%), and a Latino CVAP of 17.0%. The green area reliably performs to elect Latino voters' preferred candidates: Biden received 54.3%, Hickenlooper received 52.8%, Polis received 53.6%, Weiser received 52.1%, Clinton received 45.8% (to Trump's 44.0%), and Bennet received 48.4% (to Glenn's 43.9%).

By contrast, the purple area (proposed by the Commission staff) has a Latino total population of 16.6% and a Latino CVAP of 11.1%. The purple area's white voting age population is 79.1%, and election results show that its white voters overwhelmingly vote as a bloc to defeat Latino-preferred candidates. In the purple area, Trump (2020) received 60.4%, Gardner received 61.5%, Stapleton received 58.5%, Brauchler received 61.2%, Trump (2016) received 61.7%, and Glenn received 60.1%. The inclusion of the purple areas, instead of the green areas, dilutes the ability of Latino voters to influence electoral outcomes and violates the Colorado Constitution.

At the September 6, 2021 meeting at which the staff proposal was presented to the Commission, the staff commented that because Denver—the State's largest city—had been kept largely whole in the First Staff Congressional plan, the staff felt it should likewise

keep the Colorado Springs—the second largest city—whole.⁴ But white voters in Denver do not bloc vote against Latino preferred candidates in congressional general elections. They do, however, in Colorado Springs and its surrounding area, as the map below illustrates.



The combined yellow and green area constitutes District 5 in the First Staff Congressional plan, while the green area shows the portion of El Paso County (and Colorado Springs) that LULAC included in its proposed District 8.

The green area (constituting 32.3% of District 5's population) has a Latino total population of 26.4%, a Black total population of 13.9%, an Asian total population of 5.0%, and a Native American total population of 4.6%. The white total population is 52.7%. The CVAP of the green area is 19.3% Latino, and its white CVAP is 62.9%. The Latino preferred candidates usually prevail in the green area. Biden prevailed 51.6% to 43.8%, Hickenlooper prevailed 50.1% to 45.1%, Polis prevailed 51.1% to 43.0%, and Weiser prevailed 49.7% to 45.2%. The 2016 election was closer in the green area, with Bennet prevailing by 19 votes, and Clinton losing 46.2% to 43.2%. But the Latino preferred candidate prevailed in this region in 5 out of 6 elections, including by healthy margins in the most recent elections.

By contrast, the yellow area (constituting 67.7% of District 5's population) has a Latino total population of 13.7%, a Black total population of 6.3%, an Asian total population of 5.6%, a Native American total population of 3.4%, and a white total population of 71.9%. The Latino CVAP of the yellow area is just 10.4%, and its white

⁴ See Sept. 6, 2021 Comm'n Mtg at 6:11:30-:50, <https://sg001-harmony.sliq.net/00327/Harmony/en/PowerBrowser/PowerBrowserV2/20210401/154/12102>.

CVAP is 80.0%. The white voters in the yellow area bloc vote in large numbers against Latino preferred candidates. Trump (2020) prevailed 56.3% to 40.3%, Gardner prevailed 59.5% to 37.6%, Stapleton prevailed 59.7% to 36.4%, Brauchler prevailed 61.9% to 34.5%, Trump (2016) prevailed 59.1% to 31.1%, and Glenn prevailed 61.7% to 32.9%.

By submerging the less populous green area—with its large Latino and Black populations—into the yellow area to form District 5, the staff plan dilutes the electoral influence of Latino (and Black) voters in violation of the State Constitution. The staff plan, by prioritizing keeping Colorado Springs in a single congressional district, has inverted the Colorado Constitution’s requirements. Section 44.3(4)(b) contains no exceptions: “No map may be approved by the commission or given effect by the supreme court if . . . [it] . . . results in the . . . dilut[ion of] the impact of [a] racial or language minority group’s electoral influence.” By contrast, the Constitution provides that “[a]s much as is reasonably possible, the commission’s plan must preserve whole communities of interest and whole political subdivisions, such as counties, cities, and towns.” Colo. Const. art. V, § 44.3(2)(b)(2) (emphasis added).

Where these provisions conflict—as is the case in Colorado Springs—the plain text of the Colorado Constitution provides that § 44.3(4)(b) prevails. That is, it is not “reasonably possible” to preserve a city in a single congressional district if doing so results in the dilution of a minority group’s electoral influence, as it does by the staff’s proposal to keep Colorado Springs in a single district.

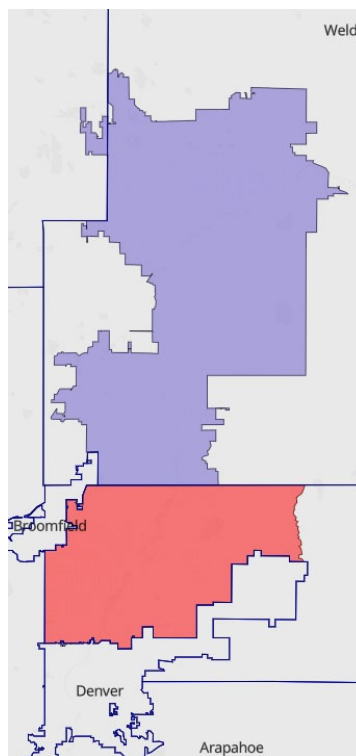
The Commission must adopt a district based in southern Colorado—such as LULAC’s proposed District 8—that does not dilute the electoral influence of Latino voters. As LULAC showed in its August 17 comments, this district would not only avoid a general election victory by candidates opposed by Latino voters as a result of white bloc voting but would also provide the reliable opportunity—based on the available election data—for a Latino candidate to prevail in both the primary *and* general election. This satisfies the Colorado Constitution’s “electoral influence” mandate.

II. District 8 in the First Staff Congressional Plan Dilutes the Ability of Latino Voters to Influence Electoral Outcomes.

District 8 in the First Staff Congressional Plan dilutes the ability of Latino voters to influence electoral outcomes. Both the preliminary plan and the First Staff Plan place District 8 in the northern suburbs of Denver, where there is a large Latino population. LULAC proposed a district similar to the staff’s preliminary plan (numbered District 7 in LULAC’s plan), also with a large Latino population. In both the staff’s preliminary plan and LULAC’s plan, white bloc voters would not be able to elect the general election candidate opposed by Latino voters. *See, e.g.*, Preliminary Plan Political Memo (noting that Democratic Attorney General candidate carried District 8 51.8% to 44.4%); LULAC Comments (Aug. 17, 2021) Ex. 1 (PlanScore analysis of staff’s preliminary plan showing 87% chance Democratic candidate would prevail in District 8, with predicted margin of 55% to 45%); *Id.* Ex. 2 (PlanScore analysis of LULAC Plan showing 94% chance Democratic candidate would prevail in District 7, with predicted margin of 57% to 43%).

The First Staff Congressional Plan, however, creates a significant risk that white bloc voting would result in general election victories by candidates opposed by Latino voters. Although the newly proposed District 8 has an even higher Latino population—a total population of 38.0% and a CVAP of 27.2% (compared to LULAC District 7’s Latino CVAP of 22.4%)—the plan attains those higher numbers by swapping white voters in suburban Denver who cross over to support Latino preferred candidates with white voters in Weld County who bloc vote against Latino preferred candidates. By doing so, the First Staff Congressional Plan dilutes the ability of Latino voters to influence electoral outcomes. As the staff memo reflects, the Latino preferred candidates lost both the 2016 presidential race and the 2018 Attorney General race in District 8, with an overall average of just a 1.5% margin of victory across the eight elections analyzed by the staff. PlanScore reveals that the Democratic candidate—the Latino preferred candidate—would have just a 52% chance of winning the district, with a projected margin of 51% to 49%.⁵ It violates the Colorado Constitution to create the façade of a Latino opportunity district that the data show may not actually perform to permit Latino voters to elect their preferred candidates. *Cf. Perez v. Abbott*, 253 F. Supp. 3d 864, 884-55 (W.D. Tex. 2017) (invalidating plan that created the “façade of a Latino district” by including non-performing precincts with Hispanic voters and excluding performing precincts).

The image below shows the Weld and Larimer County portions of District 8 in purple, and the Adams County portion in red.



⁵ See Ex. 1 (PlanScore analysis of First Staff Congressional Plan).

The red area (64.9% of the district’s population) has a Latino total population of 47.1% and a Latino CVAP of 29.6%. Its white CVAP is 62.6%. The red area reliably votes to favor of Latino-preferred general election candidates. For example, Biden prevailed 56.5% to 40.5%, Hickenlooper prevailed 55.2% to 41.9%, Polis prevailed 54.5% to 40.6%, Weiser prevailed 53.0% to 43.0%, Clinton prevailed 49.7% to 41.4%, and Bennet prevailed 52.6% to 41.3%.

By contrast, the purple area (35.1% of the district’s population) has a Latino total population of 32.4%, a Latino CVAP of 23.0%, and a white CVAP of 72.5%. White voters in the purple area bloc vote against Latino preferred candidates. For example, Trump (2020) prevailed 55.6% to 41.5%, Gardner prevailed 57.6% to 40.1%, Stapleton prevailed 56.2% to 39.1%, Brauchler prevailed 58.2% to 37.9%, Trump (2016) prevailed 54.4% to 36.3%, and Glenn prevailed 53.8% to 40.7%.

To the extent District 8 is intended to further the Colorado Constitution’s criterion that the Commission should “to the extent possible, maximize the number of politically competitive districts,” Colo. Const. art. V, § 44.3(3(a)—the lowest priority in the Constitution’s set of criteria—it is unlawful to accomplish that goal by making the district with the largest Latino population into the façade of a Latino opportunity district. By doing so, the proposal dilutes the ability of Latino voters to influence electoral outcomes by creating a 48% chance⁶ that white bloc voting will defeat their preferred candidate.

Moreover, if the Commission’s goal was to create a district with a larger Latino population in the Denver region, that could have been achieved without diluting the ability of Latino voters to influence electoral outcomes, by including adjacent precincts in Denver County or Jefferson County with large Latino populations.

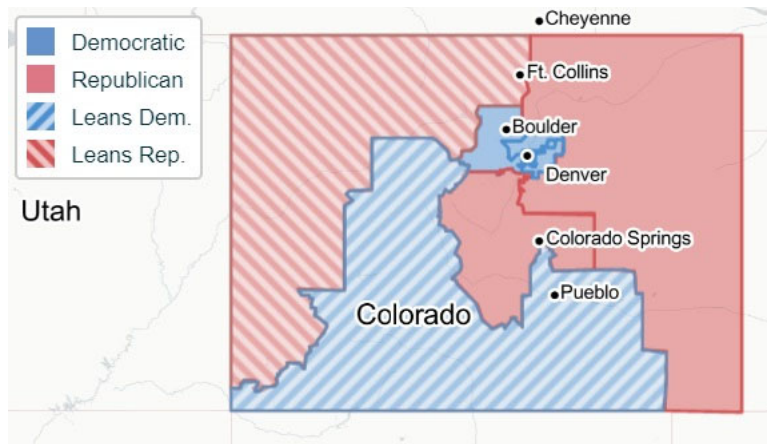
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The preliminary staff plan violated the Colorado Constitution by drawing three districts with large Latino populations, but only two in which Latino voters had the ability to influence electoral outcomes. This new First Staff Congressional Plan is worse yet—it includes three districts with large Latino populations, but only *one* in which Latino voters could avoid being overwhelmed in general elections by white bloc voting.

Notably, this is not necessary to achieve a map characterized by partisan fairness or competitiveness. As the PlanScore analysis of LULAC’s proposed plan shows,⁷ LULAC’s Plan achieves a fair outcome by all accepted measures of partisan fairness and creates two districts that “lean” in one direction or another, as the PlanScore map below illustrates.

⁶ See Ex. 1 (PlanScore analysis of First Staff Congressional Plan).

⁷ See Ex. 2 (PlanScore analysis of LULAC Plan showing partisan fairness across all accepted metrics).



It is not necessary—nor lawful—to achieve a competitive map by diluting the electoral influence of Latino voters. The First Staff Congressional Plan violates the Colorado Constitution, and must be changed consistent with the Colorado Constitution, as reflected in LULAC’s proposed plan.

September 10, 2021

Submitted by,

/s/ Mark P. Gaber

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EXHIBIT 1

Staff Congressional: PlanScore Analysis



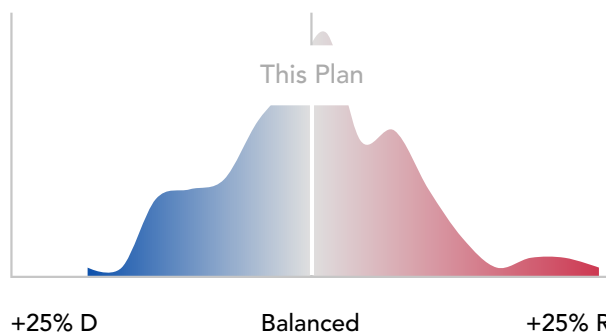
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Colorado U.S. House plan

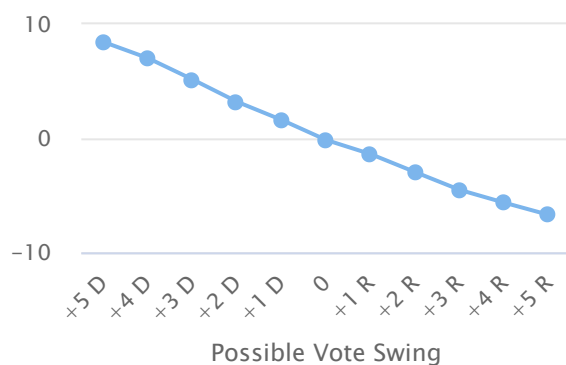
PlanScore bases its scores on predicted precinct-level votes for each office (State House, State Senate, and U.S. House) built from past election results and U.S. Census data. [More information about the predictive model used to score this plan.](#)

Efficiency Gap: 0.1%



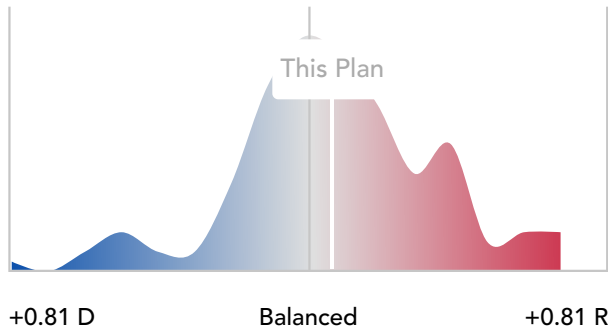
Votes for Republican candidates are expected to be inefficient at a rate 0.1% lower than votes for Democratic candidates, favoring Republicans in 52% of predicted scenarios.* [Learn more](#) >

Sensitivity Testing



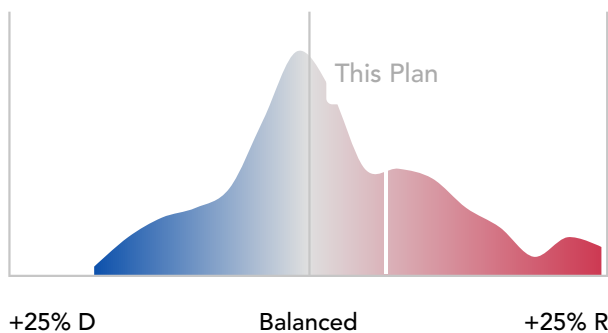
Sensitivity testing shows us a plan's expected efficiency gap given a range of possible vote swings. It lets us evaluate the durability of a plan's skew.

Declination: 0.07



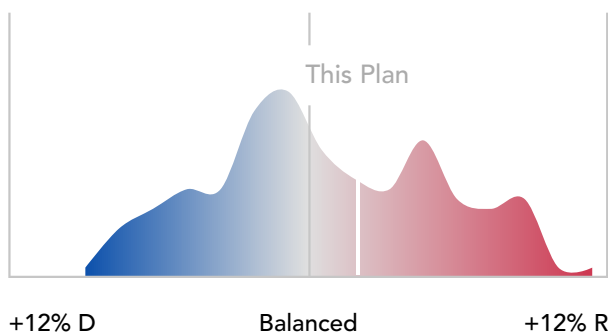
The mean Democratic vote share in Democratic districts is expected to be 5.0% higher than the mean Republican vote share in Republican districts. Along with the relative fraction of seats won by each party, this leads to a declination that favors Republicans in 72% of predicted scenarios.* [Learn more](#) ➤

Partisan Bias: 6.5%

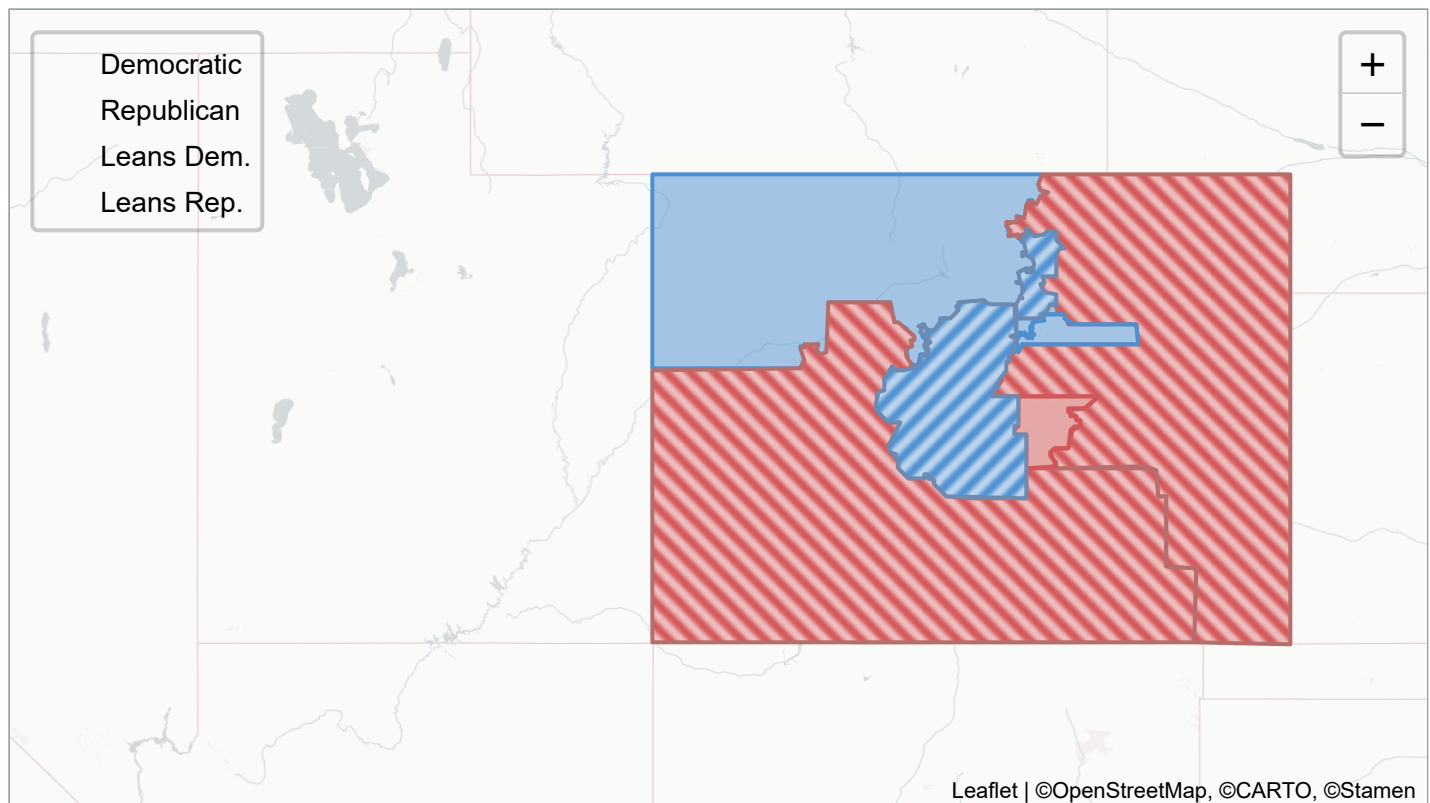


Republicans would be expected to win 6.5% extra seats in a hypothetical, perfectly tied election, favoring Republicans in 86% of predicted scenarios.* [Learn more](#) ➤

Mean-Median Difference: 2.0%



The median Republican vote share is expected to be 2.0% higher than the mean Republican vote share, favoring Republicans in 85% of predicted scenarios.* [Learn more](#) ➤



District	Candidate Scenario	Pop. 2020	Non-Hisp. Black CVAP 2019	Hispanic CVAP 2019	Non-Hisp. Asian CVAP 2019	Chance of 1+ Flips†	Chance of Democratic Win	Predicted Vote Shares	Biden (D) 2020
1	Open Seat	721,713	9.5%	20.3%	3.3%	No	>99%	77% D / 23% R	316,030
2	Open Seat	721,709	1.0%	8.7%	2.8%	No	98%	61% D / 39% R	280,840
3	Open Seat	721,714	1.2%	20.9%	0.8%	Yes	21%	46% D / 54% R	191,320
4	Open Seat	721,715	1.7%	10.0%	2.6%	Yes	14%	44% D / 56% R	195,240
5	Open Seat	721,714	6.9%	13.3%	3.2%	No	11%	43% D / 57% R	160,920
6	Open Seat	721,713	10.7%	13.3%	5.0%	No	96%	60% D / 40% R	229,550
7	Open Seat	721,709	1.6%	11.8%	2.3%	Yes	78%	54% D / 46% R	257,220
8	Open Seat	721,715	2.0%	27.2%	3.1%	Yes	52%	51% D / 49% R	173,190

Download raw data as tab-delimited text.

Metric	Value	Favors Democrats in this % of Scenarios*	More Skewed than this % of Historical Plans†	More Pro-Democratic than this % of Historical Plans‡
Efficiency Gap	0.1% Pro-Republican	48%	2%	43%
Declination	0.07 Pro-Republican	28%	27%	40%
Partisan Bias	6.5% Pro-Republican	14%	56%	24%
Mean-Median Difference	2.0% Pro-Republican	15%	26%	34%

* Scenarios are part of [the predictive model used to score this plan](#).

† 50%+ chance of one or more party flips assuming the plan is used for one decade with five State House elections, five U.S. House elections, or three State Senate elections.

‡ Enacted [U.S. House](#), [State House](#), and [State Senate](#) plan metrics are featured in our [historical dataset](#).



PlanScore is a project of Campaign Legal Center.



EXHIBIT 2

LULAC Congressional: PlanScore Analysis



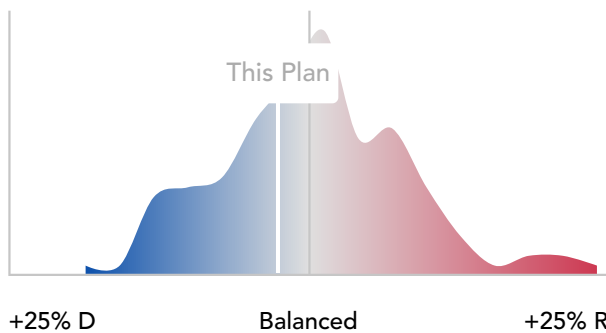
LULAC Congress.geojson

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Colorado U.S. House plan

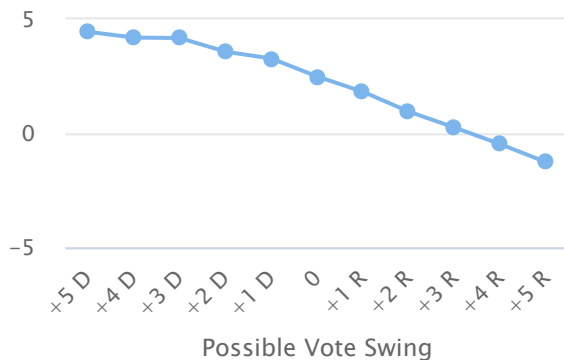
PlanScore bases its scores on predicted precinct-level votes for each office (State House, State Senate, and U.S. House) built from past election results and U.S. Census data. [More information about the predictive model used to score this plan.](#)

Efficiency Gap: 2.5%



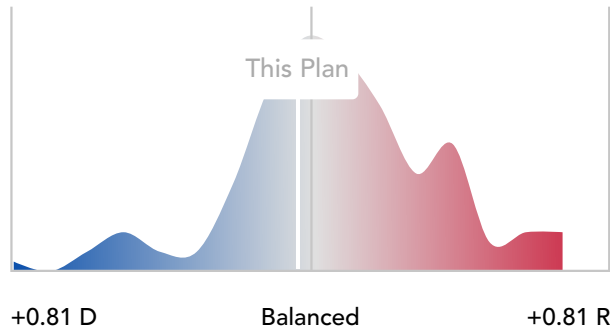
Votes for Democratic candidates are expected to be inefficient at a rate 2.5% lower than votes for Republican candidates, favoring Democrats in 63% of predicted scenarios.* [Learn more](#) >

Sensitivity Testing



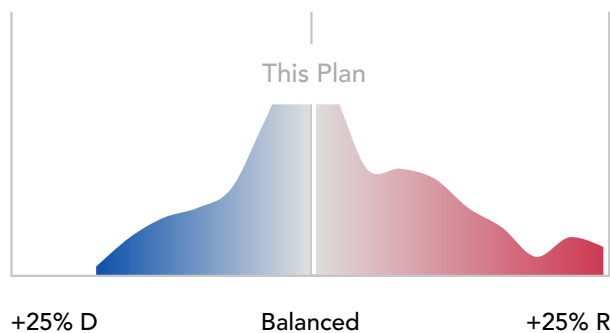
Sensitivity testing shows us a plan's expected efficiency gap given a range of possible vote swings. It lets us evaluate the durability of a plan's skew.

Declination: 0.04



The mean Republican vote share in Republican districts is expected to be 4.2% higher than the mean Democratic vote share in Democratic districts. Along with the relative fraction of seats won by each party, this leads to a declination that favors Democrats in 55% of predicted scenarios.* [Learn more](#) ➤

Partisan Bias: 0.3%

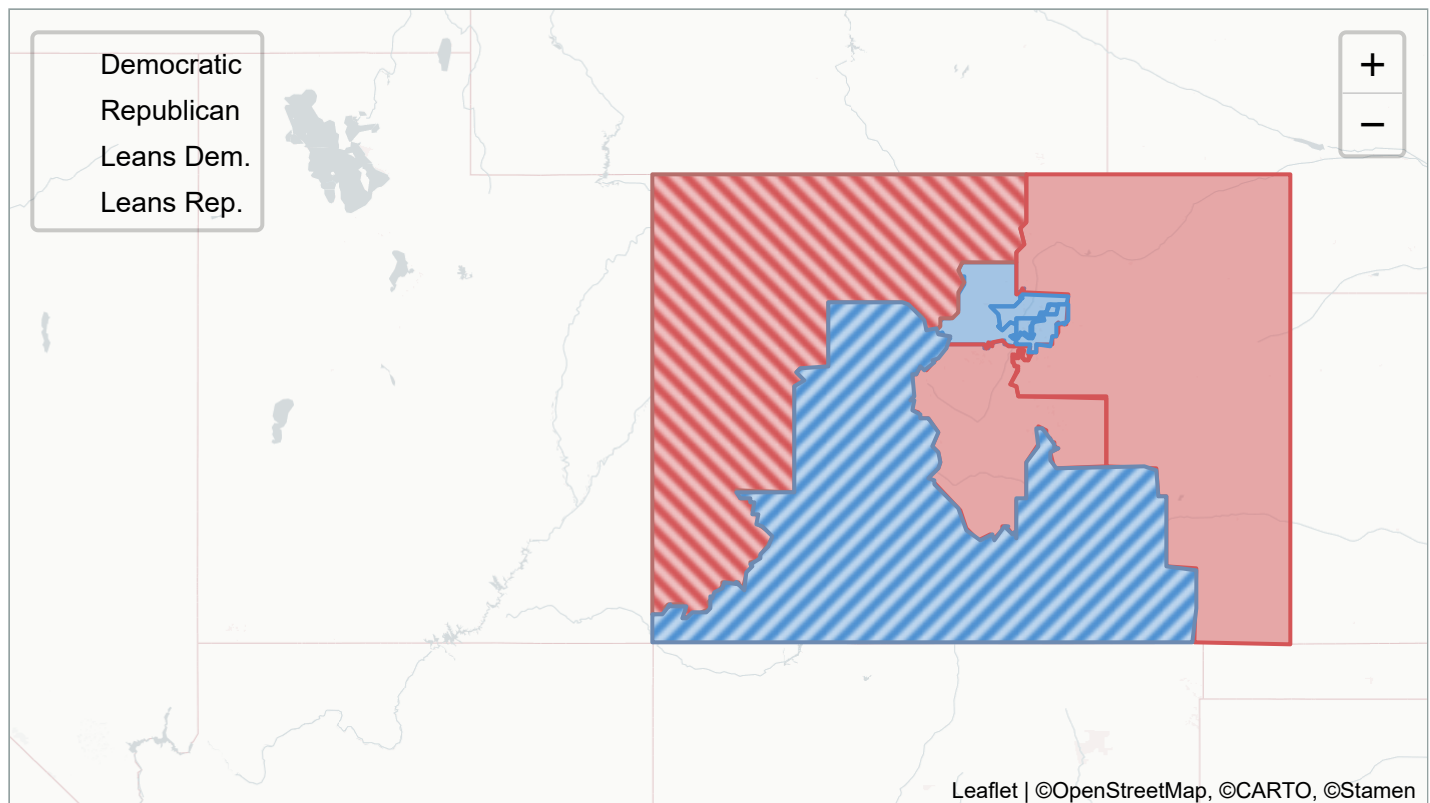


Republicans would be expected to win 0.3% extra seats in a hypothetical, perfectly tied election, favoring Republicans in 67% of predicted scenarios.* [Learn more](#) ➤

Mean-Median Difference: 0.2%



The median Republican vote share is expected to be 0.2% higher than the mean Republican vote share, favoring Republicans in 53% of predicted scenarios.* [Learn more](#) ➤



District	Candidate Scenario	Pop. 2020	Non-Hisp. Black CVAP 2019	Hispanic CVAP 2019	Non-Hisp. Asian CVAP 2019	Chance of 1+ Flips†	Chance of Democratic Win	Predicted Vote Shares	Biden (D) 2020
1	Open Seat	721,715	9.5%	20.4%	3.3%	No	>99%	77% D / 23% R	316,090
2	Open Seat	721,736	1.3%	11.0%	3.5%	No	>99%	65% D / 35% R	304,870
3	Open Seat	721,708	1.0%	9.6%	1.5%	Yes	29%	47% D / 53% R	205,600
4	Open Seat	721,715	1.3%	15.4%	1.6%	No	2%	37% D / 63% R	149,010
5	Open Seat	721,708	3.9%	9.5%	3.1%	No	6%	41% D / 59% R	179,690
6	Open Seat	721,715	10.9%	13.3%	5.2%	No	97%	60% D / 40% R	229,900
7	Open Seat	721,691	1.9%	22.5%	3.3%	No	90%	57% D / 43% R	221,390
8	Open Seat	721,714	4.4%	23.3%	1.6%	Yes	72%	53% D / 47% R	197,750

Download raw data as tab-delimited text.

Metric	Value	Favors Democrats in this % of Scenarios*	More Skewed than this % of Historical Plans†	More Pro-Democratic than this % of Historical Plans‡
Efficiency Gap	2.5% Pro-Democratic	63%	26%	57%
Declination	0.04 Pro-Democratic	55%	14%	58%
Partisan Bias	0.3% Pro-Republican	33%	4%	44%
Mean-Median Difference	0.2% Pro-Republican	47%	4%	45%

* Scenarios are part of [the predictive model used to score this plan](#).

† 50%+ chance of one or more party flips assuming the plan is used for one decade with five State House elections, five U.S. House elections, or three State Senate elections.

‡ Enacted [U.S. House](#), [State House](#), and [State Senate](#) plan metrics are featured in our [historical dataset](#).



PlanScore is a project of Campaign Legal Center.

