

To: Riverside County Board of Supervisors  
From: UCLA Voting Rights Project  
Re: Voting Rights Act compliance  
Date: December 2, 2021

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## **I. Introduction**

As the Riverside County Board of Supervisors begins to finalize its new district map for adoption, the County must adopt a map that respects Latino voters and other communities of color that have grown over the past ten years. Riverside County’s growth over the decade was exclusively driven by non-whites, who increased to 67% of the county population from 60% in 2010. In total, communities of color grew by over 300,000 people. Simultaneously, the white alone, non-Hispanic population decreased by over 80,000.

During the redistricting process, the Board of Supervisors must comply with the Federal Voting Rights Act of 1965 (Voting Rights Act or VRA), which prohibits districting plans that dilute or weaken the voting strength of racial or ethnic minorities. A violation of the Voting Rights Act results when a districting plan either has the effect of or was enacted with knowledge that a plan would cause a minority group to have “less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *See* 52 USC § 10301. It is this second clause of the VRA which directly relates to redistricting plans that decrease, crack, diminish or dilute, or regress the voting strength of racial or ethnic minorities—their ability to elect candidates of their choice.

Given the large population growth of Latinos and the presence of racially polarized voting, the Riverside County Board of Supervisors can and must adopt a map with two Latino-majority districts for the County Board of Supervisors.

Two of the current maps that the Board of Supervisors is considering crack and diminish the voting strength of Latino voters and other communities of color and would prevent them from electing candidates of choice. If the County chooses not to comply with the Voting Rights Act, the lack of compliance will likely result in enforcement actions from either affected voters or the United States Department of Justice.

## **II. Overview of Demographics**

As stated, Riverside County’s demographics have rapidly changed in the past decade. In 2010, Latino’s comprised 45.5% of the County’s population and white, non-Hispanics made up 39.7% of the County’s total population. 2020 decennial census data now shows that the Latino population is 49.7% of the County, while the white population decreased to 32.6%. The Latino population increased by 4.2 percentage points, at a 20.8% growth rate. In contrast, the white population in the County decreased 7% percentage points, or at a rate of -9.3%.

As shown by Census data, the Latino population has fueled Riverside County’s growth. In addition to the Latino population growing by over 200,000 in just 10 years, Riverside had large increases in its Black (+15,939), Asian (+38,968) and multi-racial (+8,683) populations.

**Table 1: Total Population & Citizen Voting Age Population (CVAP) changes in Riverside County by Race/Ethnicity**

	2010		2020		Raw Change	Growth Rate
Population	2,189,641	-	2,418,185	-	228,544	10.4%
White (non-Hispanic or Latino)	869,068	39.7%	788,235	32.6%	-80,833	-9.3%
Latino	995,257	45.5%	1,202,295	49.7%	207,038	20.8%
Black	130,823	6.0%	146,762	6.1%	15,939	12.2%
AAPI	131,770	6.0%	171,656	7.1%	39,886	30.3%
Other	62,723	2.9%	109,237	4.5%	46,514	74.2%

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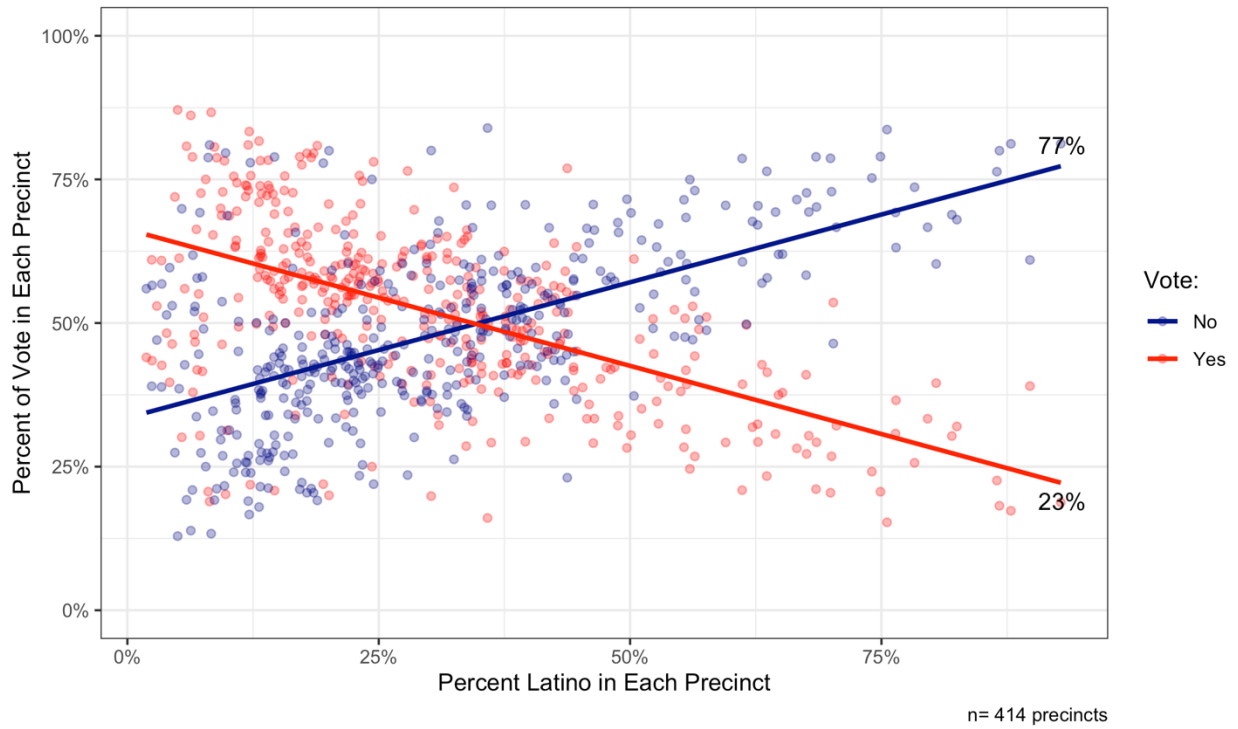
	2010		2019		Raw Change	Growth Rate
CVAP	1,244,760	-	1,555,775	-	311,015	25.0%
White (non-Hispanic or Latino)	684,205	55.0%	692,375	44.5%	8,170	1.2%
Latino	374,640	30.1%	611,495	39.3%	236,855	63.2%
Black	86,760	7.0%	111,930	7.2%	25,170	29.0%
AAPI	70,675	5.7%	101,465	6.5%	30,790	43.6%
Other	28,480	2.3%	38,510	2.5%	10,030	35.2%

### III. Racially Polarized Voting is Evident in Riverside County

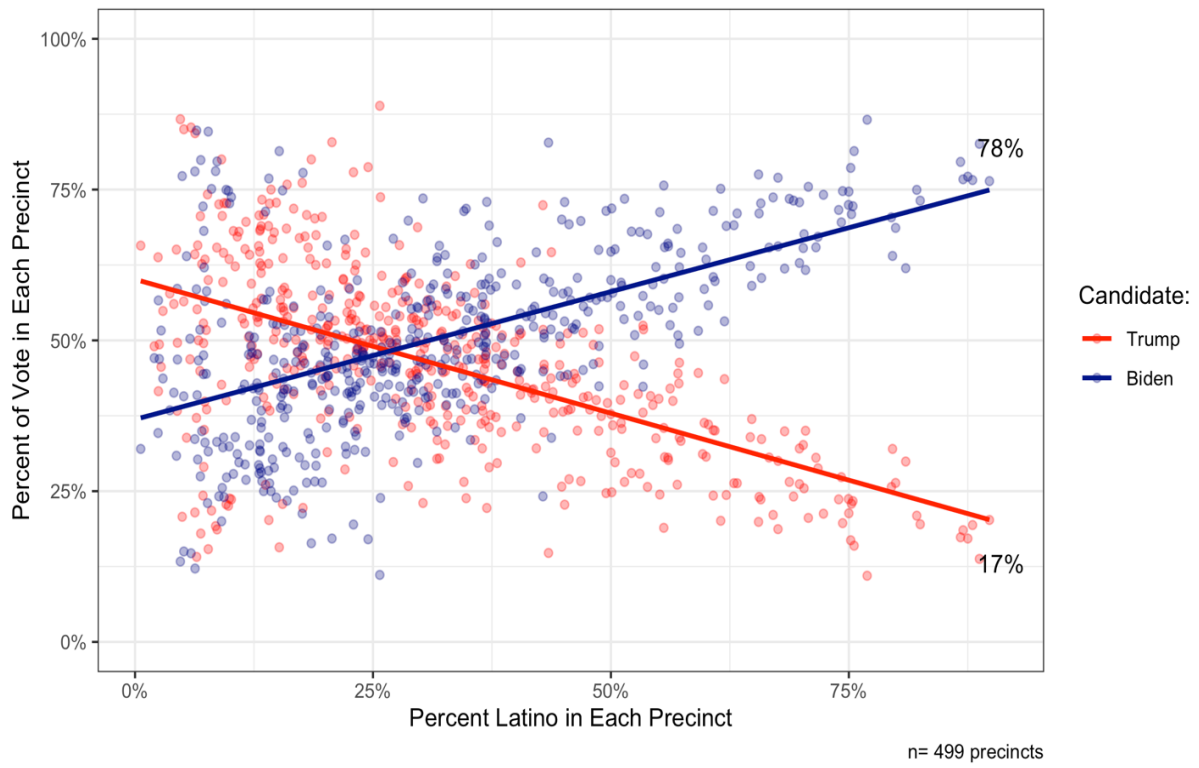
The UCLA Voting Rights Project has conducted analysis on voter behavior in Riverside County. Racially polarized voting is evident in Riverside County elections; as precincts increase in Latino voting strength, support for Latino preferred candidates of choice increased.

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 following figures below demonstrate how across numerous elections in Riverside County, high density Latino precincts demonstrate consistent cohesive voting patterns, voting together with majority support for Latino candidates of choice.

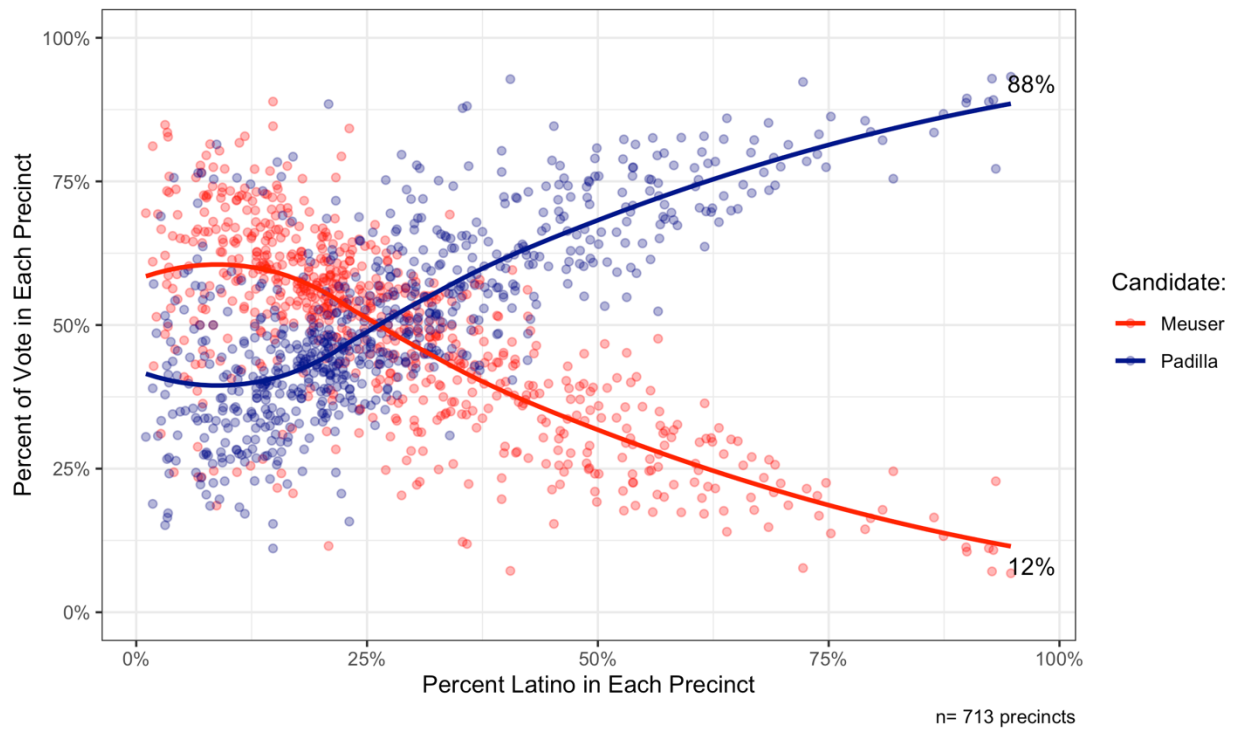
**Figure 1: Vote Choice by Percent Latino in Precinct for the 2021 Recall Election**



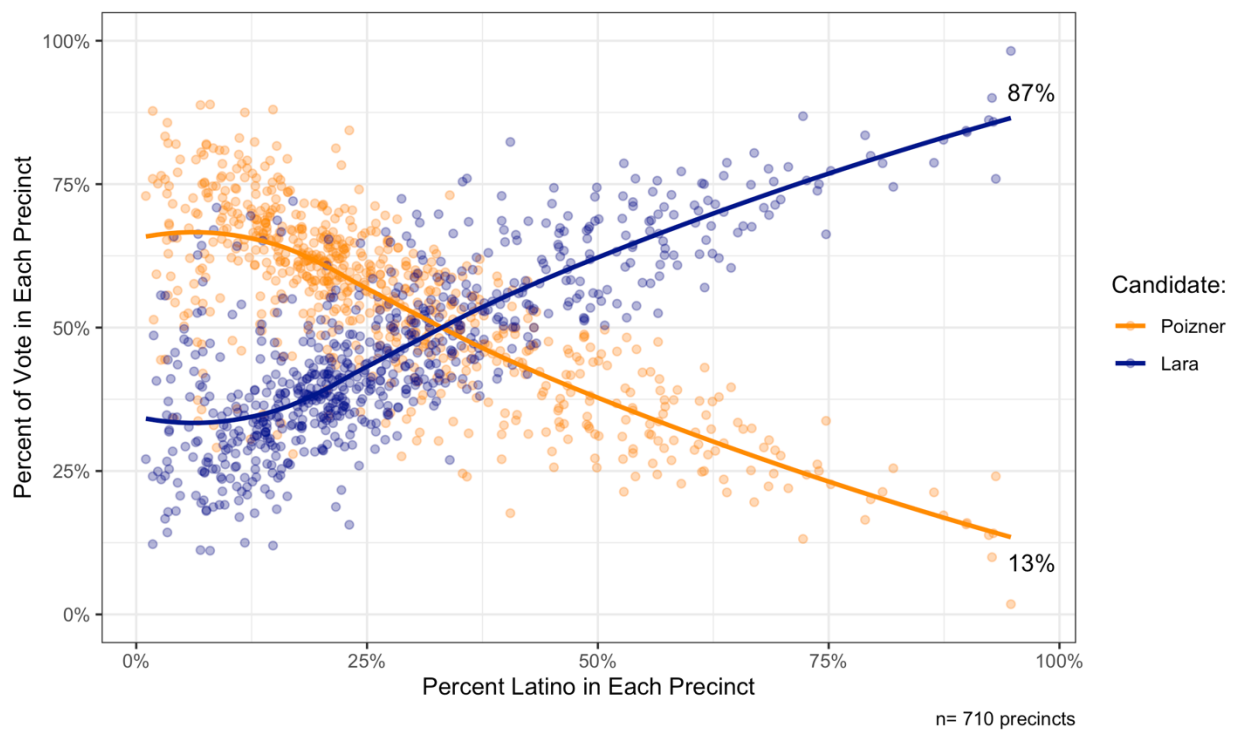
**Figure 2: Vote Choice by Percent Latino in Precinct for the 2020 Presidential Election**



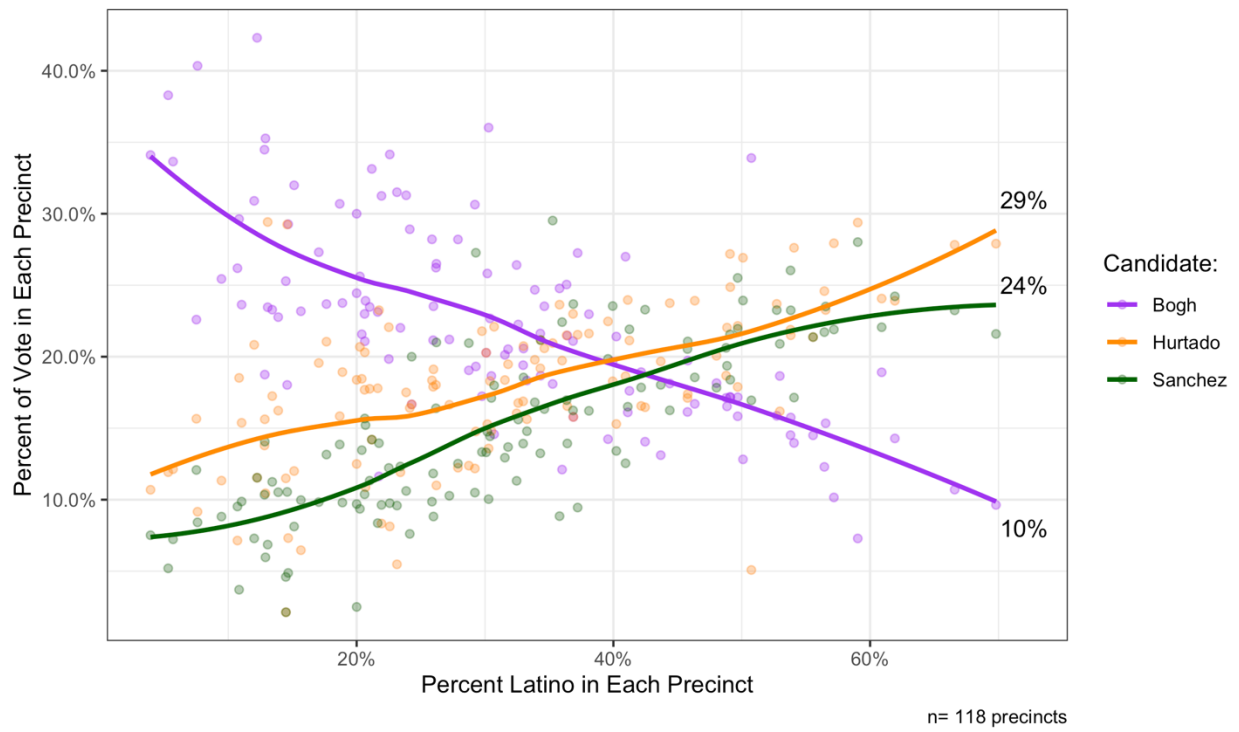
**Figure 3: Vote Choice by Percent Latino in Precinct for the 2018 Secretary of State Election**



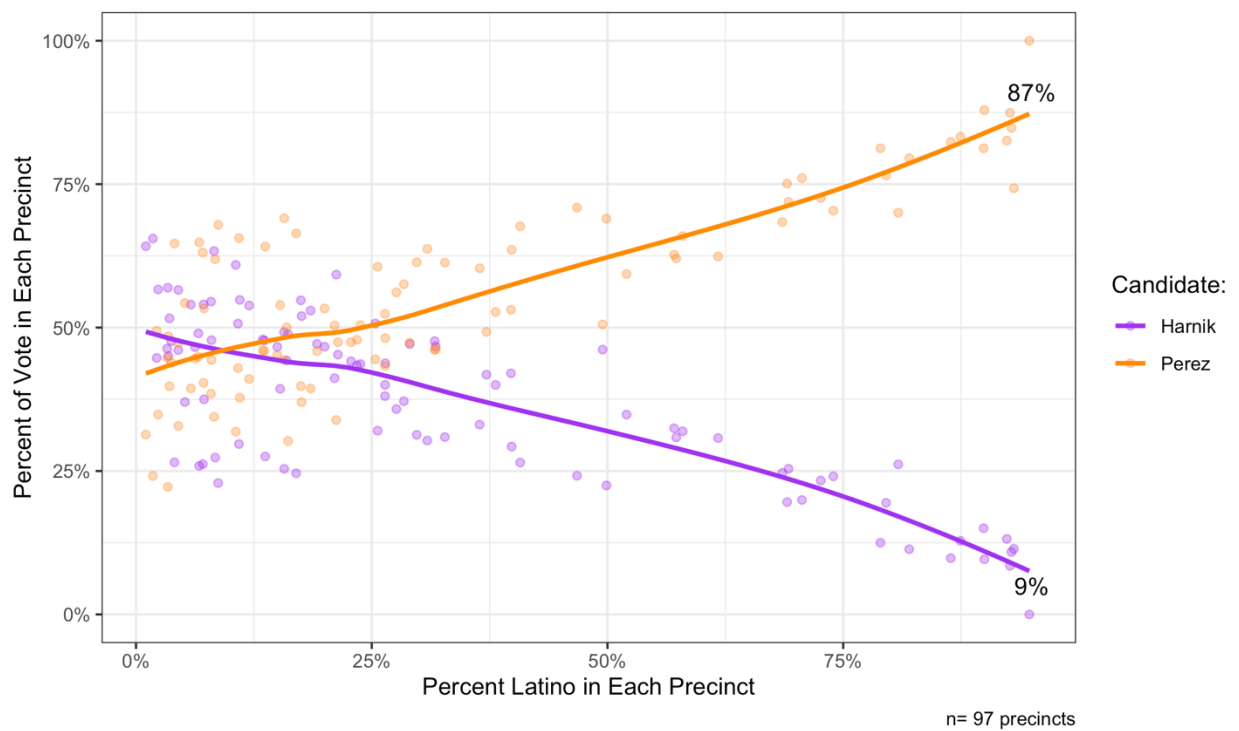
**Figure 4: Vote Choice by Percent Latino in Precinct for the 2018 Insurance Commissioner Election**



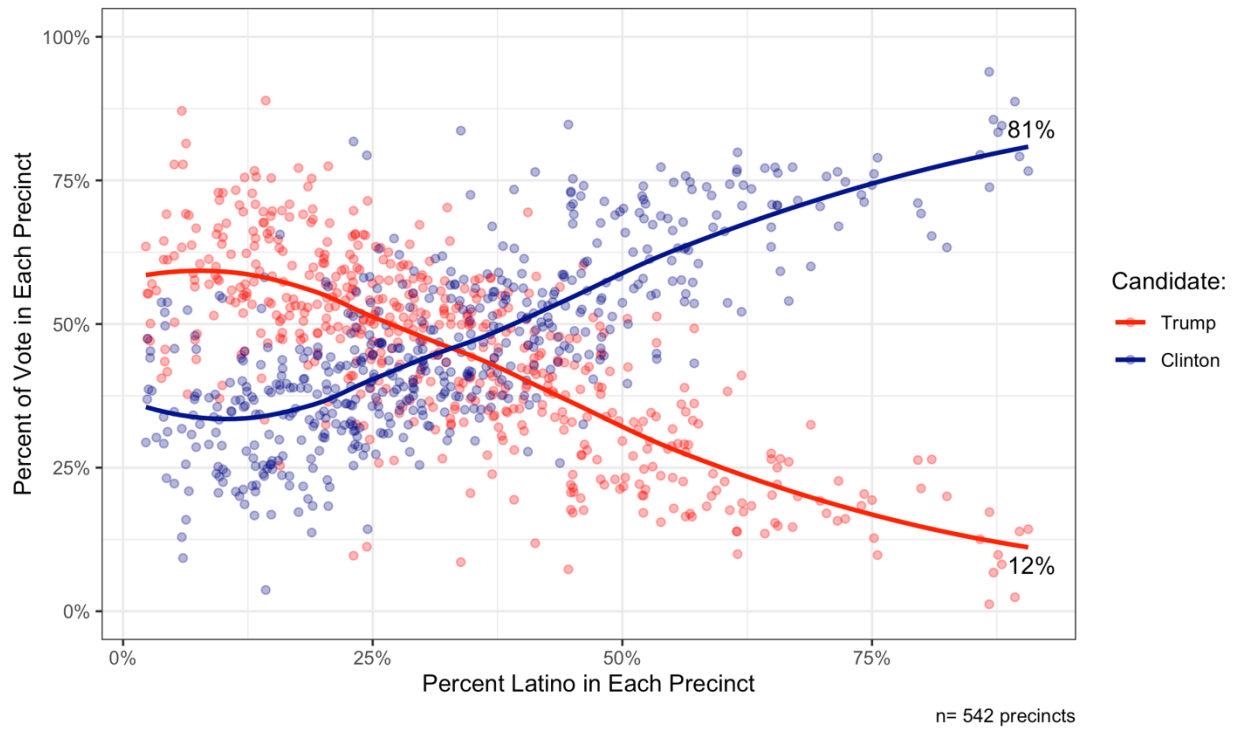
**Figure 5: Vote Choice by Percent Latino in Precinct for the 2018 Supervisor, District 5 Election**



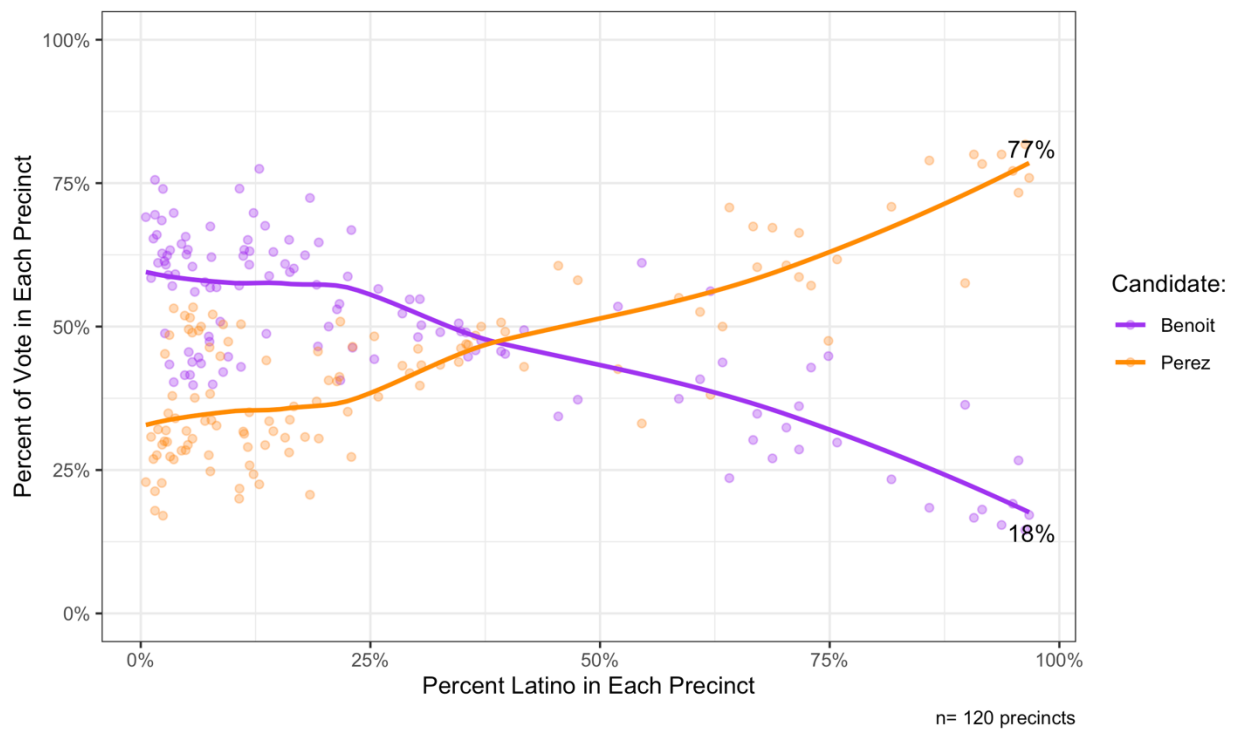
**Figure 6: Vote Choice by Percent Latino in Precinct for the 2018 Supervisor, District 4 Election**



**Figure 7: Vote Choice by Percent Latino in Precinct for the 2016 Presidential Election**



**Figure 8: Vote Choice by Percent Latino in Precinct for the 2014 Supervisor, District 4 Election**



#### IV. Section 2 VRA Analysis

All jurisdictions must comply with the VRA. As stated above, 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. 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 USC § 10301(b) (emphasis added).

The U.S. Constitution and the VRA prohibit a jurisdiction from either intentionally diluting the voting strength of minority communities or adopting maps that have the effect of diluting the voting strength of minority communities by cracking or packing voters. *See League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 403 (2006); *Luna v. Cnty. of Kern*, 291 F. Supp. 3d 1088 (E.D. Cal. 2018); *Garza v. Cnty. of Los Angeles*, 918 F.2d 763 (9th Cir. 1990).

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 usually 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" analysis. After the *Gingles* factors are met, the Court also looks at the totality of the circumstances to determine if there is vote dilution. *See Clark v. Calhoun Cnty.*, 21 F.3d 92, 97 (5th Cir. 1994) ("it will be only the very unusual case in which the plaintiffs can establish the existence of the three *Gingles* factors but still have failed to establish a violation of § 2 under the totality of circumstances").

Latinos in Riverside County satisfy all three of the *Gingles* factors. The Latino population is sufficiently large and geographically compact in the western section of the county around Perris, Riverside, Corona, Rubidoux, the Moreno Valley, and Lake Elsinore. Because of this compactness and size, two supervisorial districts can be drawn around the Perris and Riverside areas. Further, the Latino population votes cohesively in both Riverside Board of Supervisor elections and other statewide and countywide election contests. While Latino voters are politically cohesive, the white-majority votes sufficiently act as a bloc to cancel out the minority preferred candidate in the current districts that are not Latino-majority. When all three *Gingles* conditions are met, as they are in Riverside County for the Latino population, it is necessary that the political subdivision draw a district plan that does not dilute the population.

The County is thus required to draw Section 2 complaint districts. To ensure compliance with Section 2, any map adopted must draw two supervisorial districts with over 50% Latino citizen voting age population (CVAP) due to the Latino population growth and existence of racially polarized voting in Riverside County.

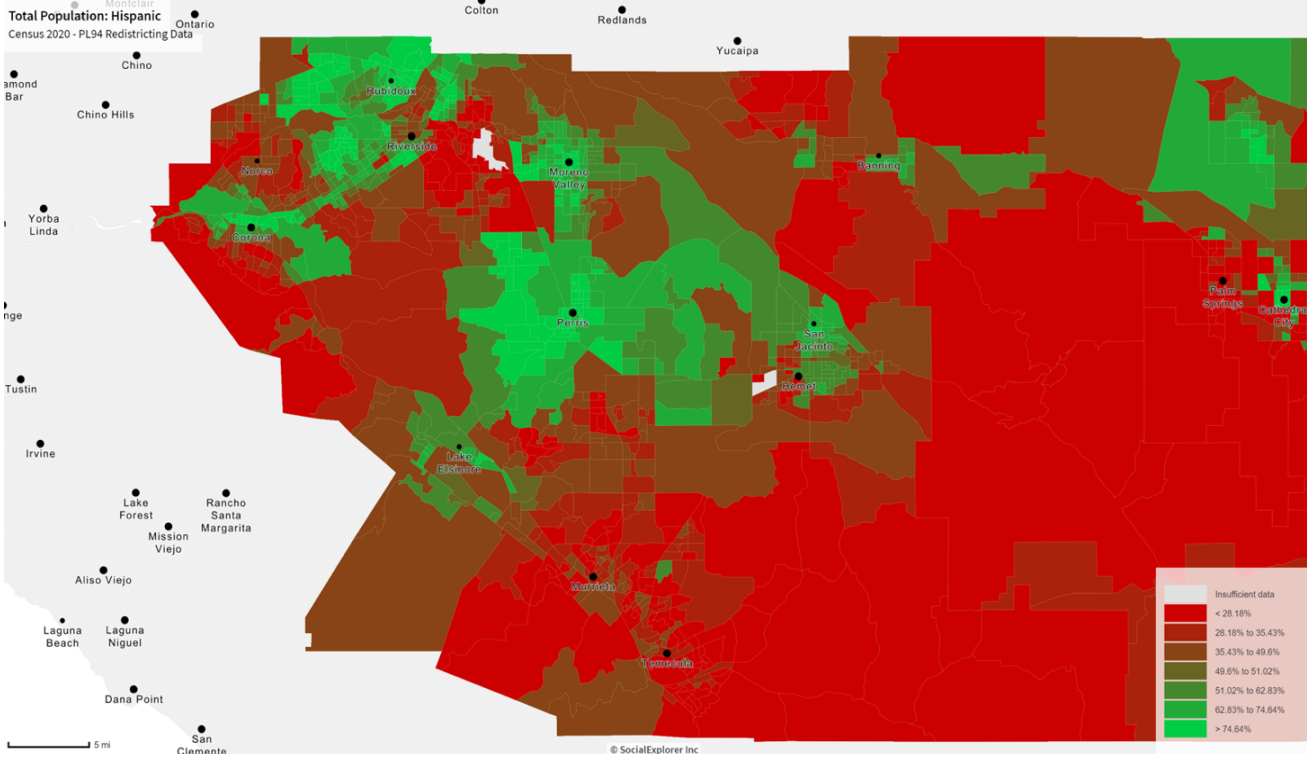
#### V. Current Proposed Maps Dilute the Latino Population of Riverside County Through Cracking

As of the publication of this memorandum, Riverside County Supervisors are actively considering the following supervisorial district plans that were developed by the Executive Office Technical Committee (EOTC): Draft Map Fv5.1 and Draft Map Hv7.2. The Board is also considering a map proposed by the community, Draft Map 1.4.

Both of the County’s EOTC proposed draft maps will dilute or weaken Latino’s ability to elect candidates of choice because both draft maps crack and dilute the Latino population. The Latino population in Riverside County is sufficiently large, geographically compact, and exhibit racially polarized voting. Maps compliant with the VRA must have two Latino-majority districts.

Below is a heat map showing the density of the Latino CVAP by census block groups. The areas shaded in green represent areas with 50% or higher Latino CVAP, while the areas shaded in red represent areas with the less Latino CVAP.

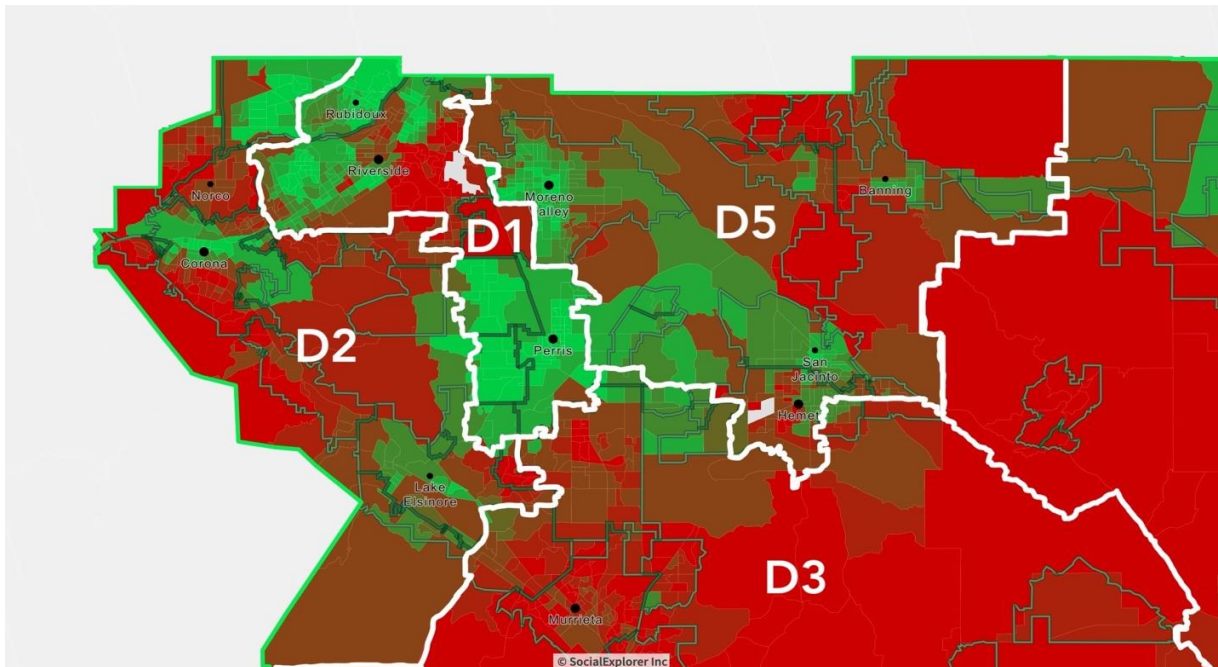
**Figure 9: Latino Citizen Voting-Age Population Density by Census Block Group in Riverside County**



The heat maps below are overlaid with EOTC’s draft map lines. The heat maps demonstrate that the EOTC maps are cracking high density Latino populations in Riverside County.

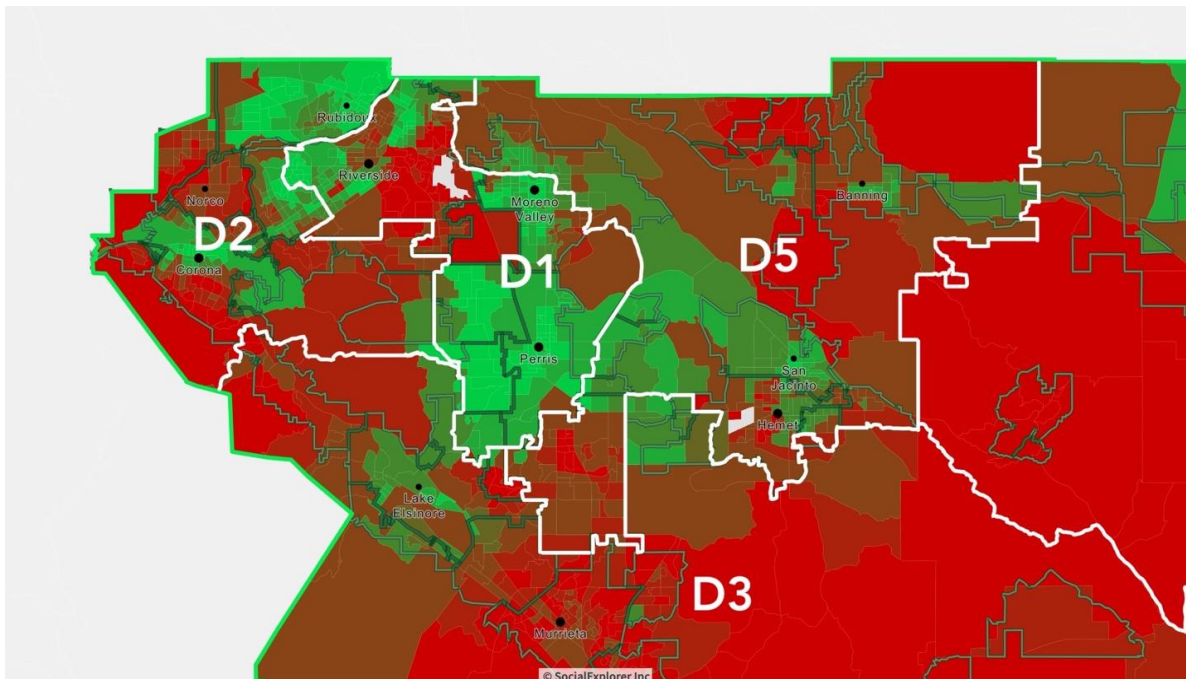


**Figure 10: Racial Heat Map Overlay of EOTC Map Fv5.1**



Map Fv5.1 clearly cracks the Latino population of Riverside County between draft Districts 1, 2, and 5. The cracking of Latinos between three districts ensures that Latinos will not be able to elect candidates of choice, in violation of the law.

**Figure 11: Racial Heat Map Overlay of EOTC Map Hv7.2**



Similar to EOTC Map Fv5.1, Map Hv7.2 cracks the Latino population. EOTC Map Hv7.2, however, cracks the Latino population of the County even more egregiously into four district. Draft districts 1,2,3, and 5. District 3 appears to have been drawn to cut through the Latino dense areas of Lake Elsinore and areas between Perris and Hemet.

The use of cracking is evident when viewing the CVAP distribution between all of the proposed districts in connection with the racial heat maps. Because both maps split the Latino populations between Districts 2 and 5, neither of these districts have a Latino CVAP that is over 50%. In EOTC's Fv5.1 Map, District 2 holds 38.5% Latino CVAP, District 4 holds 38.7% Latino CVAP, and District 5 holds 42.5% Latino CVAP. EOTC's Hv7.2 Map designs District 2 with 43.4% Latino CVAP, District 4 with 38.7% Latino CVAP, and District 5 at 37.1% Latino CVAP.

## **VI. Community Map as a Viable Districting Plan**

The only legally defensible map that the County is currently considering, that should be the map that the Board of Supervisors adopt, is Community Map 1.4.

Community Map 1.4 reallocates all current 5 districts to best suit the increase of Latino CVAP over the past 10 years. Through this reallocation, two Latino-Majority CVAP districts are developed in a new District 2 and 5. Map 1.4's District 2 has a Latino CVAP of 51.2%, based on 2015-2019 5-year ACS estimates. District 5 has a Latino CVAP of 51.3%, based on 2015-2019 5-year ACS estimate.

With a Latino CVAP of over 50% in two Riverside County Supervisor Districts, Latinos will be able to exercise their voting strength and elect candidates of their choice as required by law. Community Map 1.4 considers the county's Latino population growth of 4.2 percentage points over the last decade. The plan does not dilute or weaken Latino's voting strength through cracking.

## **VII. Conclusion**

Riverside County must tread very carefully as it approaches this round of redistricting. Riverside County must adopt a map that respects Latino voting power and adopt a districting plan for the Board of Supervisors that has at least two-Latino majority districts.

Litigation over redistricting plans is costly and onerous. The Board of Supervisors should start to actively consider other plans, including community plans, that draw at least two Latino-majority districts and that fairly reflect the population changes over the past ten years in Riverside County.