



UCLA Voting Rights Project

3250 Public Affairs Building

Los Angeles, CA 90095

November 8, 2021

Dear Orange County Board of Supervisors:

On November 1, 2021, the UCLA Voting Rights Project (VRP) published a report analyzing redistricting for the Orange County Board of Supervisors and detailed the necessary steps the County would need to take to ensure full compliance with the United States Constitution, federal law, and the California Constitution. On November 2, 2021, Sonni Waknin, Managing Attorney and Voting Rights Counsel at the UCLA Voting Rights Project, and Michael Rios, Data Analyst at the UCLA Voting Rights Project, offered public comment on the existence of racially polarized voting in Orange County and submitted our report to the Board of Supervisors.

After our testimony, on November 5, 2021, the Orange County Board of Supervisors released revised proposals and technical corrections for the maps that they will be considering on November 9, 2021.

The UCLA Voting Rights Project reviewed the other proposals being considered by the Orange County Board of Supervisors to assess whether or not those maps would comply with the law and not dilute the Latino population in the County. It is the view of UCLA VRP experts that Map 5, 5A, or 5B should be adopted by the County.

First, the proposed Map 4C is in violation of Section 2 of the Voting Rights Act because it does not create a Latino-majority district. The largest Latino CVAP district in Map 4C is District 2, which has a Latino CVAP of 49.8%. The next highest is District 4 at 34.1%. This map clearly dilutes Latino voters and would not perform because the map does not have a district with Latino CVAP higher than 50.1%, which is considered the benchmark threshold for the creation of a new Section 2 district. *See Bartlett v. Strickland*, 556 U.S. 1 (2009). Beyond mere CVAP size, the map must also be shown to perform to elect minority candidates of choice, through a combination of minority voting strength and some cross-over voting from other racial groups.

More troublesome is that in proposal map 4A, the map attempts to ensure that Latinos do not elect candidates of choice by drawing a district that on its fact appears to be compliant with Section 2 of the VRA, but in practice does not elect Latino candidates of choice because the Latino CVAP is the bare minimum benchmark. Additionally, 4A egregiously cracks the Latino majority city of Anaheim into **four** different districts. This map should not be adopted by the Board of Supervisors.

Additionally, proposed Maps 2, 2A, 4, 4B all have similar problems with diluting and cracking the Latino populations in Orange County. Maps 2 creates one Latino-Majority districts, but then

ensures that there is no ability for Latinos to have influence in other districts. It is dilutive in that it splits the Latino populations of Fullerton and La Habra into Districts 3 and 4. Map 2A also creates on Latino-Majority district in District 4, but then similarly cracks and dilutes the Latino populations between Districts 1 and Districts 3 by splitting Anaheim, Fullerton, and La Habra between the two districts in a manner to ensure that Latinos could not be successful in influencing elections in either district. Map 4B is similar to Map 4 in that it creates one Latino-Majority district, but then cracks the Latino population into two different districts to lessen their influence.

UCLA Voting Rights Project experts have analyzed Proposed Map 5 and have found that the map complies with Section 2 of the Voting Rights Act and performs for Latino preferred candidates. Map 5, Map 5A, and Map 5B create a majority-Latino district and have a second minority-opportunity district which both perform to elect candidates of choice. Any of these maps are viable options for adoption because they ensure that Latino voters are not diluted.

Compliance with the Voting Rights Act is not optional, and Orange County must adopt a map that does not dilute the Latino population and creates districts that empower minority voters to elect candidates of choice.

Sincerely,

UCLA Voting Rights Project