



Latino Policy & Politics Initiative
**Voting Rights
Project**

Orange County Redistricting 2021 Analysis
By
The UCLA Voting Rights Project

I. Introduction

The UCLA Voting Rights Project (UCLA VRP) has provided this analysis as a resource to Orange County and its staff to help ensure full compliance with the Federal Voting Rights Act, California Constitution, and the United States Constitution during the upcoming redistricting process.

Orange County has become increasingly diverse since the 2011 Orange County Supervisorial map was adopted. Estimates from 2020 show: 34.1% of the population is Latino/a¹ and 21.9% are Asian Americans.² Together, Latinos and Asian Americans represent the majority of Orange County residents and comprise the largest demographic groups in the area.³ Given these changes to the County, including a general population growth of 6.6% since the 2011 redistricting, the current voting districts are not representative of the current population.⁴

Based on the demographic growth, the current dilutive map, and the history of discrimination faced by multiple communities of interest in Orange County, it is the opinion of experts at the UCLA VRP that Orange County must adopt a map with one Latino-Majority and one Asian American Influence District in order for the districting scheme to be equitable and comply with the law.

II. Orange County and Latino Citizen Voting Age Population

According to the U.S. Census, the population of Orange County was 2,846,289 in 2000⁵. By 2020, the population grew to 3,186,989.⁶ In 2019, the Census Bureau's Population Estimates Program (PEP) predicted that the population would grow to 3,168,044.⁷ The 2019 5-year American Community Survey (ACS) data estimated the County's Citizen Voting Age Population (CVAP) to be 2,060,450.⁸ The demographic information for 2000, 2010, and 2020 is tabulated below:

¹ This report uses the terms Latino, Latina, Hispanic, and Latinx interchangeably.

² *2020 Census State Redistricting (P.L. 94-171) Summary File* .

³ *Ibid.*

⁴ *2020 Census State Redistricting (P.L. 94-171) Summary File; ACS 2011 (5-Year Estimates), Social Explorer; U.S. Census Bureau* .

⁵ *Id.*

⁶ *Id.*

⁷ ACS Demographic and Housing Estimates: ACS 5-Year Estimates Data Profiles, Orange County, California, 2019, United States Census Bureau, <https://data.census.gov/cedsci/table?q=orange%20county%202018%20&tid=ACSDP5Y2018.DP05&hidePreview=false>

⁸ *ACS Demographic and Housing Estimates: ACS 5-Year Estimates Data Profiles, Orange County, California, 2019*, UNITED STATES CENSUS BUREAU, <https://data.census.gov/cedsci/table?q=orange%20county%202018%20&tid=ACSDP5Y2018.DP05&hidePreview=false> .

Table 1: 2000 County Demographic Information⁹

Total Population	2,846,289
White Alone	51.3%
Hispanic or Latino	30.8%
Asian Alone	13.5%
Black or African American Alone	1.5%
American Indian and Alaska Native alone	0.3%
Native Hawaiian and Other Pacific Islander Alone	0.3%
Other Race alone	0.2%
Two or More Races	2.3%

Table 2: 2010 County Demographic Information¹⁰

Total Population:	3,010,232
White Alone	44.1%
Hispanic or Latino	33.7%
Asian Alone	17.7%
Black or African American Alone	1.5%
American Indian and Alaska Native alone	0.2%
Native Hawaiian and Other Pacific Islander Alone	0.3%
Other Race Alone	0.2%

⁹ 2000 Census State Redistricting (P.L. 94-171) Summary File.

¹⁰ 2010 Census State Redistricting (P.L. 94-171) Summary File.

Two or More Races	2.4%
-------------------	------

Table 3: 2020 County Demographic Information¹¹

Total Population	3,186,989
White Alone	37.6%
Hispanic or Latino	34.1%
Asian Alone	21.9%
Black or African American Alone	1.5%
American Indian and Alaska Native alone	0.2%
Native Hawaiian and Other Pacific Islander Alone	0.2%
Other Race alone	0.5%
Two or More Races	3.9%

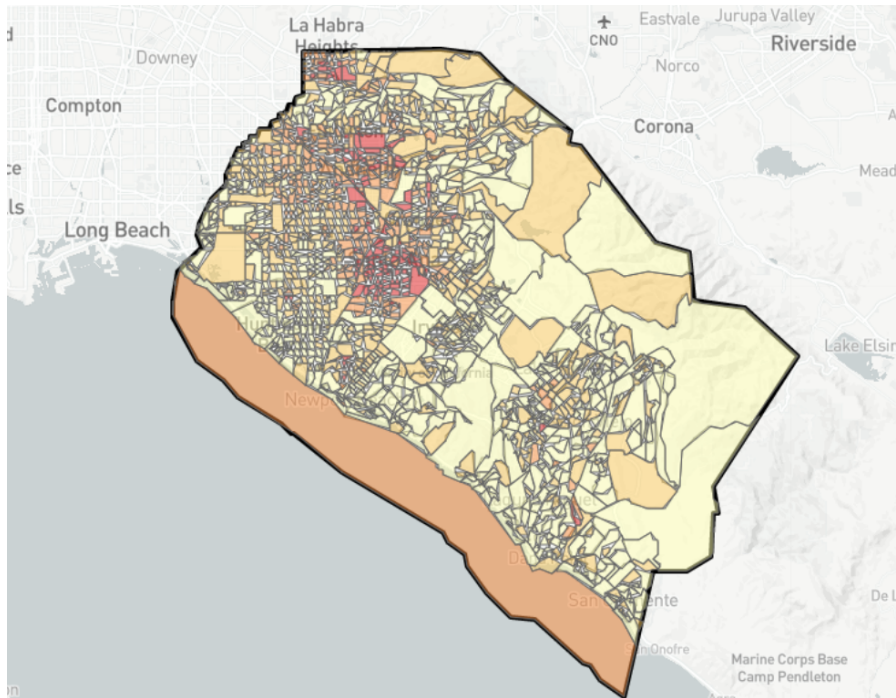
Since 2000, Orange County has seen its Latino, African American, and Asian American populations grow. Specifically, over the past two decades, the Latino share of the total population increased from 30.8% to 34.1%, while Asian American share rose from 13.5% to 21.9%. During the same time period, the non-Latino white total population, decreased from 51.3% to 37.6%. Despite the increase among the Latino population in Orange County, Latino candidates have continuously ran and lost local elections. Currently, the Orange County Board of Supervisors has no Latino elected officials, three Asian American elected officials, and two white elected officials.¹²

As depicted below, the highest levels of Latino CVAP concentration in Orange County are in Santa Ana and Anaheim. Santa Ana and Anaheim are currently split into two districts, District 1 and District 4. Due to the increase in Latino CVAP, the current 2010 map splits the concentration of Latino voters in such a way that Latinos do not constitute a majority of the population and are unable to elect a representative of their choice in any district. Moreover, the white majority

¹¹ 2020 Census State Redistricting (P.L. 94-171) Summary File.

¹² Orange County Board of Supervisors, ORANGE COUNTY GOVERNMENT (2020), <https://board.ocgov.com/about-board>

sufficiently votes as a bloc to prevent minorities from having a decisive impact on elections, especially in these two districts.

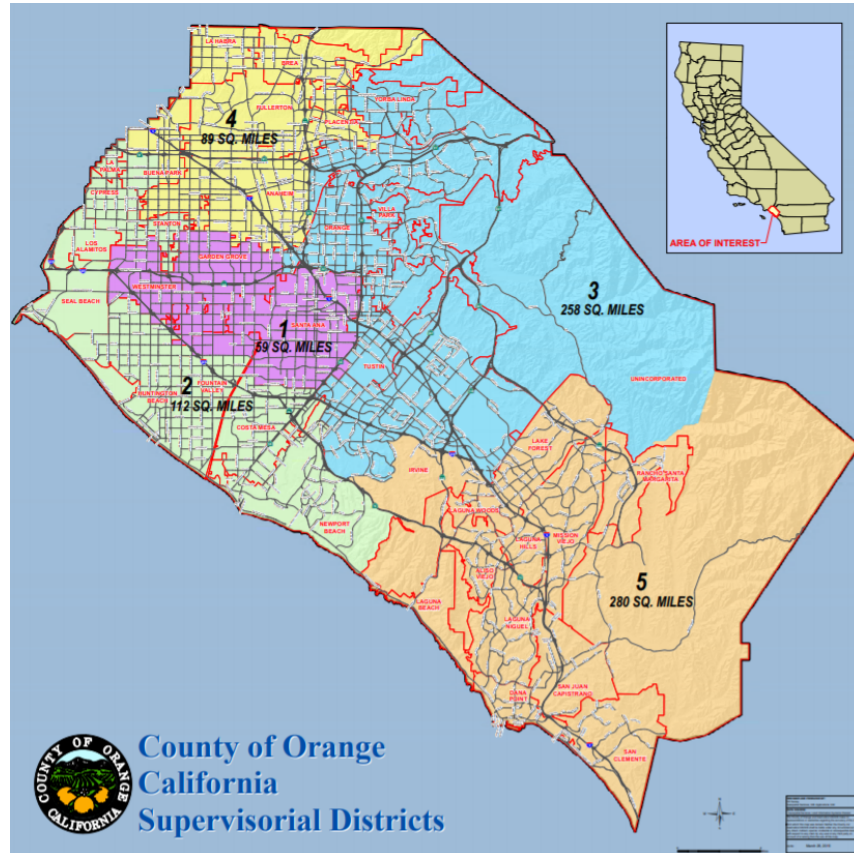


III. Current Demographics and Maps of Orange County

Orange County’s current districting scheme is based on data from the 2010 Census. The map, depicted below, divides voters into five districts. District 1 encompasses Garden Grove, Fountain Valley, Midway City, Santa Ana, and Westminster. Most of the covered area is bounded by or otherwise near Interstate 405, which runs along the southern and western parts of Los Angeles, and Interstate 5. The District encroaches upon Stanton and leaves an opening between Westminster and Garden Grove.

District 2 encompasses the coastal cities, including Huntington Beach and Newport Beach. The District stretches along the coast and ends in the northwest region of the County, in between District 1 and District 4. Westminster and Garden Grove slightly encroach on District 2, resulting in Stanton hovering between the two cities. District 3 is larger in area, but the land is mostly mountains, including the affluent Anaheim Hills and Yorba Regional Park neighborhoods. The southern section of District 3 extends into Irvine and Santa Ana.

In the northwest, District 4 covers large portions of Anaheim. District 5 covers the southern portion of the County and covers the majority of Irvine, Laguna Beach, and Lake Forest. The demographic breakdowns of all five districts in Orange County are presented below.



IV. Voting Patterns of Racial Groups in Orange County

The UCLA VRP has conducted analysis on voter behavior in Orange County, utilizing elections that occurred in 2020, 2018, 2016, and 2014. From this analysis, it is clear that voters in majority-Latino precincts vote in a different manner than precincts with majority non-Latino voters.

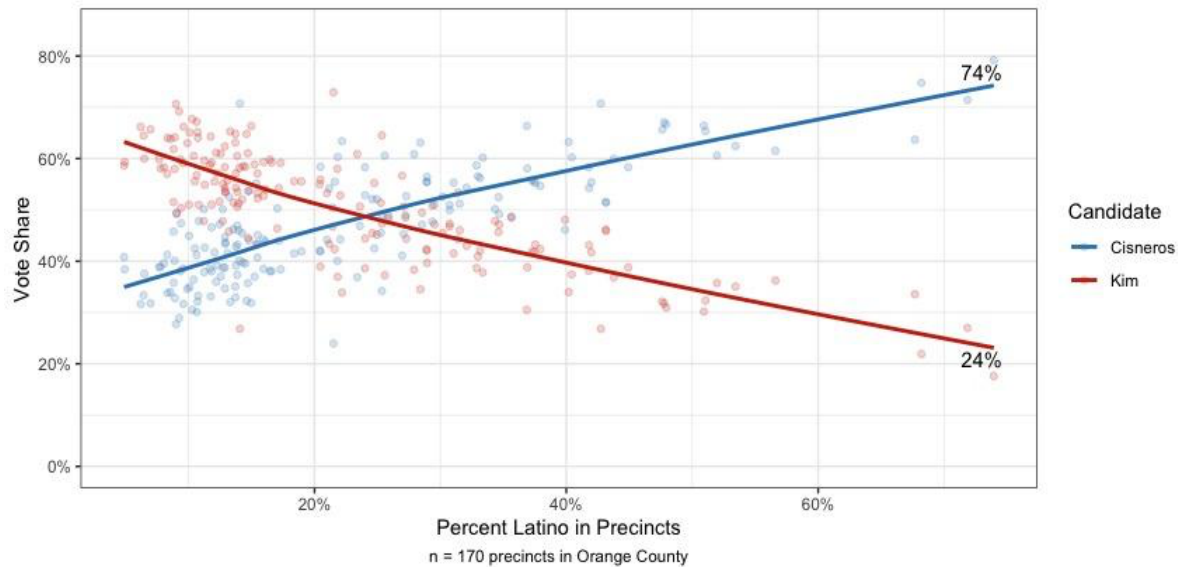
The divergence in voting between Latinos and non-Latino and/or Anglo voters is particularly important when examining elections for county-wide office seats. In county-wide elections, non-Latino white voters demonstrate consistent patterns of voting for different candidates than Latino voters. Further, in County Supervisorial Districts with large Latino populations, Latino voters vote in consistent patterns for different county supervisor races than their non-Latino counterparts. Candidates who win a majority of the vote in high-density Latino voting precincts receive lower support in high-density non-Latino white precincts.

This split, in which candidates who win a majority of the vote in high-density Latino voting precincts but receive low support in high-density non-Latino precincts, is emblematic of racially polarized voting. The below figures are visualizations of the vote share in different elections and how high-density Latino voting precincts split from non-Latino precincts.

The UCLA VRP notes that there must be further analysis on AAPI communities of interest in Orange County. The Asian American and Pacific Islander communities in Orange County are extremely diverse. The County is home to a sizable and growing populations of Vietnamese, Chinese, Korean, and Filipino residents and voters. From our initial observations, the Vietnamese population in the Garden Grove and Westminster areas of the county is cohesive and has been able to elect candidates of choice in statewide and local elections. It is possible that as the Chinese, Korean, Filipino, and other AAPI communities grow, there will be more defined voting patterns.

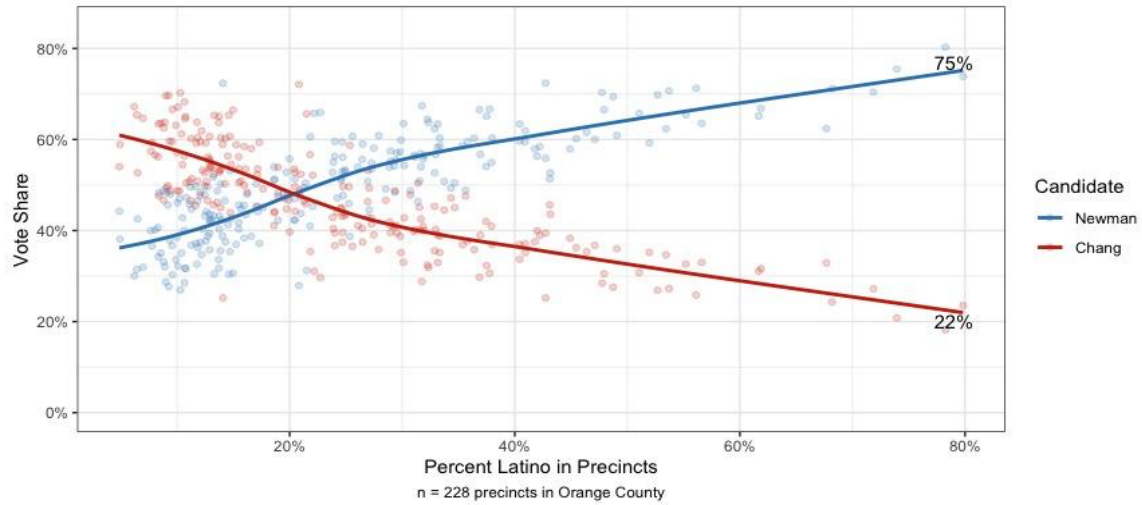
2020 Elections

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



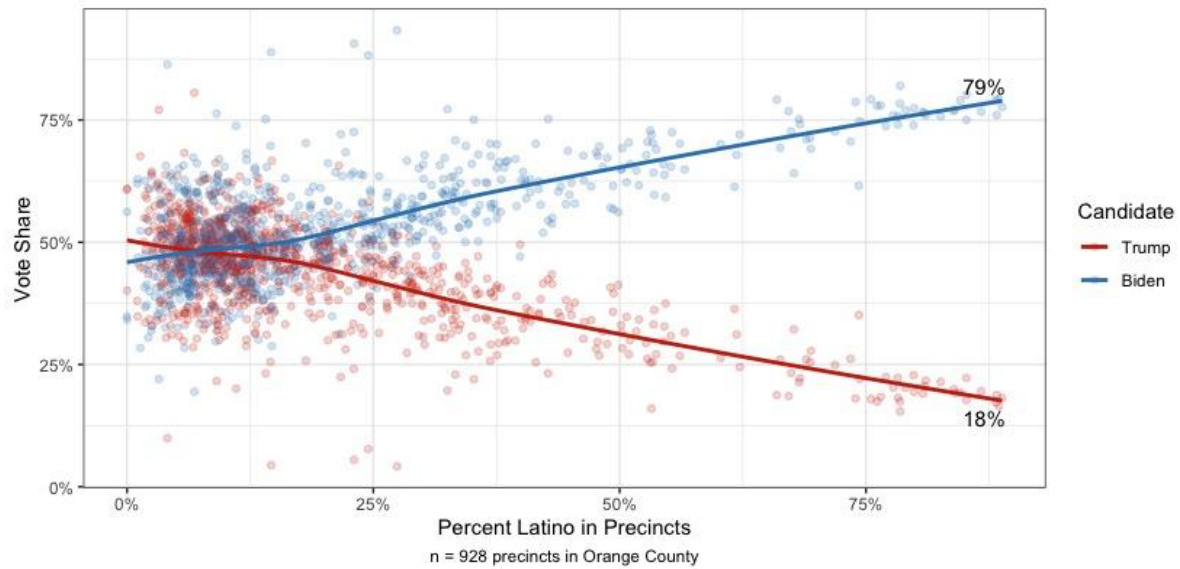
In this election for federal office, the Latino-preferred candidate **lost** by a margin of 49.4 to 50.6%.

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



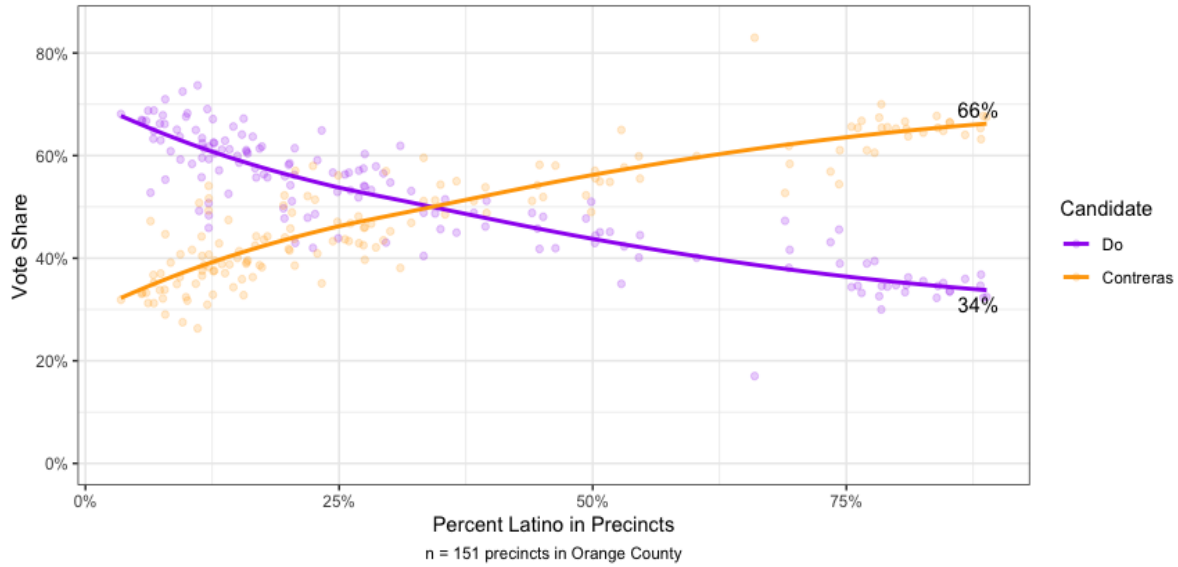
In this election for state legislative level office, the Latino-preferred candidate **won** by a margin of 51.3 to 48.7%.

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.

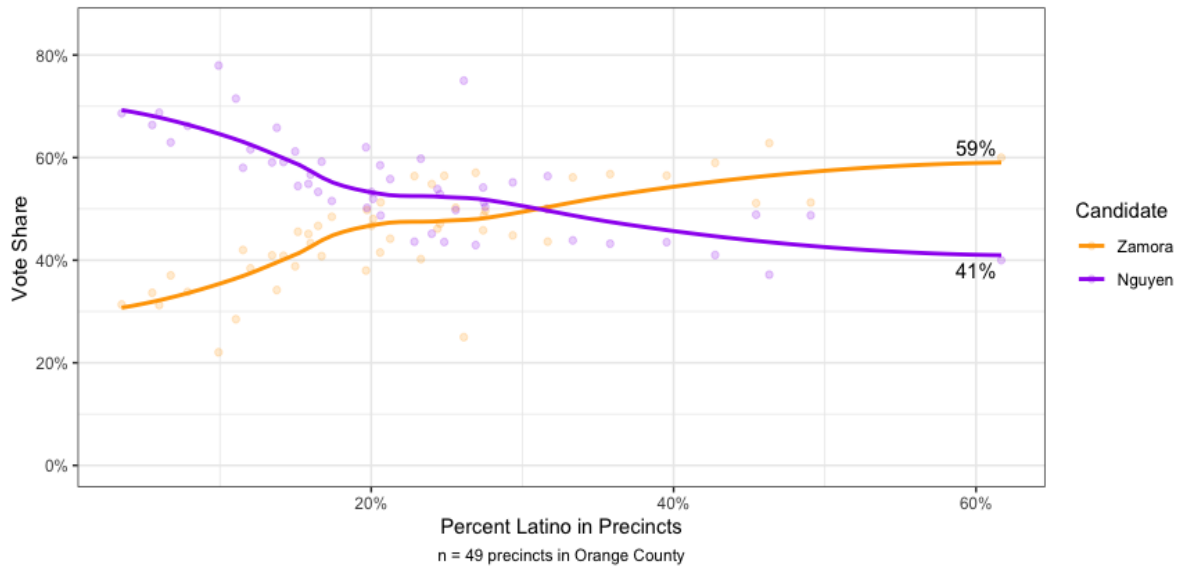
Figure 4: 2020 County Supervisor, 1st District Vote Choice by Percent of Latino Registered Voters in Orange County



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

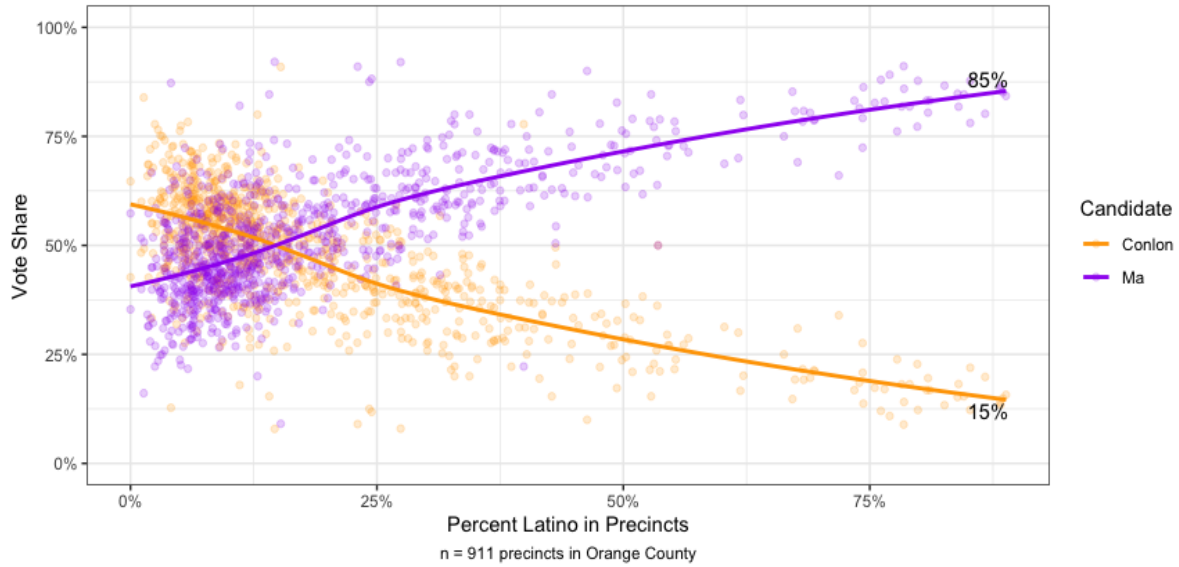
2018 Elections

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



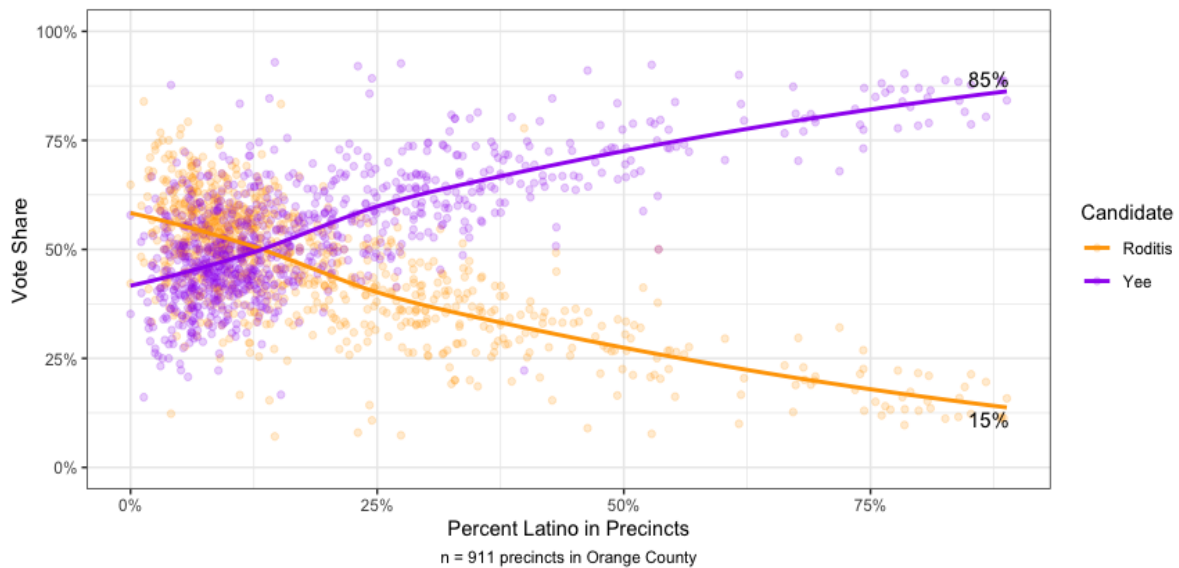
In this election for local or county-wide office, the Latino-preferred candidate **lost** by a margin of 35.8 to 64.2%.

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%.

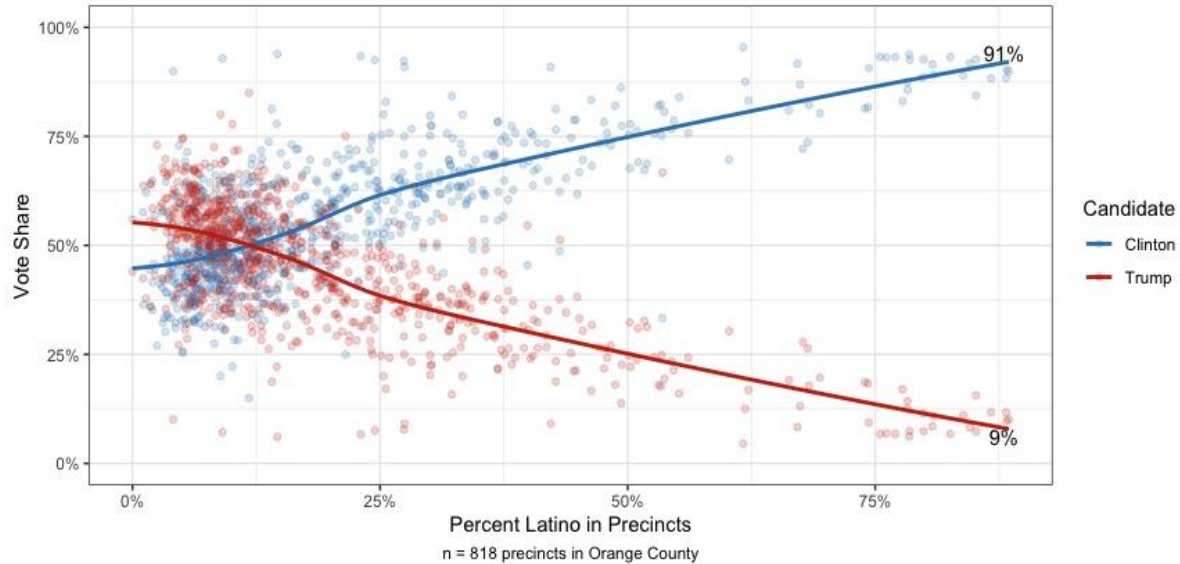
Figure 7: 2018 Controller Vote Choice by Percent of Latino Registered Voters in Orange County



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

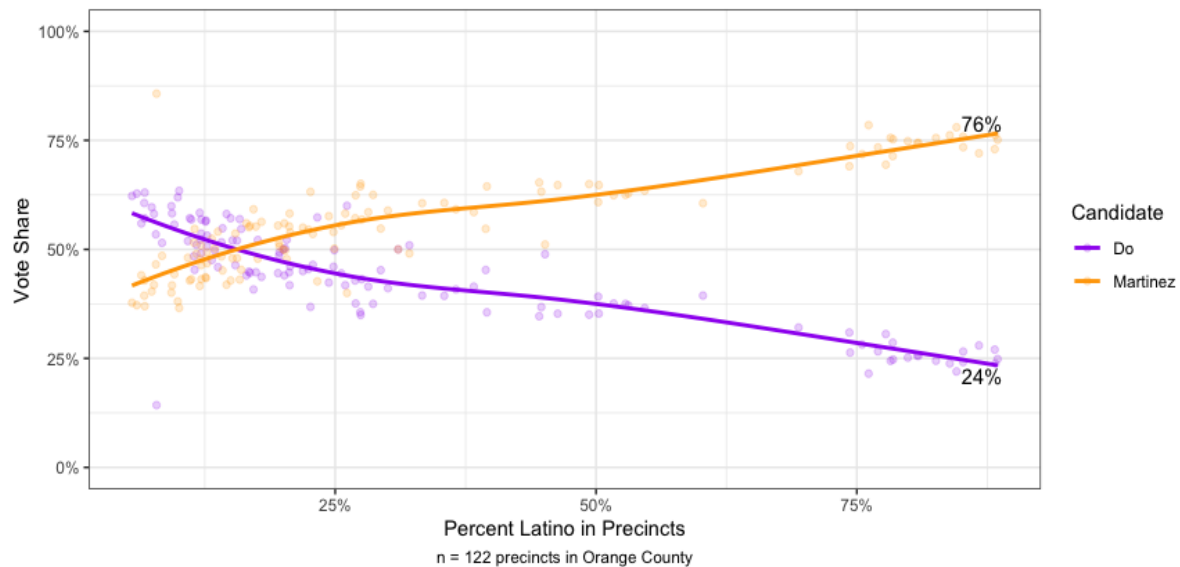
2016 Elections

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.

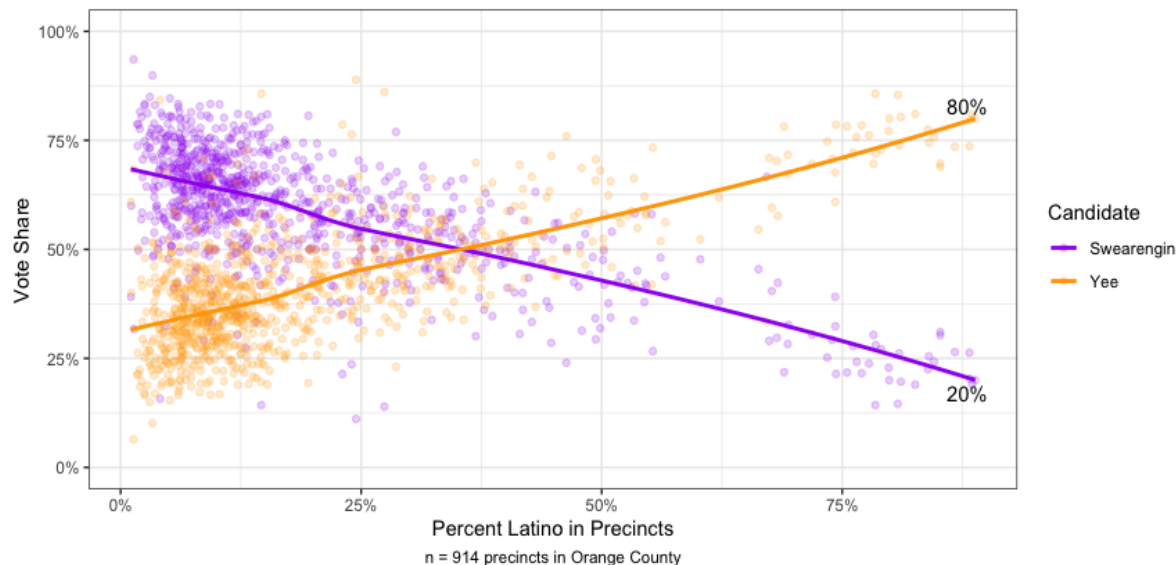
Figure 9: 2016 County Supervisor 1st District Vote Choice by Percent of Latino Registered Voters in Orange County



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 Controllor 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%.

V. The History of Discrimination Against Latinos in Orange County

Latino residents are able to show that they have faced, and continue to face, discrimination in Orange County. In a Section 2 VRA analysis, plaintiffs must show under a totality of the circumstances that they have less of an ability to elect candidates of their choice. These factors, enumerated in a 1982 Senate Report, termed the “Senate factors,”¹³ include: (1) the extent of any history of official discrimination in the jurisdiction at issue; (2) the extent to which voting in elections in the jurisdiction at issue is racially polarized; (3) if the jurisdiction has used malapportioned districts, majority vote requirements, anti-single shot provisions, or voting procedures that enhance discrimination; (4) existence of a candidate slating process; (5) if the protected class bear the effects of discrimination in areas such as education, employment, and health; (6) if there have been racial appeals (overt or subtle) used in political campaigns in the jurisdiction; and (7) the extent to which members of the protected class have been elected to office in the jurisdiction.¹⁴

The Senate Report also lists additional factors such as lack of responsiveness by elected officials to the needs of the protected class and whether the policy underlying the State or jurisdiction’s use of the voting qualification, practice, or standard is tenuous. These factors are not exclusive or

¹³ See Voting Rights Act Extension: Report of the Committee on the Judiciary United States Senate on S. 1992 with Additional, Minority, and Supplemental Views, S Rep No 97-417 at 28–29 (cited in note 3) (listing the “[t]ypical factors” that a plaintiff could show to establish a violation).

¹⁴ *Id.*

comprehensive,¹⁵ and a plaintiff need not show any specific number of factors to succeed on a claim.¹⁶

History of Official Discrimination in Orange County

Education

In Orange County, Latinos have long borne the brunt of discrimination and racial injustice. In 1947, *Mendez v. Westminster*, 161 F.2d 774 (9th Cir. 1947), highlighted the discrimination against the Latino community in Orange County. *Mendez v. Westminster*, which preceded the landmark case of *Brown v. Board of Education*, was filed after Sylvia Mendez, a Mexican-American student, had denied her right to attend an Orange County public school in Westminster because of her race.¹⁷

Recently, students of color, including Latino students, who attended San Juan Hills High School have recently come forward to recount their experiences with discrimination while enrolled as students at the school. San Juan Hills High school is located in South Orange County, and the majority of students are wealthy and white. Alumni from the high school recalled being told, “that’s where the *beaners* sit,” during a tour of the school. Another Latino alumnus from the school recounted finding a paper slip note that read, “Border Patrol,” on a dirt trail during her cross-country practice, a dirt trail many Latino students used to get home after school. Dozens of alumni who attended school in South Orange County have recently come forward to speak out against the discrimination they encountered as students.¹⁸

Recent attempts to promote tolerance and inclusion in Orange County schools have been roundly criticized by residents. A new ethnic studies component intended to diversify curricula in public schools via the incorporation of teaching materials related to local Latino icon Cesar Chavez and other historic figures faced widespread criticism by Orange County Residents.¹⁹

Citizenship

In the late 1980s, the Chief of Immigration and Naturalization Service Western Region, Harold Ezell, formed Americans for Border Control, an organization that advocated for the deportation of undocumented immigrants in Orange County. The citizen group attended U.S. Immigration and Customs Enforcement (ICE) raids around the county while holding signs that read, “Don’t Let the USA Become a Third World Nation.”²⁰

¹⁵ *Id.*

¹⁶ See *Thornburg v. Gingles*, 478 U.S. 30, 79 (1986) (finding that evaluating a statutory claim of vote dilution through districting requires “an intensely local appraisal of the design and impact” of the contested electoral mechanism).

¹⁷ See *Mendez v. Westminster*, 161 F.2d 774 (9th Cir. 1947).

¹⁸ Brandon Pho, *In South OC’s Wealthy, Mostly White School District, Students of Color Tell Stories of Racism, Harassment and Inaction*, VOICE OF OC, June 25, 2020, <https://voiceofoc.org/2020/06/in-south-ocs-wealthy-mostly-white-school-district-students-of-color-unload-accounts-of-racism-harassment-and-inaction/>.

¹⁹ Haley Smith, *Ethnic Studies Slammed as Anti-White in Orange County*, L.A. TIMES, Apr. 28, 2021, <https://www.latimes.com/california/story/2021-04-28/ethnic-studies-slammed-as-anti-white-in-orange-county>.

²⁰ Gustavo Arellano, *Prop. 187 Timeline: The Rise and Fall of California’s Anti-Immigrant Law*, L.A. TIMES, Oct. 29, 2019, <https://www.latimes.com/california/story/2019-10-06/proposition-187-timeline>.

In the 1990s, Orange County led California’s attack against the Latino community with Proposition 187. The proposition, also known as “Save Our State”, was a 1994 ballot initiative that advocated for self-deportation. By prohibiting undocumented immigrants from using non-emergency healthcare and accessing any public services in the State of California, legislatures believed undocumented immigrants would self-deport. Proposition 187 was viewed as an attack against the Latino community as a whole, despite its focus on undocumented immigrants, because all Latinos were racially profiled and subjected to questioning regarding their citizenship status.²¹

Racial Segregation

A 2016 UCLA academic study examined the high levels of segregation Latinos face in Orange County, despite their growing numbers.²² The study found that non-Latino whites choose to segregate themselves from Latinos because they perceived Latinos to be a threat.²³ The study conducted 40 in-depth interviews with non-Latino whites in Orange County in areas with a large Latino and Asian population. Despite the small sample of the study, the respondents “overwhelmingly characterized Latinos and African Americans as culturally deficient, problematic and inferior.”²⁴ The respondents used words like “trash,” “third world,” and “gangy,” to describe Latinos and African Americans, while Asian Americans were described as “more proper, cleaner and conservative.”²⁵

Orange County contains a history of racial discrimination in the housing sector. For instance, throughout many areas known as “suntowns”, African Americans were prohibited from entering or being in the vicinity of these towns after sundown.²⁶ After decades of racial injustice, on September 29, 2020, the Orange County Board of Supervisors and County-Clerk Recorder took steps to address the existence of racially discriminatory housing covenants embedded in current property records. The board and county-clerk created a program to remove discriminatory language from property records.²⁷

Criminal Justice

Furthermore, the Orange County Human Relations Commission’s most recent annual hate crimes report documented a 24% increase in hate crimes over 2018, the biggest rise in hate crime activity in five years.²⁸ Of the total hate crimes reported during the year, a full 30% were

²¹ *California Prop. 187, 1994*, [BALLOTPEDIA.COM](https://ballotpedia.org/California_Proposition_187,_Illegal_Aliens_Ineligible_for_Public_Benefits_(1994)), [https://ballotpedia.org/California_Proposition_187,_Illegal_Aliens_Ineligible_for_Public_Benefits_\(1994\)](https://ballotpedia.org/California_Proposition_187,_Illegal_Aliens_Ineligible_for_Public_Benefits_(1994)),

²² Celia Lacayo, *Latinos Need to Stay in Their Place: Differential Segregation in a Multi-Ethnic Suburb*, 6.3 SOCIETIES 25 (2016).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Emerson Little, *A Brief History of Housing discrimination in Fullerton and North Orange County*, FULLERTON OBSERVER, July 27, 2020, <https://fullertonobserver.com/2020/07/27/a-brief-history-of-housing-discrimination-in-fullerton-and-north-orange-county/>.

²⁷ OC Breeze, *OC Supervisor Andrew Do, Clerk-Recorder Hugh Nguyen team up to end discrimination in property records*, ORANGE COUNTY BREEZE, (Sep. 20, 2020), http://www.oc-breeze.com/2020/09/21/187702_oc-supervisor-andrew-do-clerk-recorder-hugh-nguyen-team-up-to-end-discrimination-in-property-records.

²⁸ Orange County Human Relations Commission. “2019 Hate Crimes Report.” (2020), <https://www.ochumanrelations.org/wp-content/uploads/2020/10/2019-HC-Report-finalcopy.pdf>

directed toward Latinos, plus 13% of the hate incidents.²⁹ These crimes ranged in nature, but one particularly heinous incident involved a man shouting anti-Latino slurs while attacking a victim with a metal pipe.³⁰

Lastly, Latinos in Orange County are also disproportionately impacted by the local criminal justice system. Despite comprising only 34% of the County population, Latinos represent 47% of the local jail bookings, according to a report released this year by a UCLA research team.³¹ Still, even law enforcement officers in the region are not immune to anti-Hispanic racist treatment from community members. Earlier this year, in a traffic stop in nearby San Dimas captured on video, a driver told a sheriff's deputy who pulled her over: "You're always going to be a Mexican. You'll never be white."³² Orange County has an extensive history of discrimination against Latinos that continues to this day.

Government Officials Responses

Anti-immigrant sentiment from government officials has continued into present day. In 2018, a series of Orange County government bodies voted to break with state policy and endorse continued local law enforcement cooperation with ICE. Orange County's city of Los Alamitos was the first to vote in favor of such cooperation.³³ At the time, the city's mayor pro tempore, now elected mayor, Warren Kusumoto, said such a vote was "important for us, for our city, for our community."³⁴ Just days after the Los Alamitos vote, the Orange County Board of Supervisors also voted in favor of a similar declaration for the entire County.³⁵ Orange County Sheriff Sandra Hutchens announced the department would make the release date of inmates, both documented and undocumented, publicly available online, a move to side step the sanctuary law.³⁶ Ultimately, in addition to Los Alamitos and the County Board of Supervisors, five additional city governments within Orange County passed similar measures this included Mission Viejo, Huntington Beach, Fountain Valley, Yorba Linda, and Aliso Viejo.³⁷ Together, these votes display how anti-immigrant and Latino sentiment continue to pervade throughout Orange County.

²⁹ *Id.* at 3, 5.

³⁰ Anh Do, *FOR FIFTH YEAR IN A ROW, HATE CRIMES RISE IN ORANGE COUNTY- AND BY 24%*, L.A. Times, Oct. 23, 2020, <https://www.latimes.com/california/story/2020-10-23/hate-crimes-orange-county>

³¹ Ben Brazil, *BLACK AND LATINO PEOPLE DISPROPORTIONATELY BOOKED AT ORANGE COUNTY JAILS, STUDY FIND*, L.A. Times, Apr. 21, 2021, <https://www.latimes.com/socal/daily-pilot/entertainment/story/2021-04-21/black-and-latino-people-disproportionately-booked-in-orange-county-jails-study-finds>.

³² Amy Powell, *Video shows racist tirade against LA County deputy during traffic stop*, ABC 7 (May 4, 2021), <https://abc7.com/racist-rant-video-la-deputy-bodycam-footage-san-dimas/10576960/>

³³ Jeff Daniels, *Small city of Los Alamitos votes to opt out of California's sanctuary law, and its mayor says more will follow*, CNBC, March 20, 2018, <https://www.cnbc.com/2018/03/20/small-city-opts-out-of-californias-sanctuary-law-mayor-says-more-will-follow.html>.

³⁴ *Id.*

³⁵ Alicia A. & Ian Lovett, *California Faces Pushbacks from Towns on Sanctuary City Law*, WALL STREET JOURNAL, (March 27, 2018), <https://www.wsj.com/articles/california-faces-pushback-from-towns-on-sanctuary-state-law-1522192453>.

³⁶ Alene Tchekmedyan, *In revolt of California sanctuary law, O.C. Sheriff's Department makes inmate release dates public*, L.A. TIMES, Mar. 26, 2018, <https://www.latimes.com/local/lanow/la-me-ln-orange-county-sheriff-immigration-20180326-story.html>.

³⁷ Spencer Custudio, *OC Cities Take stand on State Sanctuary Las*, VOICE OF OC, Apr. 6, 2018, <https://voiceofoc.org/2018/04/oc-cities-take-stands-on-state-sanctuary-laws/>.

The Use of Voting Procedures in Orange County to Enhance Discrimination

Orange County and jurisdictions within the County have been sued in the past for violating the Voting Rights Act and the California Voting Rights Act. In 2012, the ACLU of SoCal, Goldstein, Borgen, Dardarian and Ho, and the Law Offices of Robert Rubin filed a lawsuit against the city of Anaheim under the California Voting Rights Act alleging that their at-large method of electing its City Council resulted in effectively diluting the voting rights of Latino citizens and depriving Anaheim's majority-Latino population of the opportunity to elect representatives of their choice.³⁸ That same year, the United States Government filed a lawsuit against the Orange County Board of Elections for failing to comply with the requirements of Section 4(e) of the Voting Rights Act by not providing critical election-related information and language assistance in Spanish to thousands of limited English proficient Puerto Rican voters.³⁹

In 2018, the Southwest Voter Registration Education Project accused Orange County's city of Los Alamitos of violating the California Voting Rights Act through its use of at-large elections.⁴⁰ Vote dilution in Orange County has had a particularly strong chilling effect on Latino candidates seeking office in Los Alamitos. Despite Latinos comprising more than a fifth of the city population, no Latino candidate has campaigned for City Council in the past fifteen years.⁴¹ Already facing another lawsuit from the ACLU of SoCal over its flouting of state law SB 54, as described in the previous section, Los Alamitos quickly gathered citizen input and unveiled a new district-based election system in compliance with the California Voting Rights Act.⁴²

In 2019, a lawsuit was filed against the City of Orange over its use of at-large elections under the California Voting Rights Act.⁴³ That same year, the Los Angeles chapter of Asian Americans Advancing Justice filed a lawsuit against the City of Santa Ana demanding that the at-large system be switched to by-district. The lawsuit alleged that the voting system in Santa Ana prevented Asian American voters from electing a candidate of their choice.⁴⁴

Latinos Bear the Effects of Discrimination in Education, Employment, and Health

Education

Beginning in the late 1800s, Latino students in Orange County bore the brunt of discrimination in education. All schools were required to only teach in English. Latino students were often targeted in California for speaking Spanish in school. The students who were Spanish speaking

³⁸ Goldstein, Borgen, Dardarian, & Ho, *Moreno v. City of Anaheim*, 2012. <https://gbdhlegal.com/cases/city-of-anaheim/>.

³⁹ *United States of America v. Orange County Board of Elections*, 7:12-cv-03071-ER (2012). https://www.justice.gov/sites/default/files/crt/legacy/2012/04/20/orange_comp_ny.pdf.

⁴⁰ Gabriel San Roman, *Los Alamitos Avoids Legal Fight Over Latino Voters by Switching to District Elections*, OC WEEKLY, May 31, 2018, <https://www.ocweekly.com/los-alamitos-avoids-legal-fight-over-latino-voters-by-switching-to-district-elections/>.

⁴¹ *Id.*

⁴² *City Council Voting Districts*, CITY OF LOS ALAMITOS, <https://cityoflosalamitos.org/district-elections/>.

⁴³ Spencer Custodio, *Orange Sued for Allegedly Violating State Election Law*, VOICE OF OC, Mar. 5, 2019, <https://voiceofoc.org/2019/03/orange-sued-for-allegedly-violating-state-election-law/>.

⁴⁴ Alicia Robinson, *Santa Ana hit with lawsuit seeking by-district voting*, THE ORANGE COUNTY REGISTRAR, Apr. 6, 2018, <https://www.ocregister.com/2018/04/26/santa-ana-hit-with-lawsuit-seeking-by-district-voting/>.

would eventually be segregated into schools termed, “Mexican schools.” In addition to the segregated schooling that many Latino students encountered, the school curriculum for so-called “Mexican schools” was more vocational in nature. Many educators viewed their Latino students as lacking motivation or intellectual capacity to pursue similar career paths as their white peers, so they were placed onto a more vocational path that trained Latino children for low-paying and low-status working class jobs.

In 1945, the League of United Latin American Citizens (LULAC) filed a lawsuit against, “the Westminster, Garden Grove, Santa Ana, and El Modena school districts in Orange County,” for their segregated school system as a result of de facto segregation, which prevented Mexican-American students from attending school with their white counterparts.⁴⁵

Historic discrimination in education has continued to effect residents in Orange County. Based on ACS data, Latinos in the County have lesser educational obtainment.⁴⁶

	White	Hispanic or Latino	Asian
% Less than High School Graduate	3.5%	35.3%	11.7%
% High School Graduate or Higher	15.1%	24.5%	12.1%
% Bachelor's Degree or Higher	49.3%	15.5%	55.1%

In Orange County, 35.3% of Latino or Hispanic identifying residents have less than a high school degree, compared to only 3.5% White residents.⁴⁷ Additionally, Latinos are less likely than non-Latinos to graduate high school or obtain a bachelor’s degree or higher.

Latinos in the county also have weaker standardized test performances than white or Asian students. While 57% of all Orange County students tested met or exceeded grade level standards in literacy, “Asian students had the greatest percentage of students at or above the standard at 83%, compared with 74% for White students and 38% for Latino students.”⁴⁸ In Math, 81% of Asian students and 63% of white students were at or above the standard, while only 28% of Latino students were at or above the standard.⁴⁹

Health

According to data compiled from the 2019 ACS, Latinos in Orange County have lower rates of

⁴⁵ Vicki L. Ruiz, *South by Southwest: Mexican Americans and Segregated Schooling, 1900–1950*, 15.2 OAH MAGAZINE OF HISTORY, 23–27 (2001).

⁴⁶ *ACS Demographic and Housing Estimates: ACS 5-Year Estimates Data Profiles, Orange County, California, 2019*, UNITED STATES CENSUS BUREAU.

⁴⁷ *Id.*

⁴⁸ *Community Indicators 2018*, ORANGE COUNTY UNITED WAY, <https://www.unitedwayoc.org/wp-content/uploads/2018/07/orange-county-community-indicators-report-2018.pdf> .

⁴⁹ *Id.* at 47.

health insurance attainment. The percentage of Latinos with health insurance is 85.7%, compared to 96.4% of whites and 94.9% of Asians.⁵⁰

Poverty

Based on 2019 ACS data, Latinos are more likely than their white or Asian counterparts to be living below the Federal Poverty level. The percentage of Latinos estimated to be living below the Federal Poverty Level in 2019 is 15.2%, compared to 7.1% of non-Latino whites and 11.2% of Asians.⁵¹ According to the 2018 Orange County Community Indicators report, one in five (26.3%) Latino children live in poverty.⁵²

Racial Appeals Used in Political Campaigns in Orange County

There is a long history of political campaigns conducted in Orange County using racial appeals, both subtle and overt. In 1988, the “campaign of Curt Pringle, a Republican state Assembly candidate from Garden Grove, and the Orange County Republican Party,” hired guards to stand at polling locations in heavily Latino populated areas to spread misinformation. Specifically, they would hold signs that read “Non-Citizens Can’t Vote,” and demanded some form of identification from potential voters. The Pringle campaign’s hiring of voting guards was largely viewed as an attempt to intimidate Latinos from casting their vote and an attack on the community as a whole.⁵³

Six years later, the Pete Wilson re-election campaign advocated for the Republican Party’s Proposition 187. The proposition advocated for the exclusion of undocumented immigrants from public services, but essentially targeted the entire Latino community.⁵⁴ In 1999, the school board for Anaheim Union High School District attempted to pass a resolution to require Immigration and Naturalization Services to keep track of the number of undocumented students attending school in Anaheim, California and attempt to bill their native countries.⁵⁵ The proposed law faced backlash from the Latino community because it meant putting the livelihoods of undocumented students at risk by making their citizenship status available to the Immigration and Naturalization Services.

Most recently, in 2018, Orange County Supervisor Shawn Nelson voiced his support for Orange County to intervene against SB 54, a law that protects undocumented immigrants by preventing local law enforcement from working with Federal immigration officials. Nelson advocated for the removal of undocumented immigrants in Orange County following the City Council of Los

⁵⁰ *ACS Demographic and Housing Estimates: ACS 5-Year Estimates Data Profiles, Orange County, California, 2019*, UNITED STATES CENSUS BUREAU.

⁵¹ *Id.*

⁵² *Community Indicators 2018*, ORANGE COUNTY UNITED WAY, <https://www.unitedwayoc.org/wp-content/uploads/2018/07/orange-county-community-indicators-report-2018.pdf> ().

⁵³ Kurtis Lee, *Donald Trump’s call for poll watchers brings back fears of 1988 Santa Ana*, L. A. TIMES, Aug. 19, 2016. <https://www.latimes.com/politics/la-na-pol-orange-county-voting-guards-20160816-snap-story.html>.

⁵⁴ *California Prop. 187*, BALLOTPEDIA, [https://ballotpedia.org/California_Proposition_187,_Illegal_Aliens_Ineligible_for_Public_Benefits_\(1994\)](https://ballotpedia.org/California_Proposition_187,_Illegal_Aliens_Ineligible_for_Public_Benefits_(1994)) (last visited May 27, 2020).

⁵⁵ H.G. Reza, *District Loses Immigrant School Case*, L. A. TIMES, May 13, 2000, <https://www.latimes.com/archives/la-xpm-2000-may-13-me-29728-story.html>.

Alamitos's vote to oppose the law. In doing so, Nelson stated, "This legislation prevents law enforcement from removing criminals from our community and is a threat to public safety."⁵⁶ Orange County's history of anti-immigrant and anti-Latino sentiment by elected officials highlights the racial appeals, both overt and subtle, made during campaigns and elections.

Politicians in Orange County have a notorious history of racist rhetoric directed toward minority groups. In 2009, Dean Grose, mayor of City of Los Alamitos was forced to resign after distributing a racist image of the Obama White House covered in a huge watermelon patch.⁵⁷ Former Mayor Grose has continued to use electronic media to post racist comments about minority groups including a 2015 tweet where he wrote: "Latino Activists will pay audience members \$5000 for calling Donald Trump a racist on SNL. That's hilarious...like Latino Activists have 5k!"⁵⁸ Since his resignation from the mayor's office, Grose has continued to be elected to countywide positions including the Orange County GOP Central Committee and currently serves on the Los Alamitos Chamber of Commerce.⁵⁹

The Extent to Which Latinos Have Been Elected to Office in Orange County

Orange County has a growing Latino and Asian population that has made them the majority in the County and, consequently, has increased the number of Latino candidates on the ballot.⁶⁰ In 1988, Gaddi H. Vasquez won the race for Supervisor of District 3 against Sam Porter by 60.5%. In 2000, Eleazar G. Elizondo lost the race for County Supervisor of District 1 to Charles V. Smith. In 2004, Jose Luis Correa campaigned for County Supervisor of District 1 in Orange County and became the first Democrat to serve on the Board of Supervisors in the County since 1987.⁶¹

In 2006, Rosie Espinoza ran against only one candidate for a seat on the Supervisors board and lost the race for County Supervisor of the District 4 with only 27.9% of the vote. In 2010, Rosie Espinoza campaigned again for a seat on the Board of Supervisors and lost the election for Supervisor of t District 4 with only 12.3% of the vote; however, Espinoza was now competing against five other candidates instead of one. In 2014, Jim Moreno was one of four contenders for the position of County Supervisor of District 2 and lost with 21.2% of the vote. In the same election cycle, Rodolfo "Rudy" Gaona ran for District 4 supervisor and lost with 16.5% of the vote.

In 2015, Jose Luis Correa, a long time Latino politician, lost a special election for County Supervisor of District 1 by only 43 votes.⁶² In 2016, Michele Martinez ran for County Supervisor

⁵⁶ Nick Gerda, *OC Supervisors Consider Fighting California's Sanctuary State Law*, VOICE OF OC, Mar. 23, 2018, <https://voiceofoc.org/2018/03/oc-supervisors-consider-fighting-californias-sanctuary-state-law/> (last visited May 27, 2020).

⁵⁷ Rebecca Catchart, *Mayor Resigns over 'Watermelon' E-mail Message*, N.Y. TIMES, Feb. 27, 2009, <https://www.nytimes.com/2009/02/28/us/28resign.html>.

⁵⁸ Vern Nelson, *Los Al's incorrigible Dean "Watermelon" Grose does it Again!*, THE ORANGE JUICE BLOG, Nov. 13, 2015, <http://www.orangejuiceblog.com/2015/11/los-als-incorrigible-dean-watermelon-grose-does-it-again/>

⁵⁹ *Dean Grose*, CITY OF LOS ALAMITOS, <https://cityoflosalamitos.org/dean-grose/> (last visited May 28, 2021).

⁶⁰ *Election results archives*, ORANGE COUNTY REGISTRAR OF VOTERS, <https://www.ocvote.com/data/election-results-archives> (last visited May 27, 2020).

⁶¹ *Lou Correa*, BALLOTEDIA, https://ballotpedia.org/Lou_Correa (last visited May 27, 2020).

⁶² Erika Aguilar, *Latino activists consider voting rights lawsuit against Orange County*. SCPR.ORG, Feb. 16, 2015,

of District 1 and won with a 38.1% vote count percentage. During the 2018 election cycle, Rosie Espinoza ran a third time for the Supervisor of District 4 and lost again with 11.8% of the vote. In the same election, Cynthia Aguirre lost with only 9.6% of the vote.

In 2020, Sergio Contreras lost the election for County Supervisor of District 1, with 22.41% of the votes. Miguel A. Pulido also lost the same race, with 20.24% of the vote. Orange County has a history of minority candidates, namely Latinos, running for a seat on the Board of Supervisors, sometimes during multiple election cycles, and consistently losing elections.⁶³ If the districts were compactly placed together and drawn in a manner that accurately reflected the Latino community, these candidates would have likely succeeded, as they were the Latino preferred candidates of choice.

VI. Opportunity for Equitable Redistricting in 2021

Due to the likely increase of Latino CVAP and concentration of the Latino population, the continued use of the County's 2010 districting scheme, and schemes that replicate it, in 2021 redistricting, would dilute Latino voting power. Additionally, the increase of AAPI communities all over the County and increase in AAPI CVAP must be considered in order for there to be a fair map. As such, 2021 presents an opportunity for Commissioners to district in a manner that would uphold and comply Section 2 of the Federal Voting Rights Act.

Under Section 2 of the Voting Rights Act, a protected class may bring a challenge to an electoral scheme if the scheme operates in a manner such that the protected class, "members have less of an opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

Plaintiffs bringing a vote dilution claim under Section 2 must meet certain evidentiary burdens, outlined in *Thornburg v. Gingles*, 478 US 30 (1986). Under the "*Gingles Factors*," plaintiffs must show, "First, [that] the minority group . . . is sufficiently large and geographically compact to constitute a majority in a single-member district. . . . Second, [that] the minority group . . . is politically cohesive. . . . [And third,] that the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate."⁶⁴

The first requirement ensures that districts are geographically and politically compact, while the latter two requirements address racially polarized voting.

To demonstrate how redistricting can comply with the Federal Voting Rights Act, the U.S. Constitution, and the California Constitution, the UCLA VRP and researchers affiliated with the Project prepared the following example map, which is shown below. This map has been prepared with this question in mind: is it possible to draw districts that comply with Section 2 and permit

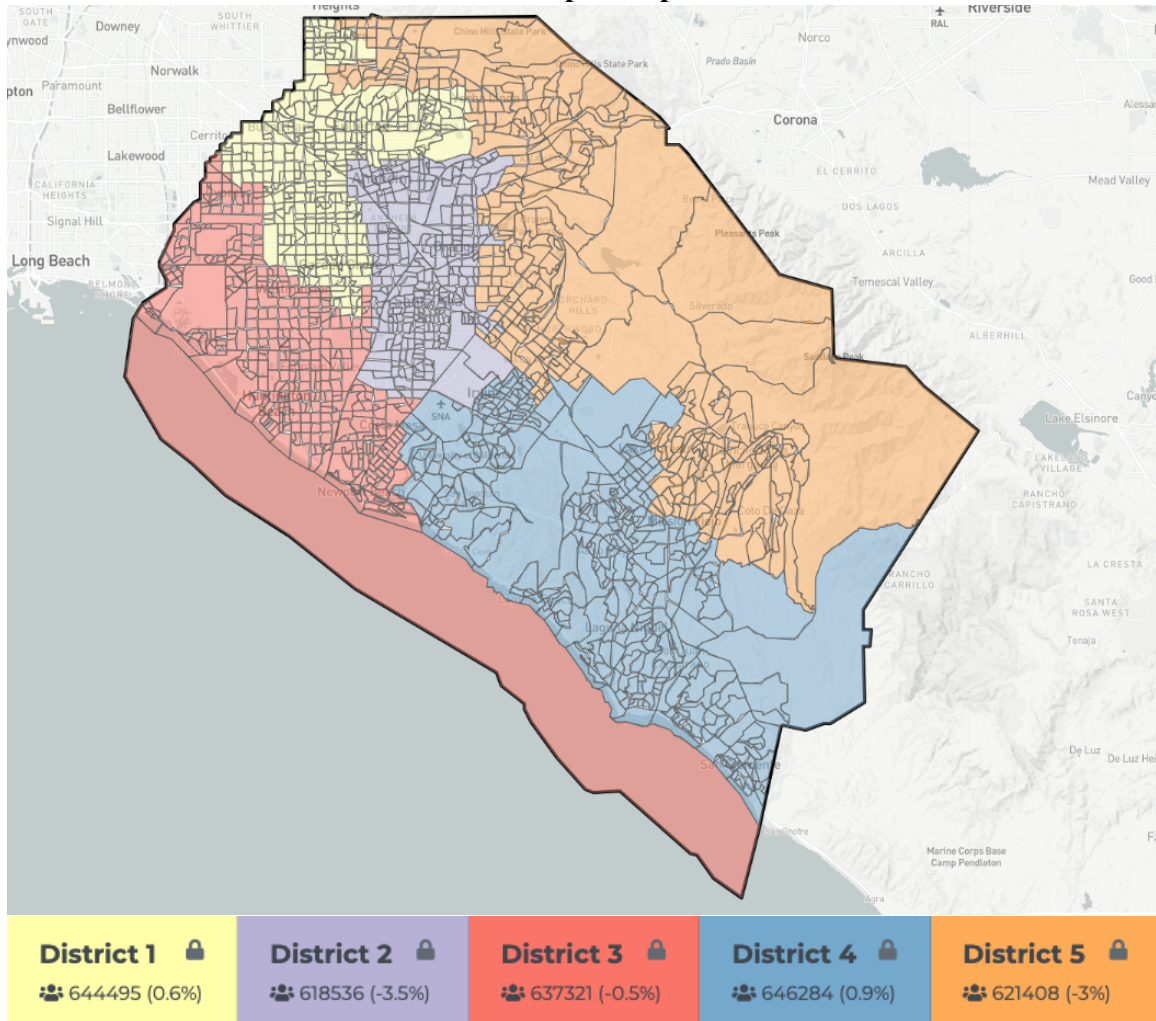
<https://www.scpr.org/news/2015/02/16/49835/latino-activists-consider-voting-rights-lawsuit-ag/>, (last visited May 27, 2020).

⁶³ *Election results archives*, ORANGE COUNTY REGISTRAR OF VOTERS, <https://www.ocvote.com/data/election-results-archives> (last visited May 27, 2020).

⁶⁴ *Id.*

protected classes to elect candidates of choice? The UCLA VRP welcomes other maps that support minority voting strength and that complies with the law.

Example Map



District	Population (CVAP)	White (CVAP)	Hispanic/Latino (CVAP)	Asian (CVAP)	Black (CVAP)	N.H. / P.I. (CVAP)	Am. Ind. (CVAP)
1	393,230	30.4%	33.5%	30.6%	2.8%	0.5%	0.3%
2	325,345	29.1%	51.9%	14.9%	2.1%	0.5%	0.2%
3	456,155	57.3%	17.0%	21.0%	1.6%	0.4%	0.3%
4	451,390	68.2%	13.1%	14.0%	1.6%	0.1%	0.2%
5	434,279	60.3%	16.3%	19.3%	1.6%	0.1%	0.2%

Following *Shaw v. Reno*,⁶⁵ The district compactness scores reported below reflect both of the proposed maps.

District 1	74.3%
District 2	76.6%
District 3	65.4%
District 4	68.9%
District 5	67.8%

In compliance with *Abrams v. Johnson*,⁶⁶ the proposed map avoids altering the status quo districts, ensuring that incumbents were not paired together. This map also complies with *Brown v. Thomson*,⁶⁷ in which all districts are within a ten percent deviation between largest district and smallest district.

Additionally, this map realigns Orange County, drawing District 1 where the existing District 4 was located. The affected Latino racial group’s voting patterns allow for the creation of a District where they will be able to influence elections and likely through coalition with other groups, be able to elect candidates of their choice. District 2 would be a majority Latino District, as it would have a 51.9% Latino CVAP, 14.9 % Asian CVAP, and a White CVAP of 24.8%. Districts 3, 4, and 5 would all be white-Majority districts with a White CVAP of 57.3%, 68.2%, and 60.3% respectively.

These proposed districts comply with the mandate of *Bush v. Vera*,⁶⁸ which cautions against districts with bizarre shapes or districts that cut through pre-existing precincts. The example map has districts with distinct shapes that prove the County’s ability to have two districts with a robust minority-majority presence. Further, the map complies with the requirement that districts remain within a ten percent population deviation and that all districts must be contiguous.

The proposed map also factors in the maintenance of communities of interest. District 1 (yellow) is a majority-minority district and is situated inland. This area, which encompasses La Habra, Fullerton, and Anaheim all have similar demographics and contain residents of related interests. According to Census data, all three of these District 1 population hubs have large majority Latino populations.⁶⁹ These communities share many additional characteristics, for example, the median

⁶⁵ *Shaw v. Reno*, 509 U.S. 630 (1993).

⁶⁶ *Abrams v. Johnson*, 521 U.S. 74, 84 (1997).

⁶⁷ *Brown v. Thomson*, 462 U.S. 835 (1983).

⁶⁸ *Bush v. Vera*, 517 U.S. 952 (1996).

⁶⁹ *La Habra City Quick Facts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/lahabracitycalifornia> ; *Fullerton Quick Facts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fullertoncitycalifornia> ; *Anaheim City Quick Facts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/anaheimcitycalifornia/PST045219> .

income of Anaheim and La Habra is nearly identical, in addition to the cities' respective poverty rates.⁷⁰

District 2 (purple) is a Latino-Majority District that includes parts of Anaheim and Santa Ana. Most of the Latino population in Orange County resides in this area, and therefore, they must be given the ability to elect persons representative of their needs as a community. Residents of the proposed District 2 share many of the same concerns and interests relative to the other, less populated zones in the County. In fact, given the connectedness of the two regions, the Bureau of Labor Statistics groups Anaheim and Santa Ana together in its employment data analyses, demonstrating the similarity of the two areas.⁷¹

District 3 (red) expands from Huntington Beach to Newport beach. The relative wealth and geographic concerns of shore communities makes sense to connect them in one district. Likewise, Districts 4 (blue) and 5 (orange) are split horizontally, maintaining the communities near the ocean and the foothills intact. District 4 includes the large Crystal Cove State Park, plus the coastal Laguna Beach area communities. District 5, on the other hand, maintains the foothills intact as a single district, and contains areas significantly more rural than the other four districts. These rural areas have cohesive interests that logically form a single district.

Furthermore, residents of Districts 4 and 5 share interests due to their proximity to San Diego. Districts 4 and 5 lie on the border of Orange and San Diego Counties, which itself lies on the southern U.S. border. Frequent travel and commerce between Orange County and the regions below suggest that residents of Districts 4 and 5 have unique interests from the other three non-County border Districts. In addition to sharing a border with San Diego County to the south, District 5 borders Riverside County to the north. Clearly, owing to its unique situation as a dual County border region, this area of Orange County should form a single district.

As such, this map makes clear that it is possible to draw a map that complies with Section 2 of the Voting Rights Act.

V. Conclusion

Despite having a large Latino population and Latino CVAP, as of 2021, there are no Latino preferred candidates elected to the Orange County Board of Supervisors. Currently, there are two Asian American candidates elected to the Board of Supervisors.

The long history of racial injustice against the growing Latino population in Orange County, combined with the white majority voting as a bloc, has prevented Latinos from electing candidates of their choice. As the demographics of the county change, it is essential that the districts also change to accommodate and represent the growing Latino majority. As we enter a new decade and the next redistricting cycle, it is imperative that districts be fair and ensure that *all* people living in Orange County are represented by individuals of their choice.

⁷⁰ *Anaheim, CA*, DATA USA, <https://datausa.io/profile/geo/anaheim-ca> ; *La Habra, CA*, DATA USA, <https://datausa.io/profile/geo/la-habra-ca> .

⁷¹ *Anaheim, Santa Ana, Irvine*, BUREAU OF LABOR STATISTICS, https://www.bls.gov/regions/west/ca_santaana_md.htm .

As demonstrated, under a fair and equitable redistricting process Orange County can create at least one Latino minority-majority district and one Latino-APPI coalition district. Any redistricting scheme that does not create at least one Latino majority district could possibly result in a violation of Section 2 Voting Rights Act. Given the data and history of racial injustice presented in this report, and in accordance with Federal statutes and the Constitution, we affirm that Orange County ought to redistrict in such a way that permits its growing Latino residents to elect candidates of their choice.