



A Review of Racially Polarized Voting in Orange County, California, and a Performance Analysis , Submitted by Orange County Civic Engagement Table/People's Redistricting Alliance

By

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Introduction

The UCLA Voting Rights Project offers this analysis on the existence of racially polarized voting patterns in Orange County, California, that have made it difficult for Latino preferred candidates to be elected to the County Board of Supervisors. In this particular study, we look at the degree of racially polarized voting within County Board of Supervisor elections and statewide and national races to examine the support received by different Latino preferred candidates across 11 elections ranging from 2008 to 2021. The focus on this inquiry is the issue of whether or not Latinos vote different from Anglo or Non-Latino voters in Orange County.

Additionally, this report will also be analyzing the “performance” or ability to elect candidates of choice for both Latino and Asian Americans and Pacific Islander (AAPI) populations for all of the currently proposed maps being considered in Orange County. We endorse Proposal Map 5 which is currently being considered by the Orange County Board of Supervisors as the map that should be adopted.

Racially Polarized Voting and Why it is Important

All redistricting plans for every jurisdiction must comply with the Federal Voting Rights Act (VRA). Redistricting plans cannot decrease, crack, diminish or dilute, or retrogress the voting strength of racial or ethnic minorities’ ability to elect candidates of their choice. *See League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 403, 126 S. Ct. 2594, 2601, 165 L. Ed. 2d 609 (2006); *Luna v. County of Kern*, 291 F.Supp.3d 1088 (E.D. Cal. 2018); *Garza v. County of Los Angeles*, 918 F.2d 763 (9th Cir. 1990).

Specifically, Section 2b of the VRA states a violation has occurred if minority voters “have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” 52 U.S.C. 10301.

When a racial, ethnic, or language minority group is sufficiently large in a political subdivision, that subdivision may be required to draw Section 2 compliant districts during the redistricting process. When determining whether to draw a Section 2 district, the political subdivision must inquire as to (1) whether the minority group is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) if the minority group is political cohesive; and (3) that the majority group votes sufficiently as a bloc to cancel out or defeat the minority’s preferred candidate. *Thornburg v. Gingles*, 478 U.S. 30 (1986). The latter two questions are called the “racially polarized voting” or “RPV” analysis.

Racial polarization in voting means simply that voters of different groups are voting in polar opposite directions, rather than in a coalition. Racially polarized voting does not necessarily mean there is racist voting and the presence of RPV does not mean that voters are racist. RPV only measures outcomes of voting patterns.

If there is RPV in a jurisdiction and the presence of a sufficiently large minority population, the political subdivision must be very careful when drawing districts to ensure that districts are not

dilutive of minority populations. What this means in practice is that jurisdictions that have both RPV and large minority populations will be required to draw districts that allow minority groups to elect candidates of choice in compliance with the Voting Rights Act.

Racially Polarized Voting Analysis

The UCLA VRP has conducted analysis on voter behavior in Orange County, utilizing elections that occurred in 2021, 2020, 2018, 2016, and 2014. UCLA VRP experts have used a number of methods to examine the issue of racial polarization in Orange County. Each has been used in several previous court cases, and, as such have passed Court muster in a variety of settings. These methods produce both statistical estimates of the level of support for Latino-preferred candidates and include a graphical representation as well.

The first method is simply the examination of a series of bivariate correlations between proportions of voter preference for the Latino preferred candidate and the proportion of Latino registered voter population within the same precinct. This is meant to primarily be an instructive device, as the presence of high and statistically significant correlations suggest, but may not be in isolation, conclusive evidence of racially polarized voting. It is important to note that consistently *positive* correlations between the proportion of Latino voters and vote preference for Latino preferred candidates, resulting in by definition a *negative* correlation between the proportion of non-Latino voters and votes for Latino preferred candidates provides evidence of polarization.

The second approach to the issue of polarized voting uses ecological inference. Ecological Inference (EI) “has been the benchmark in evaluating racial polarization in voting rights lawsuits and has been used widely in comparative politics research on group and ethnic voting patterns.”¹ Two variations of EI that have emerged are referred to as King’s EI and EI: Rx C .² The two methods are closely related, and Professor Gary King, the creator of King’s EI,³ was a co-author and collaborator on the Rx C method.⁴ Generally speaking, both methods take ecological data in

¹ Loren Collingwood, Kassra Oskooii, Sergio Garcia Rios, and Matt Barreto, *eiCompare Comparing Ecological Inference Estimates across EI and EI:Rx C* , 8 R.J., 93 (2016); see also Abrajano et al., *Using Experiments to Estimate Racially Polarized Voting*, UC Davis Legal Studies Research Paper No. 419 (2015) (“ecological inference (EI)...[is] the standard statistical tool of vote-dilution litigation”). Despite the method’s prominence, researchers have identified certain limitations on EI’s ability to reveal race-correlated voting patterns in jurisdictions with more than two racial groups and non-trivial residential integration. See D. James Greiner, *Re-Solidifying Racial Bloc Voting: Empirics and Legal Doctrine in the Melting Pot*, 86 INDIANA L.J. 447–497 (2011); D. James Greiner & Kevin M Quinn, *Exit Polling and Racial Bloc Voting: Combining Individual Level and Ecological Data*, 4 ANNALS APPLIED STAT. 1774, 1774–1796 (2010). Strategic calculations by potential candidates as well as interest groups and donors also skew EI data. See Marisa Abrajano et al., *supra* note 30, at 595–98; James D. Greiner, *Causal Inference in Civil Rights Litigation*, 122 HARV. L. REV. 533, 533–598 (2008).

² Matt Barreto, Loren Collingwood, Sergio Garcia-Rios, and Kassra AR Oskooii. 2019. “Estimating Candidate Support in Voting Rights Act Cases: Comparing Iterative EI and EI-R \times C Methods.” *Sociological Methods & Research*: 0049124119852394.

³ See GARY KING, A SOLUTION TO THE ECOLOGICAL INFERENCE PROBLEM RECONSTRUCTING INDIVIDUAL BEHAVIOR FROM AGGREGATE DATA (1997).

⁴ See Ori Rosen, Wenxin Jiang, Gary King, and Martin Tanner, *Bayesian and Frequentist Inference for Ecological Inference: the R \times C case*, 55 STATISTICA NEERLANDICA, 134–46 (2001).

the aggregate—such as precinct vote totals and racial demographics—and use Bayesian statistical methods to find voting patterns by regressing candidate choice against racial demographics within the aggregate precinct.⁵ Kings EI is sometimes referred to as the iterative approach, in that it runs an analysis of each candidate and each racial group in iterations,⁶ whereas the RxC method allows multiple rows (candidates) and multiple columns (racial groups) to be estimated simultaneously in one model.⁷

The third approach as shown below is a graphical presentation that plots the vote choice and percentage of Latino voter population of each and every precinct within Orange County. This allows the reader to easily determine whether or not difference exist between Latino and non-Latino precincts by comparing the left to right side of the scatter plot/graph. Further, by mapping out the vote results for all precincts, we can judge the consistency or inconsistency of the Latino vote and whether or not any “outlier” precincts exist. Consistent difference between Latinos and non-Latino voters in the levels of support demonstrated here augment similar findings that emerge through the correlations and homogenous precinct analysis.

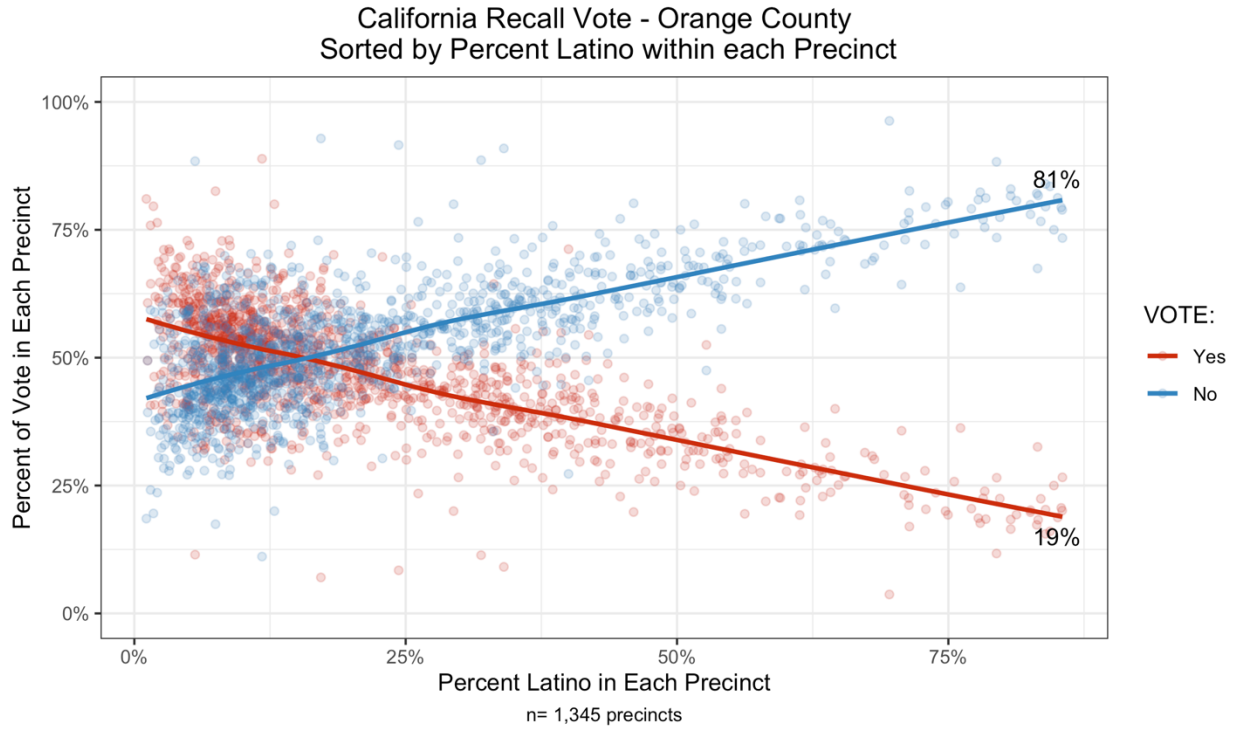
From this analysis, it is clear that voters in majority-Latino precincts vote in a different manner than precincts with majority non-Latino voters. UCLA VRP experts have determined that racially polarized voting is exhibited in Orange County elections.

Figure: Latino Vote in the 2021 Recall – Orange County

⁵ King, Gary, Ori Rosen, and Martin A. Tanner. 2004. “Information in Ecological Inference: An Introduction.” *Ecological Inference: New Methodological Strategies*: 1–12.

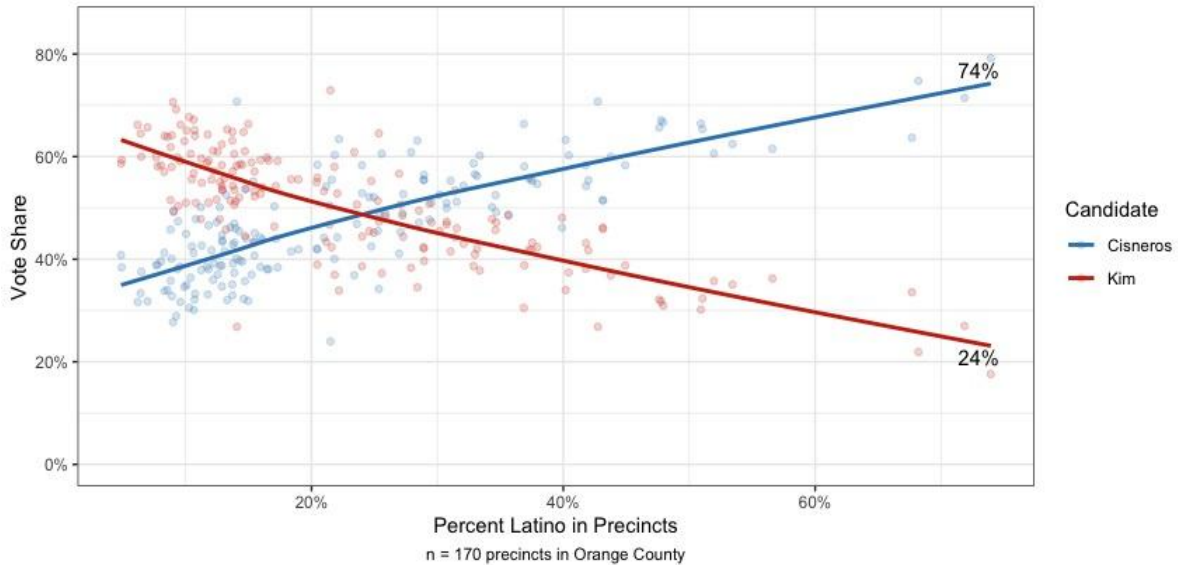
⁶ GARY KING, ET AL., *ECOLOGICAL INTERFERENCE: NEW METHODOLOGICAL STRATEGIES* 1-12 (2004).

⁷ *Id.*



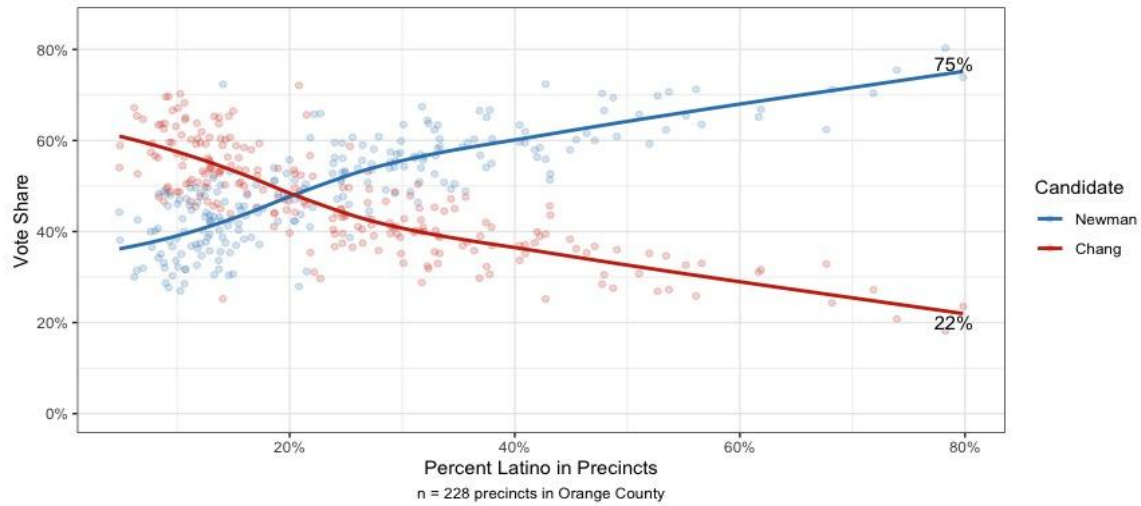
2020 Elections

Figure 1: 2020 United States Representative 39th District Vote Choice by Percent of Latino Registered Voters in Orange County



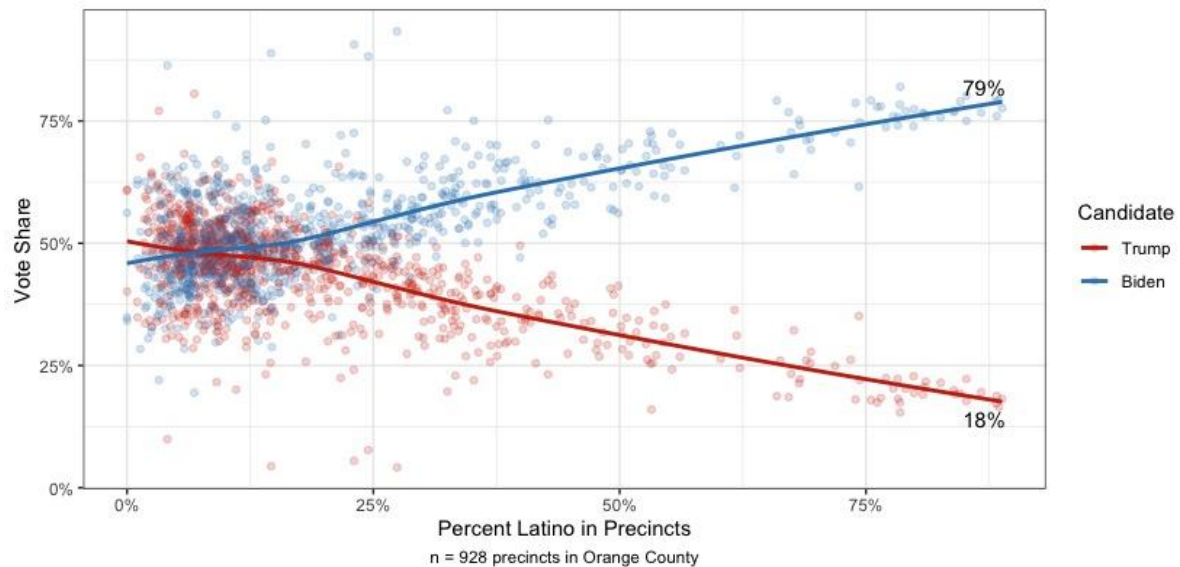
In this election for federal office, the Latino-preferred candidate **lost** by a margin of 49.4 to 50.6%.

Figure 2: 2020 State Senator 29th District Vote Choice by Percent of Latino Registered Voters in Orange County



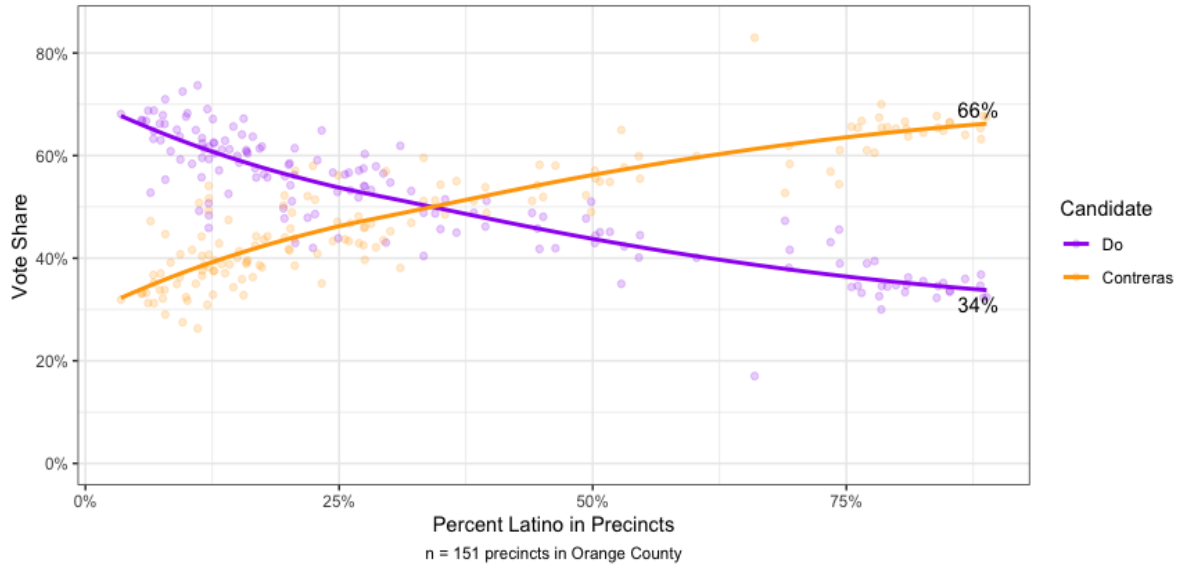
In this election for state legislative level office, the Latino-preferred candidate **won** by a margin of 51.3 to 48.7%.

Figure 3: 2020 Presidential Vote Choice by Percent of Latino Registered Voters in Orange County



In this election for federal office, the Latino-preferred candidate **won** this election.

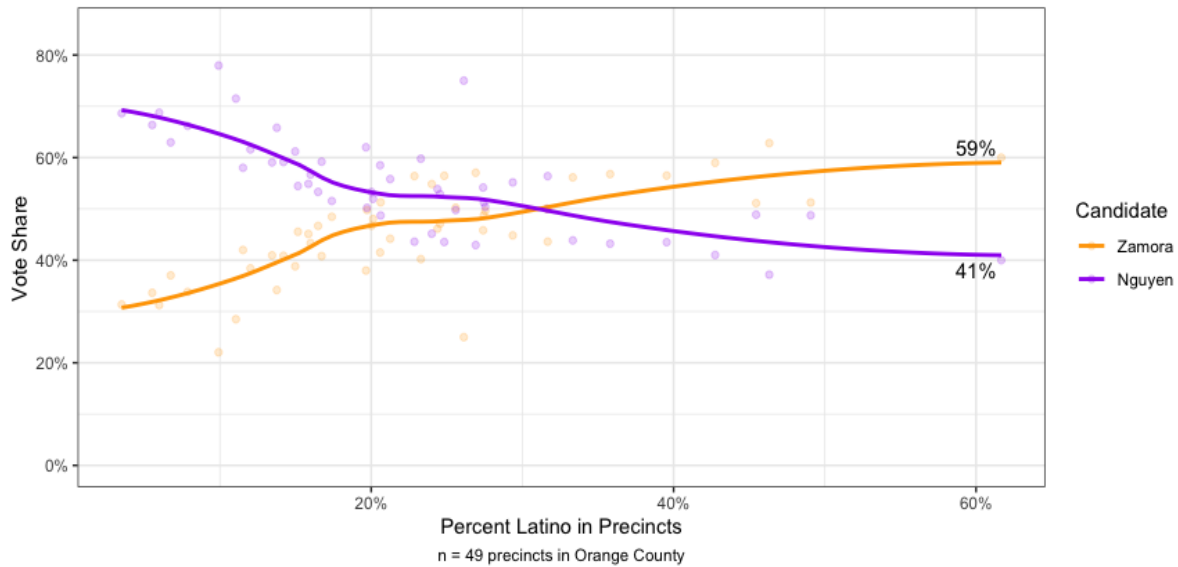
Figure 4: 2020 County Supervisor, 1st District Vote Choice by Percent of Latino Registered Voters in Orange County



In this election for local office, the Latino-preferred candidate **lost** by a margin of 48.2 to 51.8%.

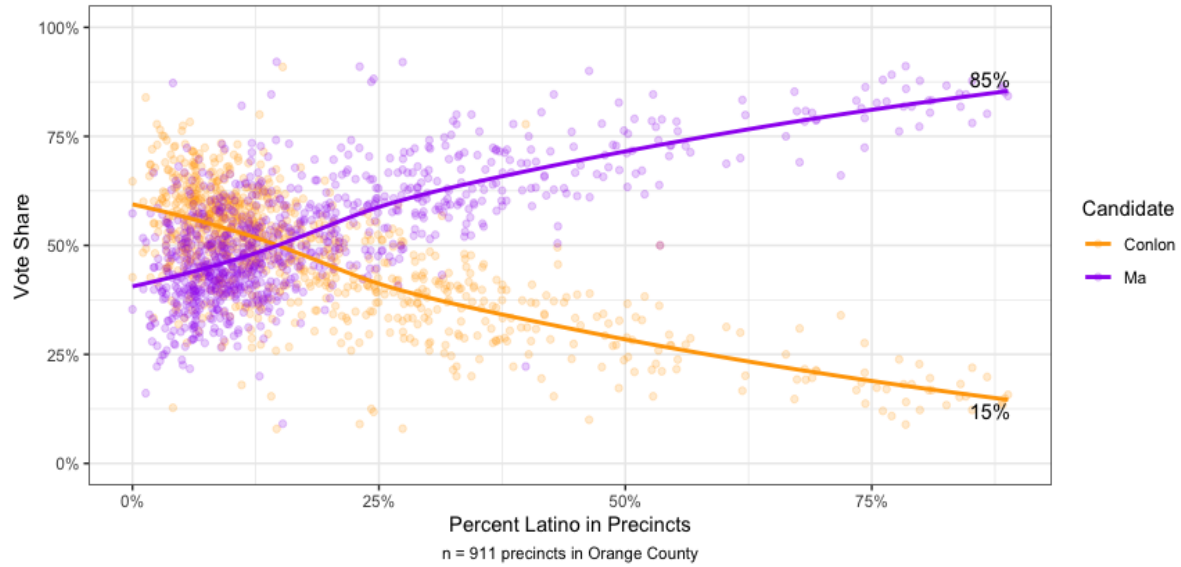
2018 Elections

Figure 5: 2018 OC Water District Director, Division 1 Vote Choice by Percent of Latino Registered Voters in Orange County



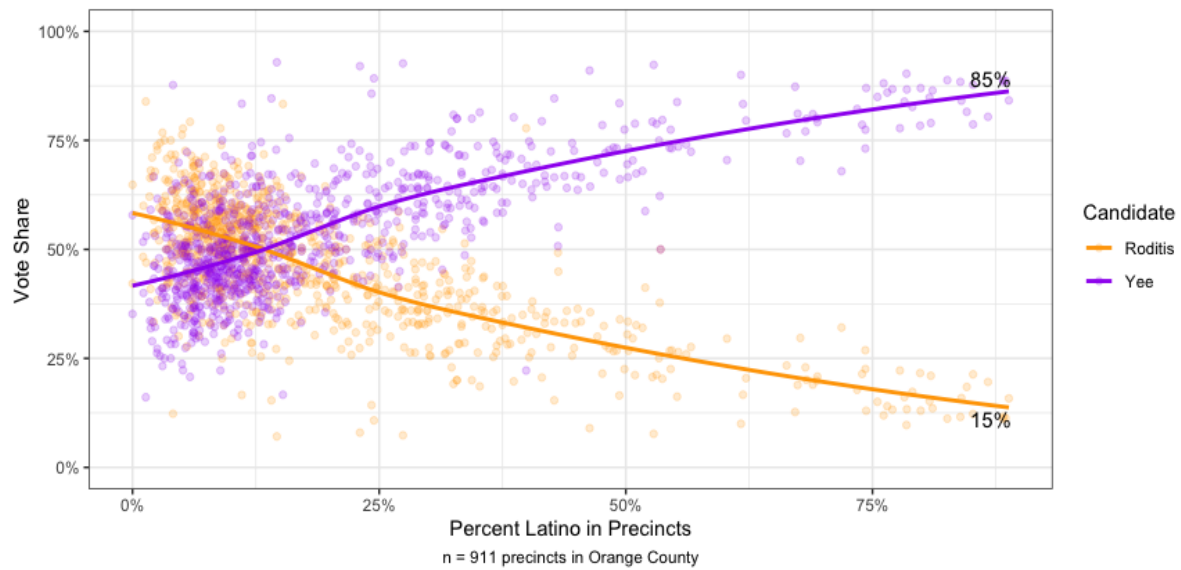
In this election for local or county-wide office, the Latino-preferred candidate **lost** by a margin of 35.8 to 64.2%.

Figure 6: 2018 Treasurer Vote Choice by Percent of Latino Registered Voters in Orange County



In this election for statewide office, the Latino-preferred candidate **won** by a margin of 51.8 to 48.2%.

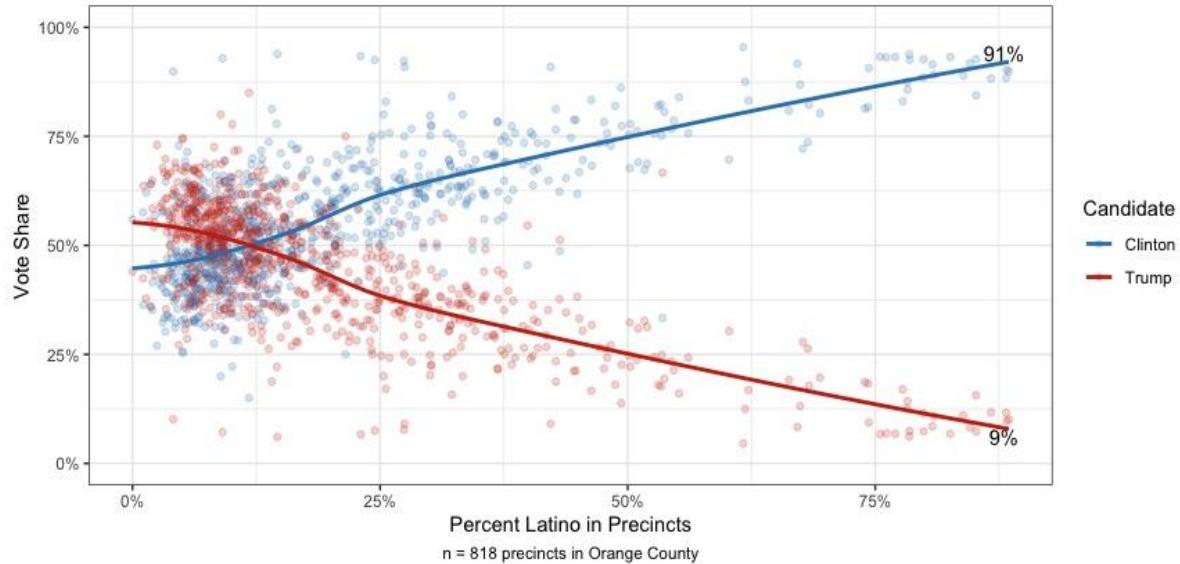
Figure 7: 2018 Controllor Vote Choice by Percent of Latino Registered Voters in Orange County



In this election for statewide office, the Latino-preferred candidate **lost** by a margin of 47.1 to 52.9%.

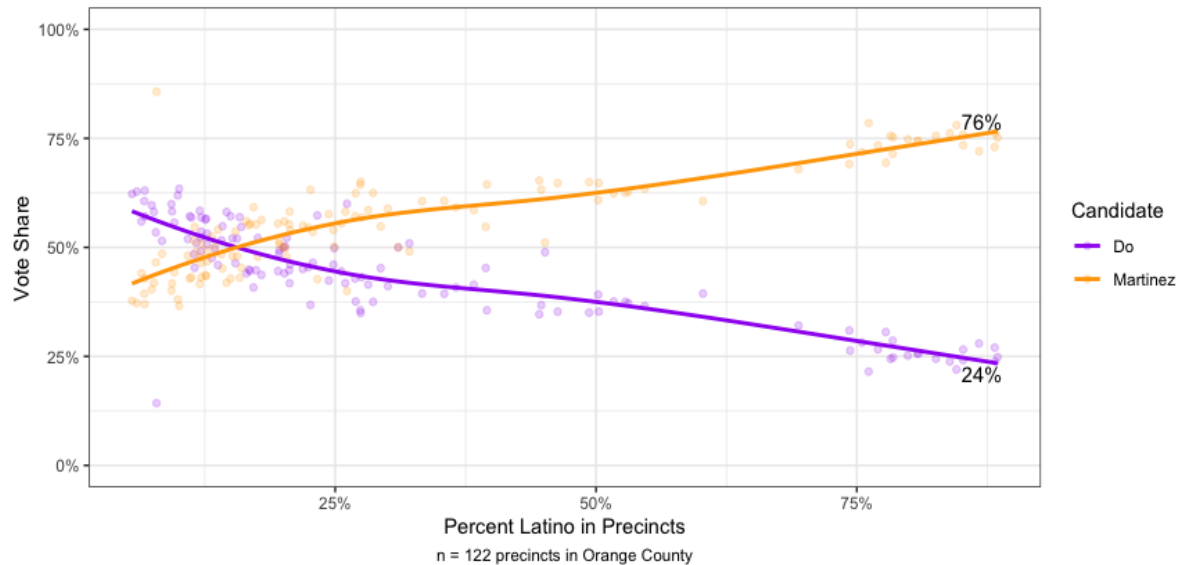
2016 Elections

Figure 8: 2016 Presidential Vote Choice by Percent of Latino Registered Voters in Orange County



In this election for federal office, the Latino-preferred candidate **lost** this election.

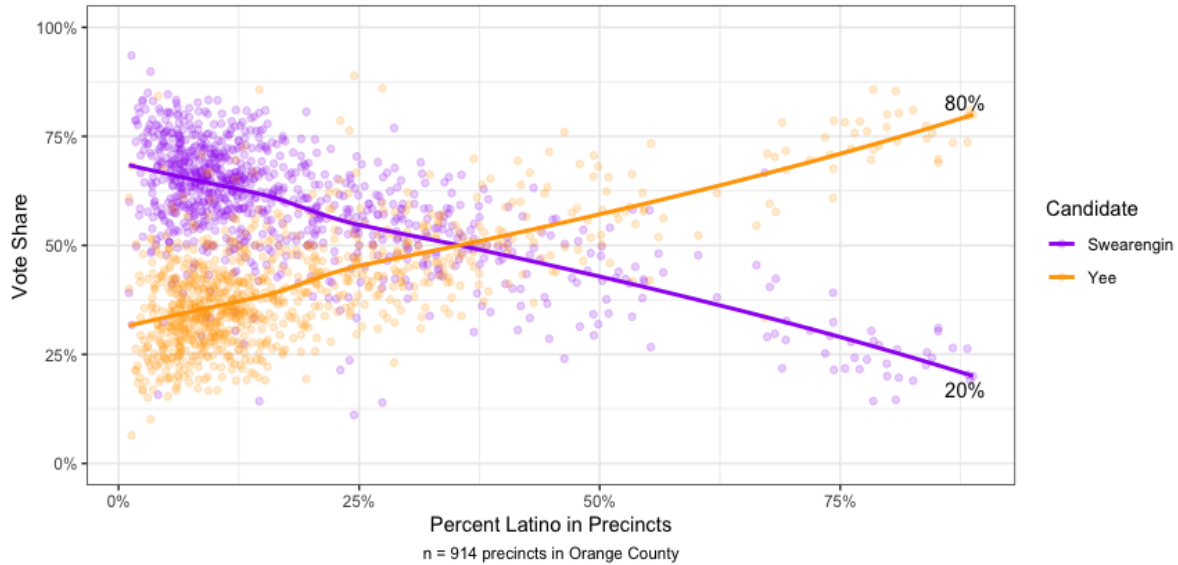
Figure 9: 2016 County Supervisor 1st District Vote Choice by Percent of Latino Registered Voters in Orange County



In this election for local office, the Latino-preferred candidate **lost** by a margin of 49.8 to 50.2%.

2014 Elections

Figure 10: 2014 Controller Vote Choice by Percent of Latino Registered Voters in Orange County



In this election for statewide office, the Latino-preferred candidate **won** by a margin of 54.0% to 46.0%.

Performance Analysis

The UCLA Voting Rights Project conducted what is called a performance analysis or a reconstituted precinct analysis to determine whether the proposed maps being considered in practice elect candidates of choice for Latino and AAPI voters. UCLA VRP experts have determined that Proposal 5's Districts 5 and 4 perform for Latino preferred candidates, in compliance with the law.

Proposal 5 Performance Analysis on Majority-Minority Districts

2020 Presidential Election

Dist #	Trump	Biden	Other	Trump Pct	Biden Pct	Total
5	66,057	129,048	4,284	33%	65%	199,389
4	111,079	150,263	5,774	42%	56%	267,116
					Total	466,505

2016 Presidential Election

Dist #	Trump	Clinton	Other	Trump Pct	Clinton Pct	Total
5	30,267	71,724	10,623	27%	64%	112,614
4	54,520	81,807	15,014	36%	54%	151,341
					Total	263,955

2018 Gubernatorial Election

Dist #	Newsom	Cox	Newsom Pct	Cox Pct	Total
5	75,160	40,675	63%	34%	119,481
4	86,352	76,186	52%	46%	166,424
				Total	285,905

2018 Secretary of State Election

Dist #	Padilla	Meuser	Padilla Pct	Meuser Pct	Total
5	78,086	36,732	65%	31%	119,481
4	90,249	70,086	54%	42%	166,424
				Total	285,905

2018 Insurance Commissioner Election

Dist #	Lara	Poizner	Lara Pct	Poizner Pct	Total
5	67,116	43,873	56%	37%	119,481
4	73,701	79,846	44%	48%	166,424
				Total	285,905