



May 8, 2013

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Dear Mr. Perez and Ms. Wertz:

We write on behalf of the American Civil Liberties Union of Maryland and interested residents, to request that the Civil Rights Division reopen its investigation into the racially discriminatory electoral structure for County government in Wicomico County, Maryland. Specifically, we ask that the Department of Justice renew the Voting Rights Act challenge against the County that the United States pursued from 1987–1991.¹

We believe the districting plan for the Wicomico County Council, under which two seats are elected at-large and five members are chosen from single-member districts, contributes significantly to the continued marginalization and underrepresentation of African Americans in local government. Despite the growth of Wicomico County's minority population to 24.9 percent African American and 34 percent total minority² from just 24.1 percent total minority

¹ See *United States v. Wicomico County*, Civil No. MJG-87-2557 (D. Md. 1991).

² See MARYLAND DEP'T OF PLANNING, PROJECTIONS AND DATA ANALYSIS/STATE DATA CENTER, PROFILE OF GENERAL DEMOGRAPHIC CHARACTERISTICS: 2010 (2010), available at <http://planning.maryland.gov/msdc/census/cen2010/sf1/sumyprof/comparison/wico.pdf> (indicating that Wicomico County's "White alone" and "not Hispanic or Latino" population in 2010 was 66 percent, resulting in a 34 percent minority population).

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when the current plan was implemented in 1991,³ *not one* African American has been elected at-large to the County Council (nor to any seat other than that in the majority-black district), effectively denying minority voters fair representation in local government. Furthermore, Equal Employment Opportunity (“EEO”) statistics indicate that, at least as of 2009,⁴ African Americans made up only 9.1 percent of the County’s total government workforce -- with especially stark disparities at the upper echelons of local government -- despite the growth in the County’s minority population. We find the lack of an increase in representation in government comparable to minority population growth extremely troubling, and believe a key factor in perpetuation of this problem is that the County’s election system unlawfully affords minority voters “less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.”⁵

Background for this Request

As Ms. Wertz no doubt recalls as counsel in the case, on September 24, 1987, the Department of Justice (“DOJ”) sued Wicomico County, alleging that the County’s at-large method of electing members of its Council violated Section 2 of the Voting Rights Act. At that time, Wicomico County had a five-member County Council in which all members were elected at-large (the “5 at-large plan”). In response to the DOJ challenge, the County altered its election system to its current form, expanding the size of the Council to seven members, with five members elected from single member districts—only one of which was majority African American (“District 1”)— and the two remaining positions elected at large (the “5-2 plan”). At the time of this change, Wicomico County did not have an elected County Executive, and a primary rationale stated for maintaining two at-large seats was so that leaders of the Council could be those representing the entire county, not just a single district. This change was approved by the voters at referendum, and went into effect with the 1990 elections. The United States thereafter amended its complaint to challenge the legality of both the 5 at-large plan and the 5-2 plan.

³ See MARYLAND DEP’T OF PLANNING, PLANNING DATA SERVICES, PROFILE OF GENERAL DEMOGRAPHIC CHARACTERISTICS: 1990 (May 2001), *available at* http://planning.maryland.gov/msdc/census/Historical_Census/SF1_80-00/wico80-00.pdf (indicating that Wicomico County’s “White” and not “Hispanic or Latino” population in 1990 was 75.9 percent, resulting in a 24.1 percent minority population at that time).

⁴ Ex. 1, WICOMICO COUNTY, EEO-4 (2009). The 2009 EEO statistics are the most current we have at this time. We have requested more current data, but have not yet received it.

⁵ 42 U.S.C. § 1973(b) (2006).

The case went to trial in 1991 before Judge Marvin J. Garbis of the United States District Court for the District of Maryland. Erroneously, in our view, Judge Garbis rejected the challenge.⁶ Despite compelling evidence presented by the United States, Judge Garbis found that the DOJ had not proven that the 5-at-large plan violated Section 2 of the Voting Rights Act, either by intent or effect.⁷ The court, however, declined to speculate as to the potential discriminatory impact that the 5-2 plan might have in future elections because only one primary election had been conducted under the new hybrid plan at the time of trial.⁸ The court merely found that insufficient evidence had been presented and that a ruling as to the plan's unlawfulness would have been speculative in 1991.⁹

Since 1991, however, we believe that sufficient evidence has materialized, showing that African-American voters in Wicomico County have remained a politically cohesive voting group while the white voting bloc continually prevents minority candidates from winning election to the at-large positions, which often have been the leadership positions on the Council.¹⁰ Additionally, in 2006 Wicomico County altered its governmental structure to establish an elected County Executive, thereby eliminating the primary justification voiced for at-large positions on the Council. Furthermore, as our proposed 7-single-member district plan illustrates, a fairer electoral structure can be established to afford minority voters in Wicomico County the fair representation that has been denied to them for decades.¹¹

Wicomico County and Its Municipalities Have a Long History of Racial Discrimination

As the DOJ established in its previous challenge to the 5-at-large and 5-2 plans, Wicomico County has a long history of discrimination that includes segregation, racially charged violence, and numerous barriers to the franchise for minority voters. Wicomico County's school district remained segregated long after *Brown v. Board of Education*, 347 U.S. 483 (1954) despite many efforts to implement

⁶ *Id.* at 44.

⁷ *Id.* at 18–26.

⁸ *Id.* at 26–28.

⁹ *Id.*

¹⁰ See Ex. 2, STEVEN P. COLE, WICOMICO COUNTY MD SUMMARY OF 2006 AND 2010 RACIAL BLOC VOTING ANALYSES FOR INTERRACIAL COUNTY COUNCIL CONTESTS (2013).

¹¹ See Ex. 3, WICOMICO COUNTY, MD 7-DISTRICT PLAN AND POPULATION SUMMARY REPORT (April 30, 2012).

desegregation plans in the early 1960s.¹² In fact, it was not until 1974—after the County was found in violation of the Fourteenth Amendment and Title VI of the Civil Rights Act and had its federal education funding terminated—that the County school district finally desegregated its west-side elementary schools.¹³

Wicomico County was the site of one of the most horrific lynchings in the state’s history in 1931, a tragedy that resulted in no charges or indictments despite the presence of many eyewitnesses.¹⁴ Racial violence in Wicomico persisted into the 1960s when rioting erupted after a Salisbury police detective shot and killed a 22-year-old black deaf mute in 1968.¹⁵

In the voting context, minority residents of Wicomico County have suffered through a long history of laws aimed at disenfranchising black voters. As early as 1901, Wicomico County election law imposed numerous restrictions making it more difficult for illiterate voters—who were disproportionately African American—to vote.¹⁶ Such restrictions included the listing of candidates’ names alphabetically without groupings by political party or party emblem and the prohibition on using sample ballots in the polling place.¹⁷ A “dual registration” system was also in effect whereby citizens of some municipalities in the county were required to register to vote separately in order to vote in both the municipal and countywide elections.¹⁸ It was not until 1990 that the “dual registration” requirements were finally abolished in all municipalities.¹⁹

In addition to discrimination faced from Wicomico County itself, Wicomico African Americans were for many years shut out of elective municipal and state offices, through use of at-large election systems and non-resident voting schemes. Most notably, until a lawsuit filed by the national NAACP and the ACLU in the immediate aftermath of the DOJ litigation against Wicomico County, no African American candidate in all of history had been elected to the Maryland General Assembly from the Eastern Shore. Late in 1992, the NAACP and the ACLU

¹² Proposed Findings of Fact and Conclusions of Law For the United States of America at 12-13, *United States v. Wicomico County*, Civil No. MJG-87-2557 (D. Md. 1990).

¹³ *Id.* at 13.

¹⁴ *Id.*

¹⁵ *Id.* at 13–14.

¹⁶ *U.S. v. Wicomico County*, No. MJG-87-2557 at 23-24 nn. 17.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

challenged that as discriminatory, alleging that the Governor's use of multi-member state legislative districts on the Lower Eastern Shore, and specifically, his failure to create a majority-minority single member state delegate seat in Wicomico and Dorchester Counties, violated Section 2 of the Voting Rights Act.²⁰ The court agreed, ruling that the multimember electoral structure diluted the vote of Eastern Shore African Americans in state legislative contests, in violation of the Voting Rights Act. To resolve the challenge, the state created a new single member delegate district spanning portions of Wicomico and Dorchester Counties. In 1998, Rudolph Cane – a Wicomico County resident and former Wicomico County Councilman (elected to that body from the minority opportunity district created as a result of the DOJ litigation in 1990) -- became the first African American in history elected to the Maryland General Assembly from the Eastern Shore.

Wicomico County's seat, the City of Salisbury, also has a history of discrimination in the area of voting rights. In 1986, the ACLU challenged Salisbury's at-large system as violating Section 2 of the Voting Rights Act.²¹ At the time, nearly 20 percent of the City's population was African-American, but no African-American had ever been elected to one of the City Council's five at-large seats. The case settled in 1987 by the entry of a Consent Decree in which the City conceded that the at large structure violated Section 2, and established a new minority opportunity district for one of the council seats. Since that time, an African American candidate has run and been elected in every election for the district seat.²²

Even after the 1986 challenge, however, the City of Salisbury, as well as the Wicomico County municipalities of Fruitland and Delmar, continued to employ non-resident voting schemes that empowered non-resident property owners – the great majority of whom were white -- to vote in municipal elections, thus diluting the voting strength of resident minority voters. In 1993, the ACLU challenged Salisbury's non-resident voting scheme and the case settled with the city amending its charter to discontinue the practice.²³ Neighboring Wicomico

²⁰ *Marylanders for Fair Representation, et al., v. Schaefer*, 849 F. Supp. 1022 (D. Md. 1994) (three judge court). The NAACP case was consolidated with a partisan gerrymandering challenge brought to the Governor's plan by Republican voters, who comprised a group called Marylanders for Fair Representation, and the case was known by that name. As part of a larger challenge to a statewide legislative redistricting plan, the 1992 case was heard and decided by a three-judge district court, though the only portion of the case that went to trial concerned the Eastern Shore challenge.

²¹ *Billy Gene Jackson v. City of Salisbury*, Civil Action No. Y-86-587. (D. Md.)

²² Consent Decree at 2-3, *Billy Gene Jackson v City of Salisbury*, Civil No. Y-86-587 (D. Md. 1987).

²³ *McLaughlin v. Caldwell*, Civil Action No. 93-Y-1599 (D. Md. 1993)

County municipalities also discontinued the practice and amended their charters in the wake of the Salisbury litigation.

Concerns about minority vote dilution in Salisbury resurfaced in 2012, as the City prepared to undertake the latest round of redistricting. Although the City's minority population had grown enormously to nearly 50 percent of the overall municipal population, the Mayor and Council were proposing to keep in place a system that afforded minority voters only one opportunity district on the five-member council. The ACLU and NAACP intervened, arguing that the Voting Rights Act required that at least two council members should be elected from minority districts, and threatening a court challenge. After negotiations with the Salisbury Mayor, City Council, and City attorney, however, Salisbury altered its councilmanic plan so that, once phased in, a majority-minority district will elect two members rather than a single council member. The City also agreed to do away with staggered terms for the Mayor and Council, as the staggering was seen as an obstacle to full minority participation.

Present Effects of Past Discrimination Under Wicomico County's 5-2 Plan

Wicomico County's legacy of past discrimination persists through the County's current 5-2 councilmanic plan, preventing even the most qualified of candidates from winning election at-large. For example, Edward Taylor—who earned two military honors for his service in the Korean War, led an exemplary 35-year career in public education in the County, and represented the County's minority district for three terms from 1994–2006²⁴—ran for an at large seat in 2010. Taylor, however, finished last in the at-large General Election that year despite carrying approximately 100 percent of the African American vote.²⁵

Councilman Taylor has expressed to the ACLU that he believes the at-large seats are not open to minority candidates because their chances of winning are far too slim. As a result, in his view, this has discouraged otherwise well-qualified African-American public servants from becoming candidates in the first place. Furthermore, Councilman Taylor firmly believes that, under the 5–2 plan, minority interests are largely ignored and a more equitable system of representation is warranted. Conversations with local African American activists and members of the Wicomico NAACP have echoed a similar sentiment as well as a prevailing belief that the current Council is heavily resistant to the idea of expanding minority representation.

²⁴ *Councilman, Veteran Ed Taylor Speaks Tuesday, April 4*, Salisbury University, <http://www.salisbury.edu/newsevents/fullstoryview.asp?id=2831> (March 17, 2006). Councilman Taylor also holds three college degrees and spent 13 years as a deputy in the Wicomico Sheriff's department.

²⁵ COLE, *supra* note 11, at 2, 4.

We believe that a fairer electoral structure is both needed and attainable for the Wicomico County Council, and that a legal challenge could succeed in bringing about this needed change.

Wicomico County Voting Patterns and the *Gingles* Vote Dilution Test

A report by Dr. Steven P. Cole, “Wicomico County MD Summary of 2006 and 2010 Racial Bloc Voting Analyses for Interracial County Council Contests,”²⁶ shows that, since the adoption of the 5-2 plan, African American voting has remained politically cohesive and the white voting block has continued to coalesce to defeat minority candidates in election after election.²⁷ These findings thus satisfy the *Gingles* test for vote dilution in at-large voting schemes.²⁸

1. African American Voting in Wicomico is Politically Cohesive

The political cohesiveness of the African American voting population in Wicomico County is demonstrated by the racial polarization in the 2006 and 2010 Primary and General Elections for the at-large seats. For example, Dr. Cole’s report shows that in the 2006 Democratic Primary—a contest in which the top two vote-recipient are eligible to run for the at-large seats in the General Election—black candidate Brenda Hughey-Jones won with, in effect, 100 percent of the black vote and only 35 percent of the non-black vote. The other winner, white candidate William McCain, won with only 10 percent black support and 84 percent support from white voters.²⁹

This racial polarization carried over into the 2006 General Election when McCain, the white Democratic candidate, prevailed in winning an at large seat. Hughey-Jones, on the other hand, finished last with the most black support (~100 %) and the least non-black support (25 %).³⁰ Furthermore, as Dr. Cole points out, “the set of candidates that would have been elected if the results were based solely on non-black voters [was] different than if based solely on black voters.”³¹

²⁶ Attached hereto as Exhibit 2.

²⁷ COLE, *supra* note 11.

²⁸ See *Thornburg v. Gingles*, 478 U.S. 30, 40 (1986).

²⁹ COLE, *supra* note 11, at 1, 3.

³⁰ *Id.* at 2–3.

³¹ *Id.* at 2. If the election were based solely on black voters, the winners would have been Hughey-Jones and McCain, while the white-preferred candidates would have been Cannon and Caldwell—both white Republicans.

The 2010 Democratic Primary and General Elections saw the same polarized results as 2006. In the Primary, Edward Taylor won with 90 percent of the black vote and only 39 percent of the non-black vote while Dr. David Cowall, a white candidate, also prevailed but with only 10 percent black support and 65 percent non-black support.³² In the General election, while Taylor finished last³³ with the most black support (~100%) and the least non-black support (19 %), the two white Republicans, Matt Holloway and Bob Culver, won the at-large seats with effectively zero percent black support and 67 percent and 57 percent white support, respectively.³⁴ As in 2006, the set of candidates that would have won the 2010 election if the results were solely based on black voters was, again, entirely different than if solely based on non-black voters.³⁵ Moreover, in each of the contests analyzed a majority of, and in almost all cases, 90 percent or more of black voters supported the top black-preferred candidate. Minority voting across the Primary and General Elections of these years has, thus, been politically cohesive.

2. *White Wicomico County Voters Bloc Vote to Defeat Minority Candidates of Choice*

Dr. Cole's report demonstrates that, while African American voting is cohesive in Wicomico County, the County's white voters generally bloc vote to defeat minority-preferred candidates. As previously mentioned, *not one* African American candidate has successfully won election to an at-large position in the 5-2 era. Emerson Holloway's one-term election in 1978—of which he only served two years due to his death in 1981³⁶—remains the only time in which a black candidate has ever won an at-large Council seat in the County's history.³⁷

³² *Id.* at 2, 4.

³³ That is, Taylor was last, but for a fringe candidate, who won 46 votes.

³⁴ *Id.*

³⁵ *Id.* at 4. If the 2010 General Election results were based solely on black voter-preference, then Edward Taylor and David Cowall would have won. If the election were based solely on non-black voters, then Matt Holloway and Bob Culver would have still won the election.

³⁶ When Emerson Holloway passed away in 1981, the white councilmembers charged with filling his seat refused to consider any potential black appointees to replace him, against the wishes of many black community leaders. Despite many past instances of family members finishing out deceased councilmembers' unexpired terms, the Council declined to consider Mr. Holloway's wife, an educator, for the position. Ultimately, the Council selected Mr. Holloway's replacement from a list of all-white candidates. Proposed Findings of Fact and Conclusions of Law For the United States of America, *supra* note 9, at 24–26.

³⁷ Judge Norma Lee Barkley, who is African American, was also elected to the Orphan's Court in 1982 running unopposed. She has served as Chief Judge of

Importantly, the two candidates who did win the 2010 at-large election, Matt Holloway and Bob Culliver, are the same candidates who would have won if the black votes were not counted at all that year.³⁸ The African American vote in the 2010 General Election was, therefore, rendered completely ineffectual for the at-large leadership positions.

Just as the black vote has remained politically cohesive since the implementation of the 5-2 plan in 1990, so has the white voting bloc in preventing African American candidates from reaching offices higher than that of the single-member “remedial” District 1.

III. Time for Change: The 5-2 Plan Should Be Replaced with a 7-Single-Member District Plan

Replacing the 5-2 plan with a 7-single-member district plan (“7-District Plan”) would provide for a more equitable system of representation in Wicomico County. Removing the two at-large seats would lift the barrier to minority representation, ending the vote dilution that has persisted under the 5-2 plan and placing all council seats on a representative level playing field.

Additionally, as our illustrative plan shows, a 7-District plan can be drawn to include two districts offering a fair opportunity to minority voters and candidates.³⁹ In the attached map, researched and drawn by ACLU demographer William S. Cooper, Districts 6 and 7 located in the center of the county would both be majority African American Districts: 53.10% and 51.53%⁴⁰ respectively, while complying with all constitutional requirements and other traditional redistricting principles.⁴¹ Our proposed 7-District plan would ensure African American voters of Wicomico County the fair representation in local government that has been denied for decades under the two at-large schemes, and for generations before that under more overt discriminatory devices.

In sum, we believe that the 5-2 election structure for Wicomico County Council operates to dilute the voting strength of minority voters and, thus, produces a discriminatory effect in violation of Section 2 of the Voting Rights Act. In 1991, the U.S. District Court for the District of Maryland left the door open for a future

that court since 1986. *Wicomico County, Maryland Orphans’ Court*, MARYLAND STATE ARCHIVES (Feb. 21, 2013), <http://msa.maryland.gov/msa/mdmanual/36loc/wi/jud/html/msa13525.html>.

³⁸ *Id.* at 4.

³⁹ See WICOMICO COUNTY, MD 7-DISTRICT PLAN, *supra* note 12.

⁴⁰ These districts are 51.96% and 50.29% in Black VAP, with significant Latino populations, making them even stronger minority opportunity districts.

⁴¹ See Ex. 3, 7-DISTRICT PLAN POPULATION SUMMARY REPORT.

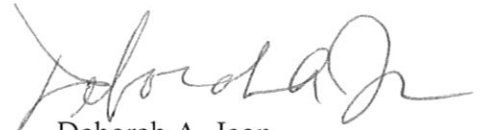
challenge to the present 5-2 plan and, for the aforementioned reasons, we believe that the time to bring that challenge is now. The ACLU's and NAACP's successes in enhancing election fairness in the Salisbury area over the past few decades demonstrates that, amidst the pervasive discrimination throughout the County's history, progress towards fair representation is indeed possible.

For all of these reasons, we urge the Civil Rights Division to consider reopening its Voting Rights Act challenge against the County. Please let us know if there is any additional information you need in support of this request, or if there is any way that we can assist you.

Sincerely,



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General Counsel
ACLU of Maryland



Deborah A. Jeon
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AMERICAN CIVIL
LIBERTIES UNION OF
MARYLAND

cc: Mr. Gerald Stansbury, Maryland State Conference of NAACP Branches
Ms. Mary Ashanti, Wicomico County NAACP
Mr. Edward Taylor
Dr. Eddie Boyd
Mr. Orville Penn
Mr. Carl O. Snowden

Exhibit 1

Wicomico EEO-4

2009

Full-Time	White	Black	Other	Total	% Black
Officials and Administrators	5	0	0	5	0.00%
Professionals	29	3	0	32	9.38%
Technicians	6	0	0	6	0.00%
Protective Service Workers	81	4	0	85	4.71%
Paraprofessionals	11	0	1	12	0.00%
Administrative Support	15	1	0	16	6.25%
Skilled Craft Workers	12	8	0	20	40.00%
Service Maintenance	19	2	0	21	9.52%
TOTAL	178	18	1	197	9.14%

Part-Time	White	Black	Other	Total	% Black
Officials and Administrators					
Professionals					
Technicians					
Protective Service Workers	3	0	0	3	0.00%
Paraprofessionals					
Administrative Support					
Skilled Craft Workers					
Service Maintenance	1			1	
TOTAL	4	0	0	4	0.00%

Exhibit 2

Wicomico County MD

Summary of 2006 and 2010 Racial Bloc Voting Analyses for Interracial County
Council Contests

Steven P. Cole, Ph.D.

February 11, 2013

The following is a summary of preliminary racial bloc voting (RBV) analyses for contested interracial Wicomico County Council elections in 2006 and 2010. The analyses were conducted to assess whether voting was polarized along racial lines between black and non-black voters in Wicomico County and whether black voters voted cohesively in Wicomico County. These analyses focused on the most probative contests: interracial contests for the offices in question (endogenous contests), that is, County Council contests.

The Maryland State Board of Elections provides precinct-level election night vote totals on their website for elections since 2006. To provide an initial RBV assessment, analyses were conducted for County Council elections that had precinct-level data electronically available: 2006 and 2010 Primary and General Elections. These initial analyses are based solely on election night totals: early voting, absentee, and provisional ballots were not included since they are not listed on the state's website for precinct-level results. Election night totals represented 89.6% of the total votes for the 2006 General Election and 78.9% of the total votes for the 2010 General Election.

I employed four different methods of analysis: double-equation ecological regression analysis (BERA), Goodman single-equation ecological regression, the King ecological inference (EI) approach based on a maximum likelihood estimate methodology and homogeneous precinct analysis (HPA; also known as extreme case analysis). For this summary, I will not include Goodman single-equation regression results. BERA and EI results are displayed in Table 1 and HPA results are in Table 2. Election night only and total votes (when posted on the Maryland website) are included in both tables.

2006 Democratic Primary

At Large (vote for 2)

(22.3% Black VAP)

Voters can vote for up to two candidates in this multi-seat contest. Hughey-Jones, the black candidate, is a clear black-preferred candidate with an estimated 100% of the black voters based on the double regression (BERA) results. Although Hughey-Jones received only 35% of the non-black vote, Hughey-Jones was among the set of candidates that would have been elected if the results were based solely on non-black voters. Homogenous precinct voting analyses (HPA) indicate 90% of black voters supporting Hughey-Jones and 47% and 49% of non-black voters supporting Hughey-Jones in 90% and 80% non-black voting-age population (VAP) precincts, respectively. King ecological inference (EI) is not statistically appropriate for multi-seat contests. The black-preferred candidate won. It should be noted that the actual double regression estimate of black cohesion for Hughey-Jones was

greater than 100% and was rounded to 100%. Small overestimates can occur and indicate an extremely high level of cohesion. Estimates much larger than 100% (or less than 0%) can indicate a curvilinear pattern in the data and may be an issue for linear regression estimates. In such situations, one can rely more heavily on homogeneous precinct analyses in general and the results of King ecological inference in head-to-head contests.

District 1
(46.1% Black VAP)

In this head-to-head contest with 46.1% black VAP, BERA, EI, and HPA estimates indicate that the black candidate, Sample-Hughes is supported by a majority of black and non-black voters. The three methods generate similar RBV estimates. For example, estimates of black cohesion were 71%, 76%, and 72% for BERA, EI, and HPA, respectively. This contest is not racially polarized.

2006 General Election

At Large (vote for 2)
(22.3% Black VAP)

The Republican candidate Graf received only 46 votes and is excluded from this summary. The black candidate, Hughey-Jones, received the most black support and the least non-black support. Hughey-Jones lost. The contest is racially polarized since the set of candidates that would have been elected if the results were based solely on non-black voters is different than if based solely on black voters. The Republican candidate with the most non-black support, Cannon, and the Democratic candidate with second-most black support, McCain, won the election.

2010 Democratic Primary

At Large (vote for 2)
(22.3% Black VAP)

The clear black-preferred candidate, Taylor, was one of the winners with 90% and 83% black cohesion estimates from BERA and HPA, respectively. BERA estimate of non-black crossover voting was 39%, while HPA estimates of non-black crossover voting were 47% and 50%, respectively, for 90% and 80% non-black VAP precincts.

2010 General Election

At Large (vote for 2)
(22.3% Black VAP)

Voting was polarized with both black-preferred candidates losing. The black candidate received the least non-black support.

District 1
(46.1% Black VAP)

In this 46.1% black VAP district, voting was polarized.

Table 1

Wicomico County MD

2006 and 2010 Interracial County Council Contests

Summary of Bivariate Ecological Regression (BERA) and Ecological Inference (EI) Racial Bloc Voting Analyses

Election/Candidates*	R ²	P-value	% Black Voters Voting for Candidate		% Non-Black Voters Voting for Candidate		Election Night Votes	Total Votes
			BERA	EI	BERA	EI		
2006 Democratic Primary								
(September 12)								
<u>At Large (vote for 2)</u>								
(22.3% Black VAP)								
McCain	.54	<.001	10	-	84	-	3,290	-
Hughey-Jones {Black}	.69	<.001	100	-	35	-	3,129	-
Crumbacker	.16	.015	2	-	22	-	1,458	-
Tucker	.01	.801	25	-	21	-	872	-
<u>District 1</u>								
(46.1% Black VAP)								
Sample-Hughes {Black}	.20	.224	71	76	65	61	2,333	-
Hayward	.20	.224	29	-	35	-	1,746	-
2006 General Election								
(November 7)								
<u>At Large (vote for 2)</u>								
(22.3% Black VAP)								
Cannon (Rep)	.82	<.001	0	-	58	-	12,149	13,598
McCain (Dem)	.20	.005	72	-	43	-	11,425	12,707
Caldwell (Rep)	.72	<.001	0	-	50	-	10,785	12,136
Hughey-Jones (Dem) {B}	.88	<.001	100	-	25	-	9,255	10,216
Graf (Rep)	.01	.641	-	-	-	-	44	46

*Candidates are listed in the order of vote total with the names of the winners in bold print.

Table 1 (cont.)

Wicomico County MD

2006 and 2010 Interracial County Council Contests

Summary of Bivariate Ecological Regression (BERA) and Ecological Inference (EI) Racial Bloc Voting Analyses

Election/Candidates*	R ²	P-value	% Black Voters Voting for Candidate		% Non-Black Voters Voting for Candidate		Election Night Votes	Total Votes
			BERA	EI	BERA	EI		
<u>2010 Democratic Primary</u>								
(September 14)								
<u>At Large (vote for 2)</u>								
(22.3% Black VAP)								
Taylor {Black}	.51	<.001	90	-	39	-	2,549	3,108
Cowall	.25	.002	10	-	65	-	2,231	2,830
Brewington	.35	<.001	13	-	51	-	1,802	2,179
<u>2010 General Election</u>								
(November 2)								
<u>At Large (vote for 2)</u>								
(22.3% Black VAP)								
Holloway (Rep)	.83	<.001	0	-	67	-	12,795	15,874
Culver (Rep)	.82	<.001	0	-	57	-	10,924	13,668
Cowall (Dem)	.47	<.001	99	-	31	-	8,819	11,498
Taylor (Dem) {Black}	.85	<.001	100	-	19	-	7,285	9,471
<u>District 1</u>								
(46.1% Black VAP)								
Sample-Hughes (Dem) {B}	.90	<.001	100	99	26	45	2,333	2,881
Goslee (Rep)	.90	<.001	0	-	74	-	1,746	2,065

Table 2

Wicomico County MD

2006 and 2010 Interracial County Council Contests

Summary of Homogeneous Precinct Racial Bloc Voting Analyses

Election/Candidates*	% Voters Voting for Candidate					
	<u>Black VAP</u>		<u>Non-Black VAP</u>		Night Votes	Total Votes
	90%	80%	90%	80%		
<u>2006 Democratic Primary</u> (September 12)						
<u>At Large (vote for 2)</u> (22.3% Black VAP)						
McCain	-	20	80	68	3,290	-
Hughey-Jones {Black}	-	90	47	49	3,129	-
Crumbaker	-	5	20	18	1,458	-
Tucker	-	24	27	26	872	-
<u>District 1</u> (46.1% Black VAP)						
Sample-Hughes {Black}	-	72	67	65	2,333	-
Hayward	-	28	33	35	1,746	-
<u>2006 General Election</u> (November 7)						
<u>At Large (vote for 2)</u> (22.3% Black VAP)						
Cannon (Rep)	-	7	56	53	12,149	13,598
McCain (Dem)	-	51	41	44	11,425	12,707
Caldwell (Rep)	-	14	49	47	10,785	12,136
Hughey-Jones (Dem) {B}	-	89	27	31	9,255	10,216
Graf (Rep)	-	0	<1	<1	44	46

*Candidates are listed in the order of vote total with the names of the winners in bold print.

Table 2 (cont.)

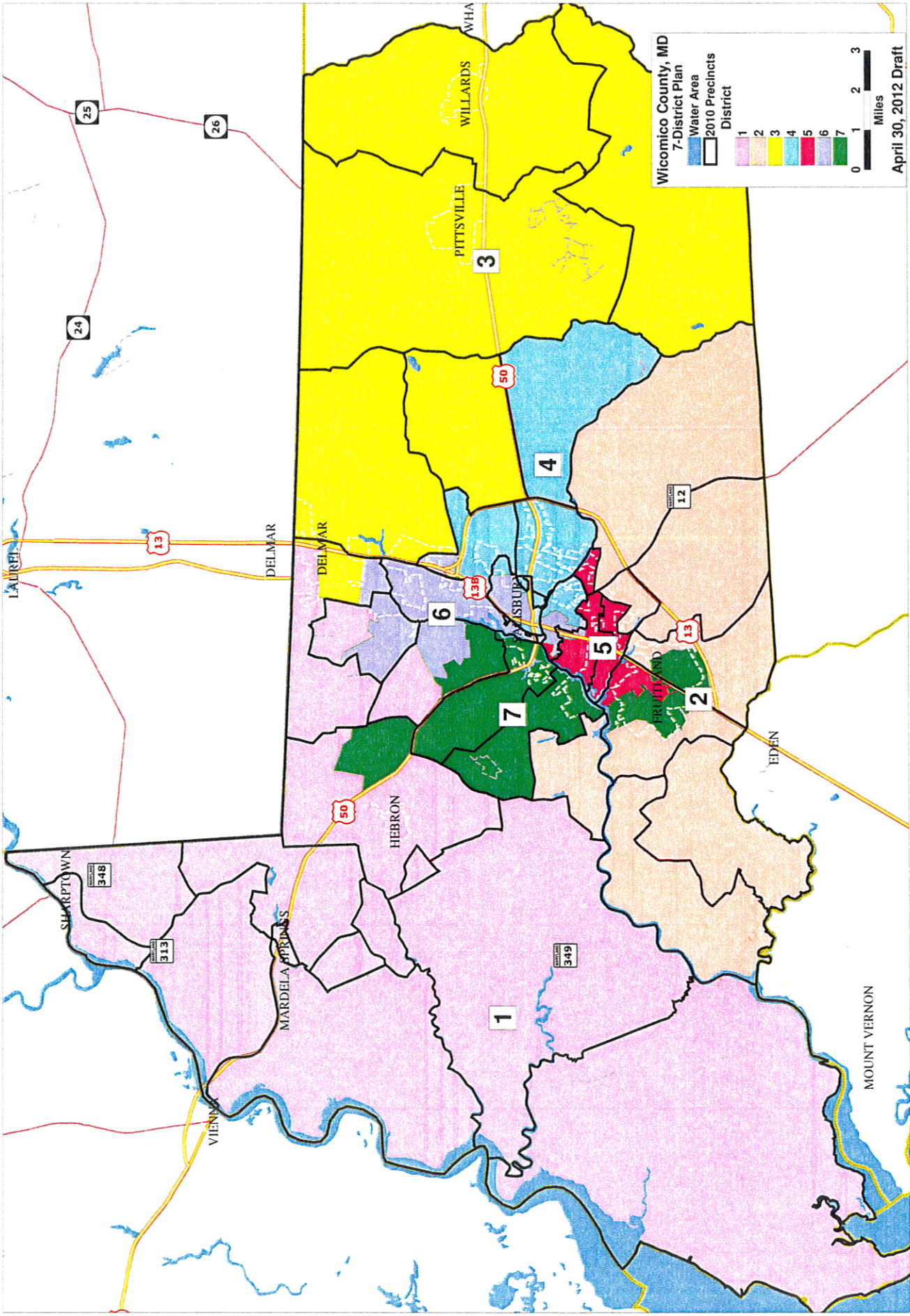
Wicomico County MD

2006 and 2010 Interracial County Council Contests

Summary of Homogeneous Precinct Racial Bloc Voting Analyses

Election/Candidates*	% Voters Voting for Candidate				Night Votes	Total Votes
	<u>Black VAP</u>		<u>Non-Black VAP</u>			
	90%	80%	90%	80%		
<u>2010 Democratic Primary</u>						
(September 14)						
<u>At Large (vote for 2)</u>						
(22.3% Black VAP)						
Taylor {Black}	-	83	47	50	2,549	3,108
Cowall	-	18	53	54	2,231	2,830
Brewington	-	19	49	43	1,802	2,179
 <u>2010 General Election</u>						
(November 2)						
<u>At Large (vote for 2)</u>						
(22.3% Black VAP)						
Holloway (Rep)	-	8	66	61	12,795	15,874
Culver (Rep)	-	6	54	52	10,924	13,668
Cowall (Dem)	-	57	31	34	8,819	11,498
Taylor (Dem) {Black}	-	77	22	25	7,285	9,471
 <u>District 1</u>						
(46.1% Black VAP)						
Sample-Hughes (Dem) {B}	-	93	17	37	2,333	2,881
Goslee (Rep)	-	7	83	63	1,746	2,065

Exhibit 3



Wicomico County, MD
7-District Plan

- Water Area
- 2010 Precincts
- District**

1	2	3	4	5	6	7	7

0 1 2 3
Miles

April 30, 2012 Draft

Population Summary Report

Wicomico, MD – Draft 7-District Plan -- April 30, 2012
 2010 Census adjusted data per No Representation Without Population Act of 2010 – SB 400VHB496

District	Adjusted Population	Deviation	% Deviation	Adjusted Black	% Adjusted Black	18+ Adjusted Pop	18+ Adjusted Black	% 18+ Adjusted Black	18+ Adjusted Any Part Black	% 18+ Adjusted Any Part Black	Unadjusted Hispanic 18+ Population	% Unadjusted Hispanic 18+ Population	Undadjusted Non-Hispanic White 18+	% Undadjusted Non-Hispanic White 18+
1	14544	375	2.65%	2385	16.40%	11007	1814	16.48%	1874	17.03%	239	2.2%	8710	78.82%
2	14129	-40	-0.28%	1435	10.16%	10867	1074	9.88%	1127	10.37%	216	2.0%	9062	83.52%
3	14452	283	2.00%	1166	8.07%	11251	856	7.61%	910	8.09%	257	2.3%	9646	85.97%
4	14854	685	4.83%	2876	19.36%	11824	2039	17.24%	2129	18.01%	444	3.8%	8821	74.96%
5	13984	-185	-1.31%	2128	15.22%	12311	1674	13.60%	1755	14.26%	466	3.8%	9733	79.23%
6	13538	-631	-4.45%	7189	53.10%	10012	5102	50.96%	5202	51.96%	883	9.0%	3729	37.98%
7	13682	-487	-3.44%	7050	51.53%	9816	4861	49.52%	4936	50.29%	476	4.9%	4007	41.54%
	99183			24229	24.43%	77088	17420	22.60%	17933	23.26%				

Total Deviation 9.28%