

To: Yolo County Board of Supervisors
From: UCLA Voting Rights Project
Re: Voting Rights Act compliance
Date: October 27, 2021



I. Introduction

It is clear from the 2020 Census, that Latino population growth has fueled Yolo County’s overall growth. The Latino population grew by 10,747 over the past decade while the White, non-Hispanic population declined by 6,329. Latinos accounted for 69% of the total county growth over the decade.

Every ten years states and localities must redraw political district boundaries to balance out the population and consider demographic and population changes over the previous decade. While drawing the new districts, the Board of Supervisors is required to comply with the Federal Voting Rights Act of 1965 which prohibits districting plans which dilute or weaken opportunities for representation for racial or ethnic minorities.

Specifically, Section 2b of the 1965 VRA states that a plan is in violation if a minority group has “less opportunity than other members of the electorate to participate in the political process and to election 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 retrogress the voting strength of racial or ethnic minorities – their ability to elect candidates of their choice.

Recently, Latinos in Yolo County have been able to elect a candidate of choice under the current 2011 map in District 5, but by a narrow margin. Now that a Latino preferred candidate has been elected in a majority-Latino district, Yolo County must ensure that Latino voting strength is not diluted or decreased under their new 2021 map. When a districting plan intentionally cracks or packs Latino communities and therefore decreases Latino voting strength over its current baseline amount, such vote dilution is called a retrogression, an action not permissible by the Voting Rights Act. When the map drawers are aware of the cracking and packing, the district plan is intentionally discriminatory and unlawful.

If Yolo County were to adopt a map during the 2021-2022 redistricting that decreases the Latino citizen voting-age population, then the County can be subject to a Department of Justice enforcement action or a civil suit by affected voters under the Federal Voting Rights Act.

II. Overview of Demographics

Yolo County’s demographics have become more diverse of the last ten years. In 2010, the Latino population made up 30.3% of the county’s total population and White, non-Hispanics made up

49.9%. By 2020, the Latino population grew to comprise 33.1% of the County and Whites fell to 43.4%. The Latino population increased by 3.2 percentage points, at a 17.6% growth rate. In contrast, the White population in the County decreased 6.6 percentage points, or at a rate of -6.3%.

As shown by Census data, the Latino population, alongside the 10% increase in the Asian population, played a significant role in Yolo County's total population increase from 200,849 residents in 2010 to 216,403 residents in 2020.

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

	2010 %		2020 %		GROWTH RATE	
TOTAL POP	200,849		216,403		15,554	7.7%
White (TOTAL)	100,240	49.9%	93,911	43.4%	(6,329)	-6.3%
Latino (TOTAL)	60,953	30.3%	71,700	33.1%	10,747	17.6%
Asian (TOTAL)	25,640	12.8%	29,872	13.8%	4,232	16.5%
Black or African American (TOTAL)	4,752	2.4%	5,722	2.6%	970	20.4%
American Indian (TOTAL)	1,098	0.5%	948	0.4%	(150)	-13.7%
Native Hawaiian/Pacific Islander (TOTAL)	817	0.4%	1,079	0.5%	262	32.1%
Some Other Race (TOTAL)	443	0.2%	1,278	0.6%	835	188.5%

	2010 %		2019 %		GROWTH RATE	
Citizen Adult Pop	134,216		145,880		11,664	8.7%
White (CVAP)	80,133	59.7%	81,665	56.0%	1,532	1.9%
Latino (CVAP)	28,150	21.0%	35,282	24.2%	7,132	25.3%
Asian (CVAP)	17,262	12.9%	18,331	12.6%	1,069	6.2%
All other (CVAP)	8,671	6.5%	10,602	7.3%	1,931	22.3%

III. Yolo District 5 is Currently a Latino Performing District

In March 2020, Yolo County's 5th Supervisorial District elected a new representative for the first time in more than a decade. Angel Barajas, former Woodland City Councilman, defeated incumbent Duane Chamberlain by a slim margin of 4.74% (just 443 votes) in the District 5 Yolo Supervisor election contest. Barajas' election marked a monumental moment in Yolo County as he became the first Latino elected to Yolo County's Supervisor Board to represent Woodland.

The 5th Supervisorial District consists of north Woodland as well as the communities of Knights landing, Yolo, Madison, Esparto, and the Capay Valley. Though largely rural, the area serves as home to a large Latino electorate that has grown over the past 10 years. Barajas strong support from the Latino electorate led to him winning a slim majority at 52.4% of the total vote compared to his opponent, Chamberlain with 47.6% of the total vote.

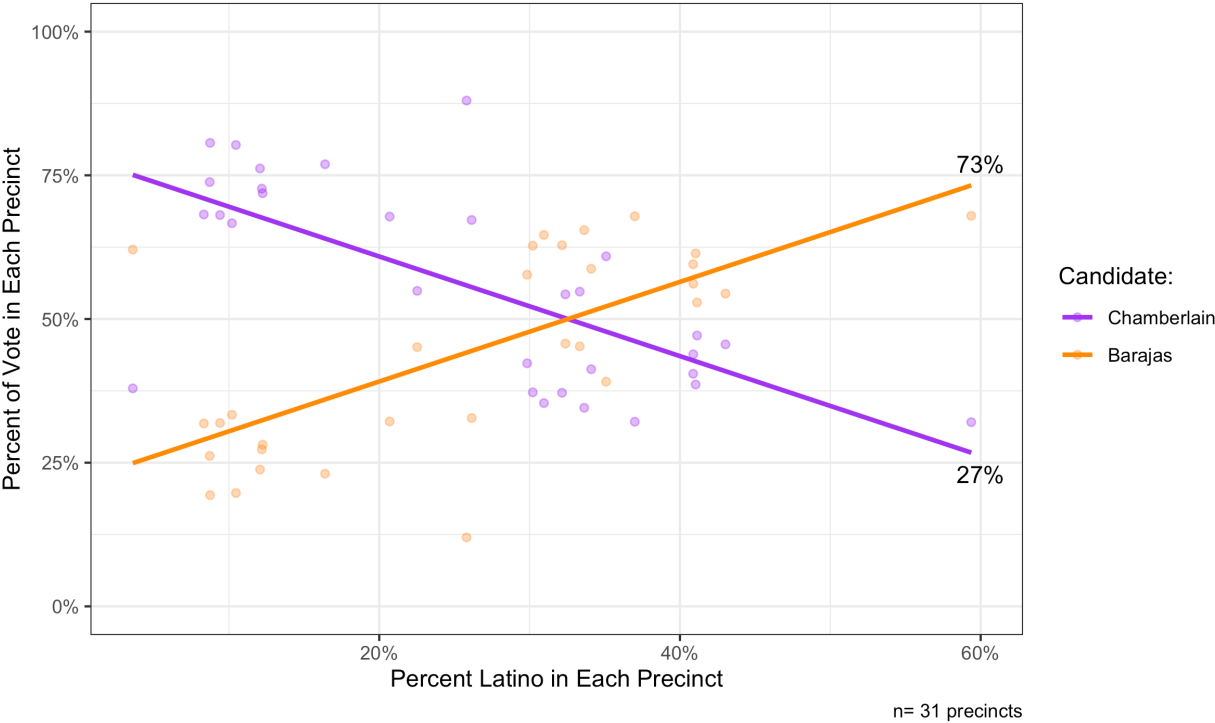
Given the closeness of the election in which Barajas received a majority of his support from Latino voters, decreasing the Latino population in the 5th District would put Supervisor Barajas,

and future Latino candidates, at risk of not being electable in this district, and would amount to the intentional dismantling of a currently performing minority district.

The UCLA VRP has conducted analysis on voter behavior in Yolo County District 5. It is clear that voters as precincts increase in Latino voting strength, support for Barajas increased. In contrast, Chamberlain received strong majority support in precincts with fewer than 20% Latinos. In District 5 election contests, Latino voters vote cohesively and for different candidates than their non-Latino counterparts. In this particular election, Barajas won because of high Latino vote support.

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 figure is just one visualizations of the vote share in different elections and how high-density Latino voting precincts split from non-Latino precincts. Across numerous elections in Yolo County, Latino precincts demonstrate consistent cohesive voting patterns, voting together with majority support for Latino candidates of choice.

**Figure 2: Vote Choice by Percent Latino in Precinct for the 2020 Primary Election
Yolo County 5th Supervisor District**



IV. Current Proposed Maps

Three out of the four of the proposed draft maps that the County has publicized will impermissibly dilute or weaken Latino’s ability to elect candidates of choice because these plans

lower the Latino CVAP in the current District 5, leading a new District 5 to not “perform” for Latinos.

At the start of the decade, the most heavily Latino Yolo County Supervisor District was District 5, which had 34.5% Latino Citizen Voting Age Population (CVAP). Over the decade this district grew include a larger Latino population, which now stands at 40.7% Latino CVAP. Currently, District 5 does elect Latino candidates of choice. This ability to elect candidate of choice or “perform” for Latinos is directly due to the increase in Latino CVAP. This rate of 40.7% Latino CVAP should be viewed as the acceptable baseline and should not be reduced.

Draft plans 1, 2, and 3 crack the Latino population of the existing District 5 and lower the Latino CVAP past the current performance benchmark of 40.7%. Draft plans 1 and 2 lower the current District 5’s Latino CVAP from 40.7% to 35.6%, which is a 5.1% drop in Latino CVAP. Draft plan 3 is not better; the new District 5 under draft plan three lowers the Latino CVAP to 36.3%, which is still below the current benchmark.

The lowering of Latino CVAP would make a new District 5 not perform for Latino candidates of choice just as Latinos were starting to exercise their voting strength. Any decrease below performance would be considered a retrogression and violation of the Federal VRA. Now that District 5 evolved into a protected minority opportunity district, the County must respect Latino voting rights, it cannot intentionally dismantle the district and also cannot lower the Latino CVAP in the district.

The only 2021 draft map plan that is a viable option is draft plan 4. Draft plan 4 keeps the Latino population of District 5 whole and at similar Latino CVAP as the current benchmark. This is the only plan presented by the County that does not crack the existing Latino population and will still allow Latino candidates of choice to be elected, as required by the law. As such, our opinion is that Draft plan 4 should be adopted.

V. Section 2 VRA Analysis

All redistricting plans for all jurisdictions must comply with the Federal Voting Rights Act (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.”

The U.S. Constitution and VRA prohibit a jurisdiction for engaging in either intentional destruction or actions that have the effect of diluting a minority performing district and cracking or packing voters on the basis of race that results in vote dilution. *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). This prohibition includes enactment of redistricting maps that would retrogress or weaken the position of racial minorities with respect to their effective exercise of the electoral franchise. For example, In *LULAC*, 548 U.S. 440, the Supreme Court found that Section 2 of the Voting Rights Act was violated when Texas’ implemented a redistricting plan

that “took away the Latinos’ opportunity [to elect candidates of choice] because Latinos were about to exercise it.” Retrogression of a minority performing district means that a redistricting plan or voting practice “would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.” *Georgia v. Ashcroft*, 539 U.S. 461, 466 (2003). Because District 5 currently has a Latino-preferred candidate, they have been effective, and as such, cannot see their voting strength decreased.

This means that if a jurisdiction like Yolo County has a current district which is performing for minority voters with a minority candidate of choice that jurisdiction cannot decrease the minority population so that it no longer performs unless there has been a reduction in the minority population in the latest census or there is a compelling governmental basis to do so. In Yolo, the Latino population *increased* over the past decade, thus there is no logical reason to *reduce* its CVAP in District 5.

VI. Conclusion

Yolo County must tread very carefully as it approaches this round of redistricting. Now that District 5 elects Latino candidates of choice due to Latinos making up 40.7% of the CVAP in District 5, their electoral power and opportunity to elect candidates of their choice cannot be weakened. There is only one redistricting plan, draft plan 4, that Yolo County has made public that would not lower the Latino CVAP of District 5 in a manner that would retrogress the Latino population.

Yolo County must adopt a map that respects Latino voting power. As stated above, if Yolo County were to adopt a map during the 2021-2022 redistricting round that when subject to a racially polarized voting analysis indicates dilution of Hispanic voting power, then the County can be subject to a Department of Justice enforcement action or a civil suit by affected voters. Litigation over redistricting plans is costly and onerous litigation. Yolo County should either adopt draft plan 4 or another plan that fairly reflect the population changes in the community.