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California Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814
December 1, 2021

RE: 2021 Redistricting and Racially Polarized Voting in Orange County

Dear Commissioners:

As the California Citizens Redistricting Commission (“Commission”) continues its process of drawing congressional and state legislative districts, it is important to ensure that districts required and protected under the Federal Voting Rights Act (“FVRA” or “VRA”) are designed as such.

The UCLA Voting Rights Project (UCLA VRP) has prepared analysis to assist and guide the Commission and Commission staff regarding the existence of racially polarized voting in Orange County, CA. The UCLA Voting Rights Project is a research and clinical program at UCLA, in partnership with the UCLA Latino Policy and Politics Initiative (“LPPI”) and housed within the UCLA Luskin School of Public Affairs.

The UCLA VRP 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 congressional, state senate, and state assembly seats. In this particular study, UCLA VRP experts looked at the degree of racially polarized voting within statewide, national, and local county-wide races to examine the support received by different Latino preferred candidates across 18 elections ranging from 2014 to 2021. The focus of this inquiry is whether or not Latinos vote different from Anglo or Non-Latino voters in Orange County.

The UCLA Voting Rights Project’s analysis demonstrates that racially polarized voting is exhibited and that all three of the *Gingles* factors are present in Orange County for Latino voters. We encourage the Commission to draw to the extent possible congressional, state senate, and state assembly districts in and around Santa Ana that are over 50% Latino CVAP and would enable a Latino candidate of choice to represent the Latino population.

I. Section 2 VRA Analysis

All redistricting plans for all jurisdictions must comply with the Federal Voting Rights Act (VRA). 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 (emphasis added).

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” 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 (RPV) 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.

II. Racially Polarized Voting Analysis

The UCLA VRP has conducted analysis on voter behavior in Orange County, utilizing 18 elections that occurred over 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: RxC.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 RxC method.⁴ Generally speaking, both methods take ecological data in 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 King’s 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.

¹ Loren Collingwood, Kassra Oskooii, Sergio Garcia Rios, and Matt Barreto, *eiCompare Comparing Ecological Inference Estimates across EI and EI:R x 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-RxC 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 x C case*, 55 STATISTICA NEERLANDICA, 134–46 (2001).

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

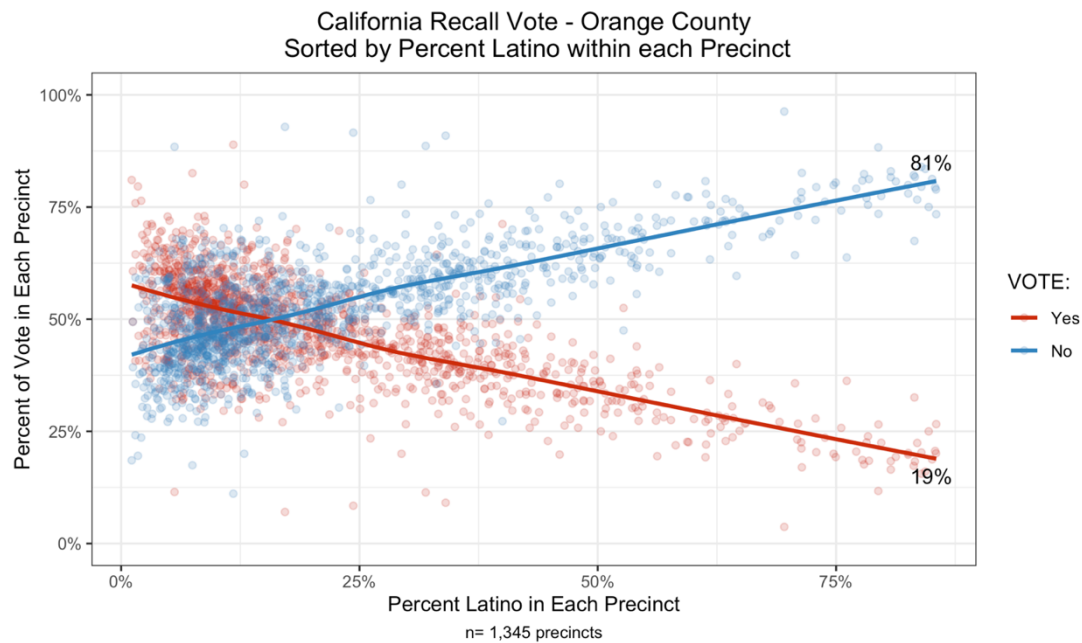
⁶ GARY KING, ET AL., ECOLOGICAL INTERFERENCE: NEW METHODOLOGICAL STRATEGIES 1-12 (2004).

⁷ *Id.*



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 1: Latino Vote in the 2021 Recall – Orange County



2020 Elections



Figure 2: 2020 United States Representative 39th District Vote Choice by Percent of Latino Registered Voters in Orange County

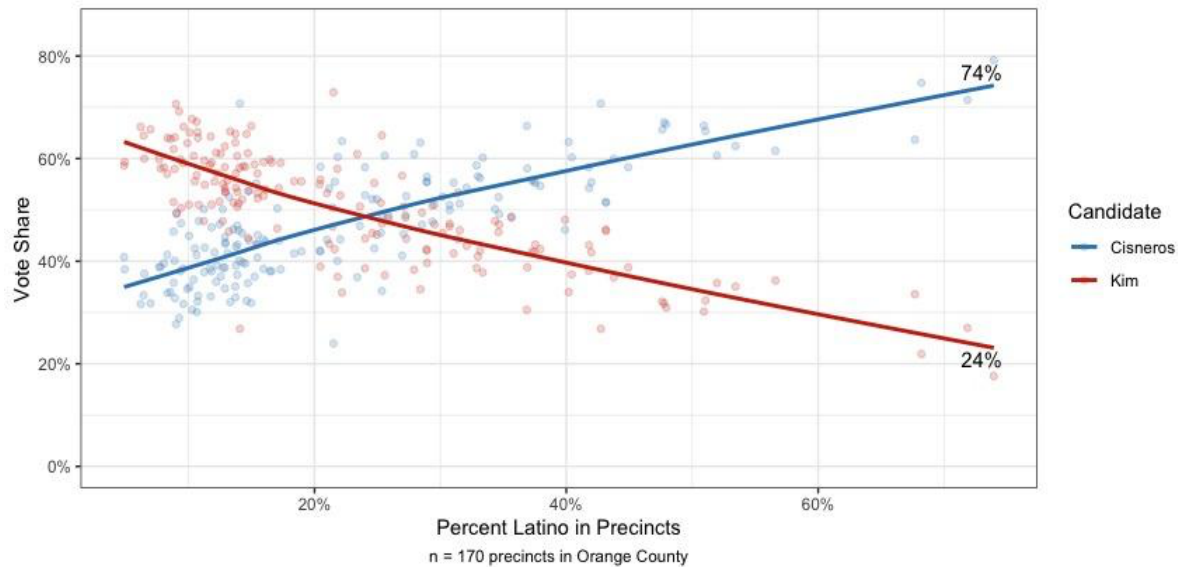


Figure 3: 2020 State Senator 29th District Vote Choice by Percent of Latino Registered Voters in Orange County

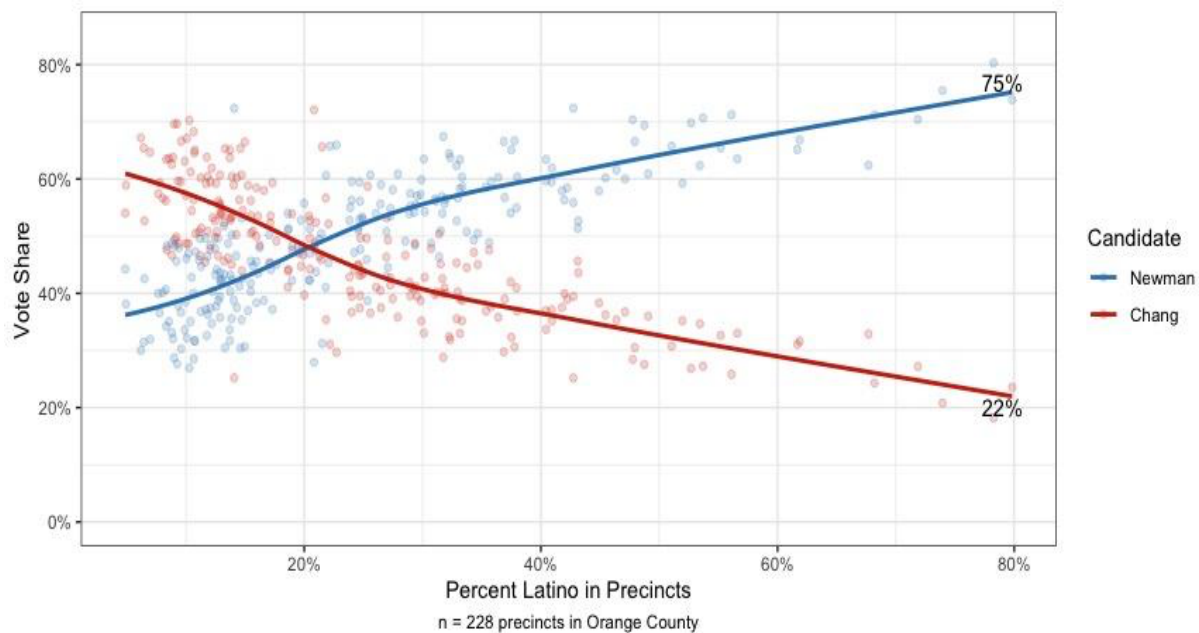


Figure 4: 2020 Presidential Vote Choice by Percent of Latino Registered Voters in Orange County

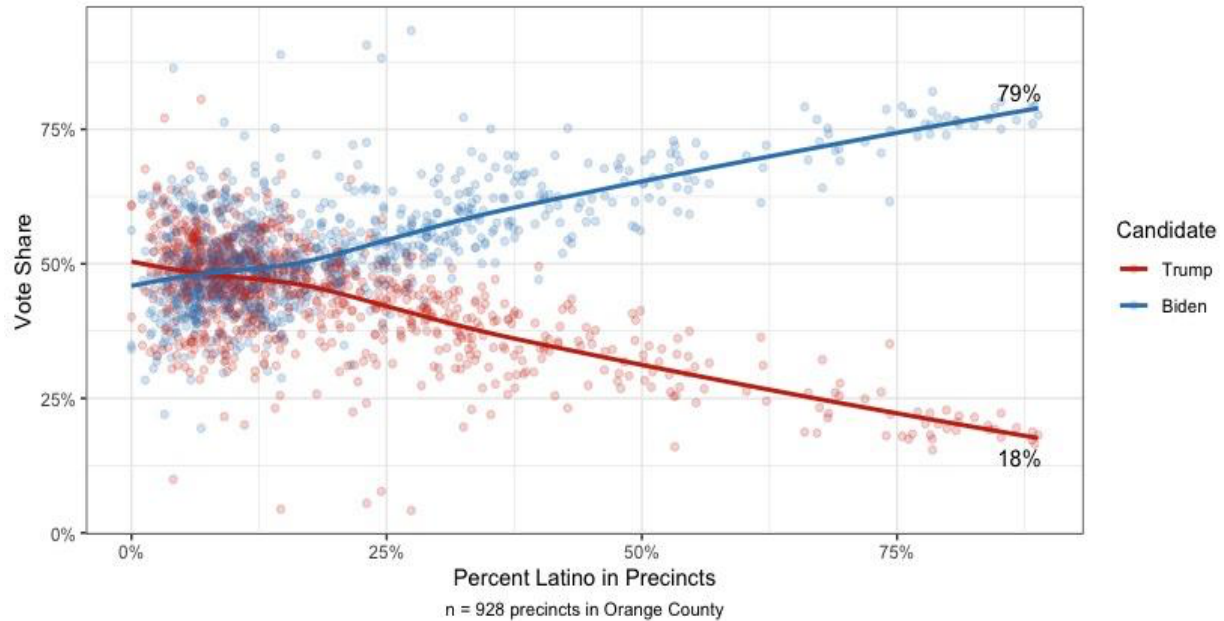
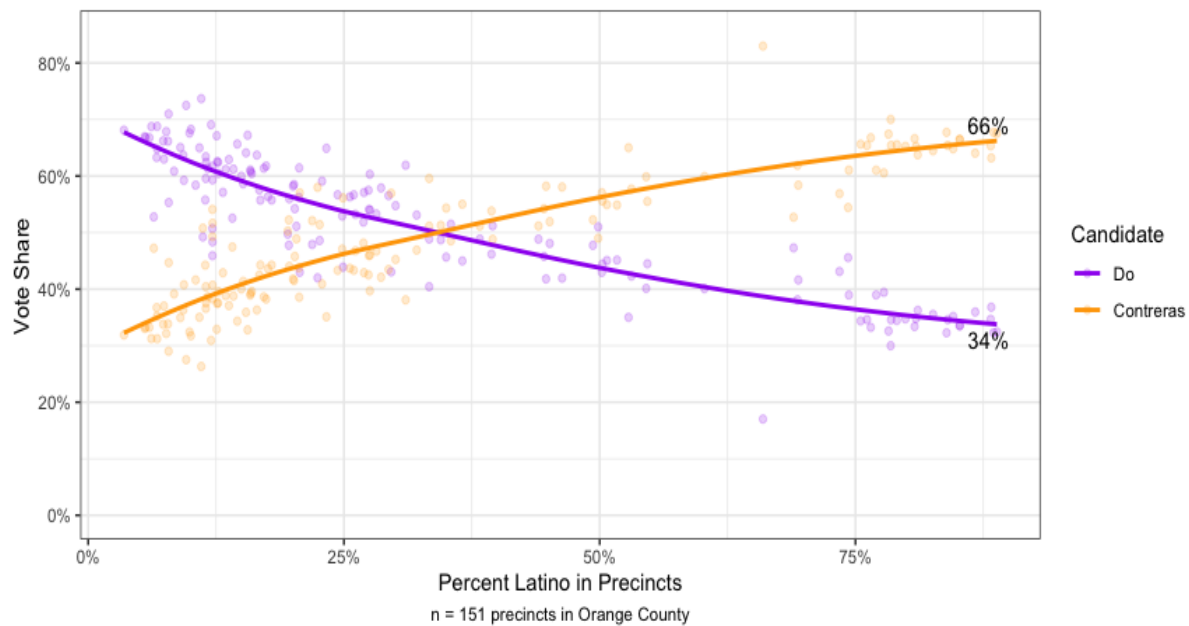


Figure 5: 2020 County Supervisor, 1st District Vote Choice by Percent of Latino Registered Voters in Orange County





2018 Elections

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

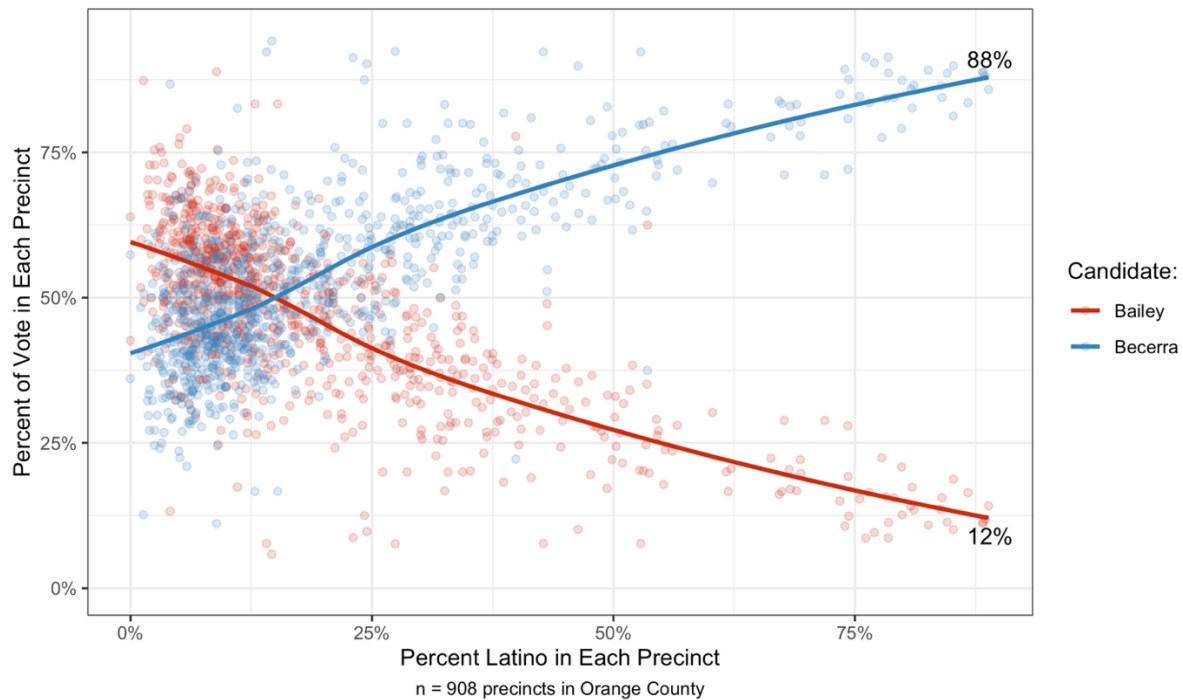


Figure 7: 2018 Governor Vote Choice by Percent of Latino Registered Voters in Orange County

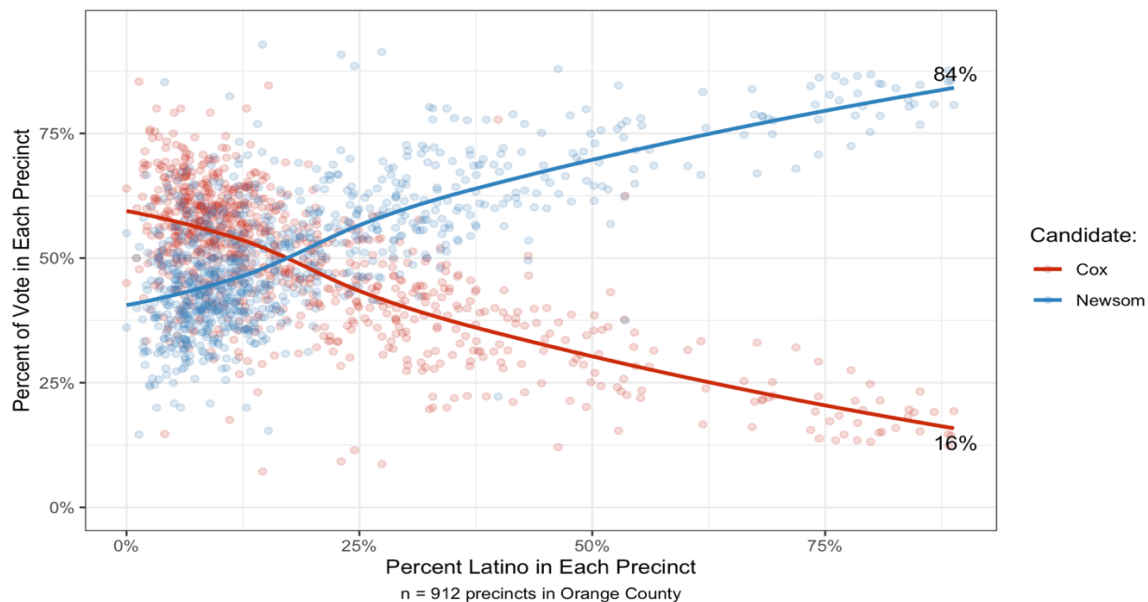




Figure 8: 2018 Insurance Commissioner Vote Choice by Percent of Latino Registered Voters in Orange County

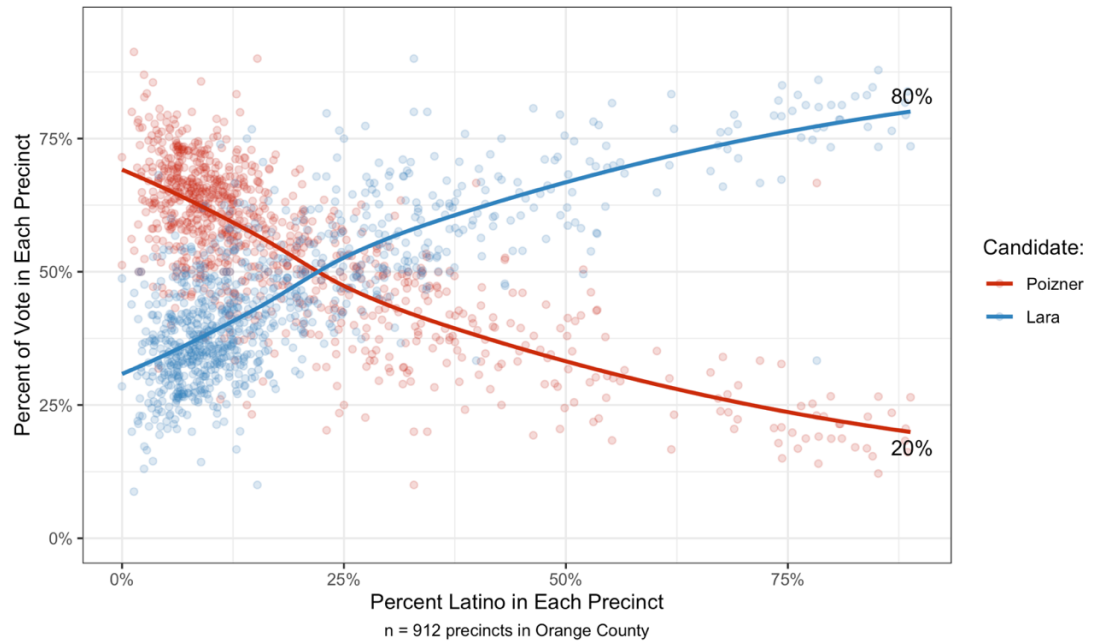


Figure 9: 2018 Lieutenant Governor Vote Choice by Percent of Latino Registered Voters in Orange County

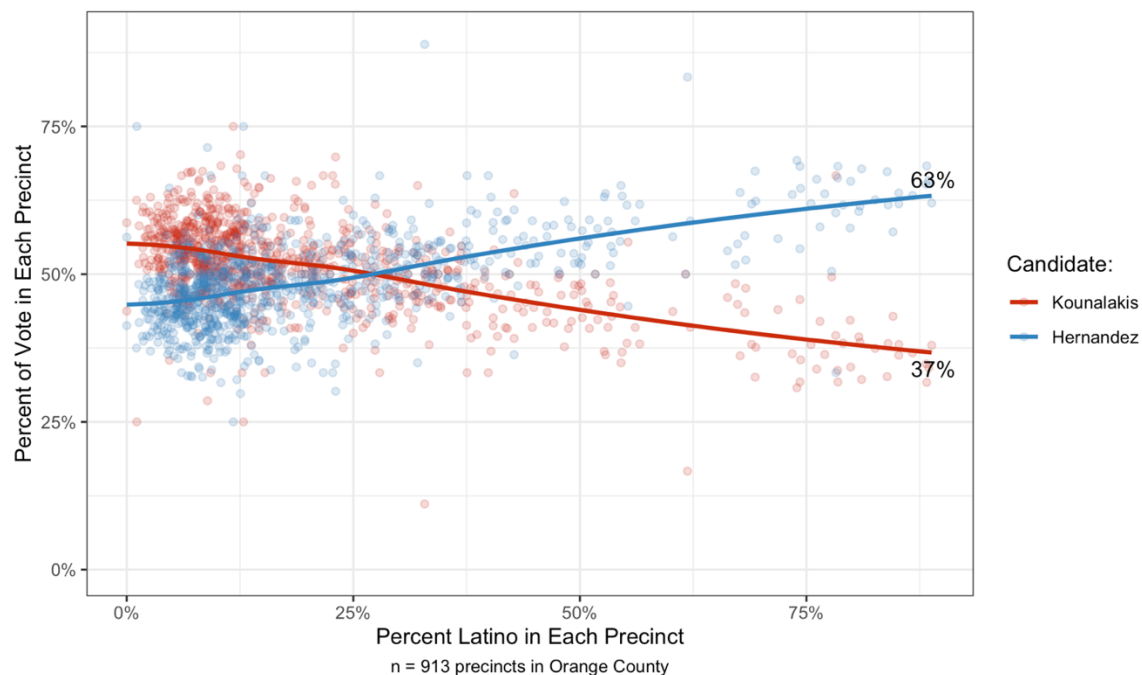




Figure 10: 2018 Treasurer Vote Choice by Percent of Latino Registered Voters in Orange County

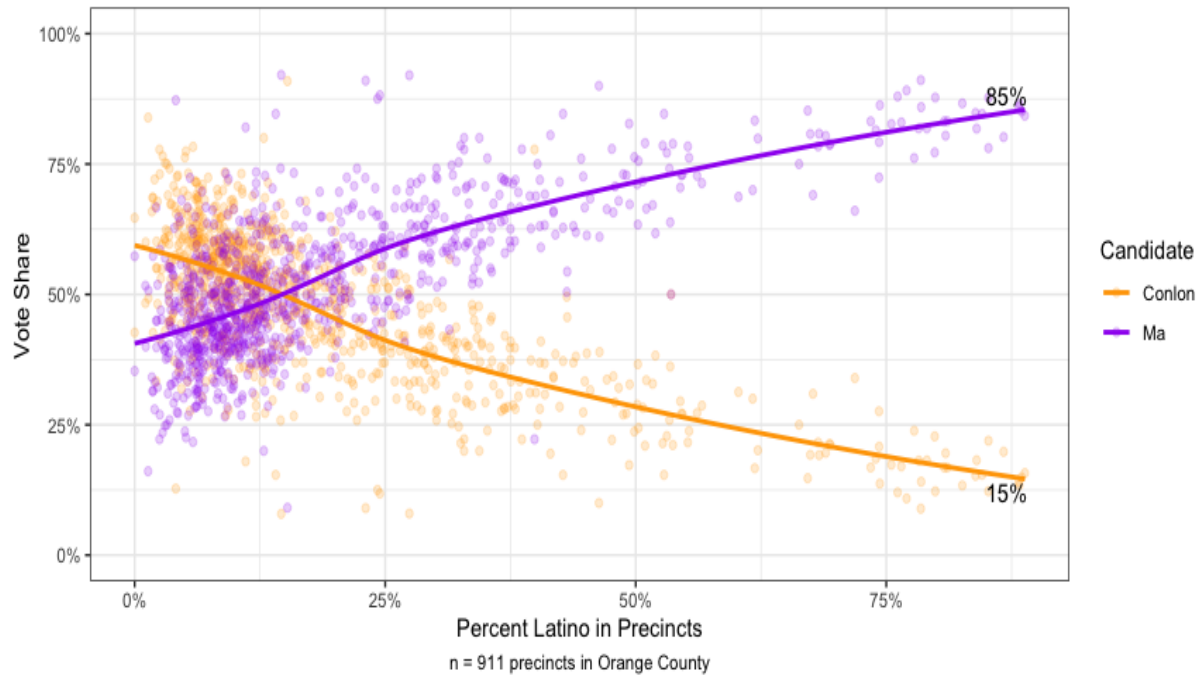
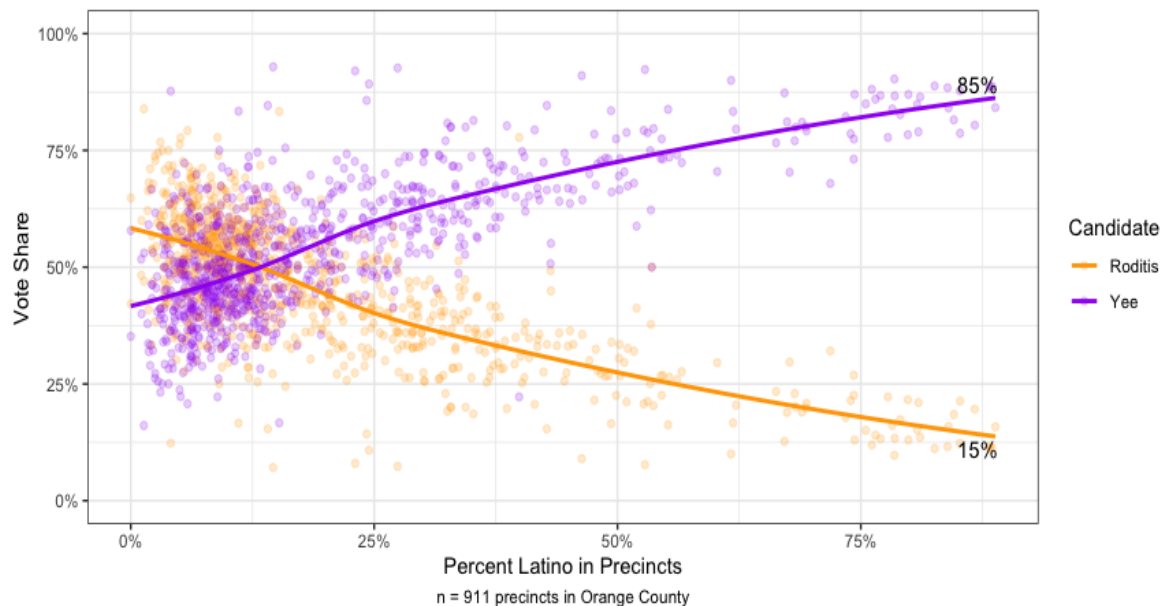


Figure 11: 2018 Controller Vote Choice by Percent of Latino Registered Voters in Orange County





2016 Elections

Figure 12: 2016 Presidential Vote Choice by Percent of Latino Registered Voters in Orange County

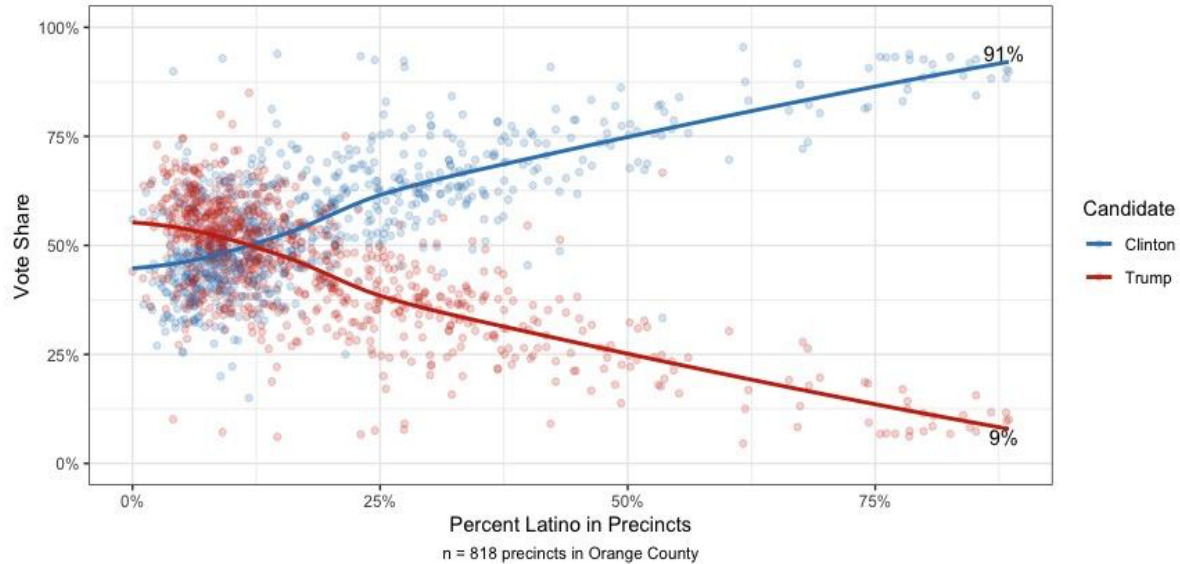
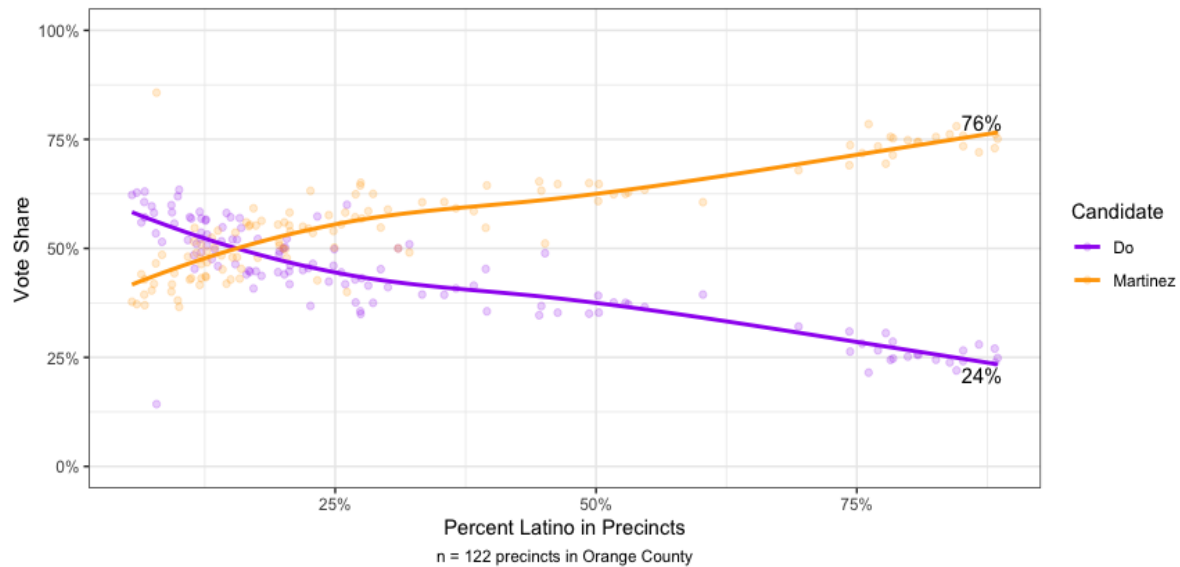


Figure 13: 2016 County Supervisor 1st District Vote Choice by Percent of Latino Registered Voters in Orange County





2014 Elections

Figure 14: 2014 Controller Vote Choice by Percent of Latino Registered Voters in Orange County

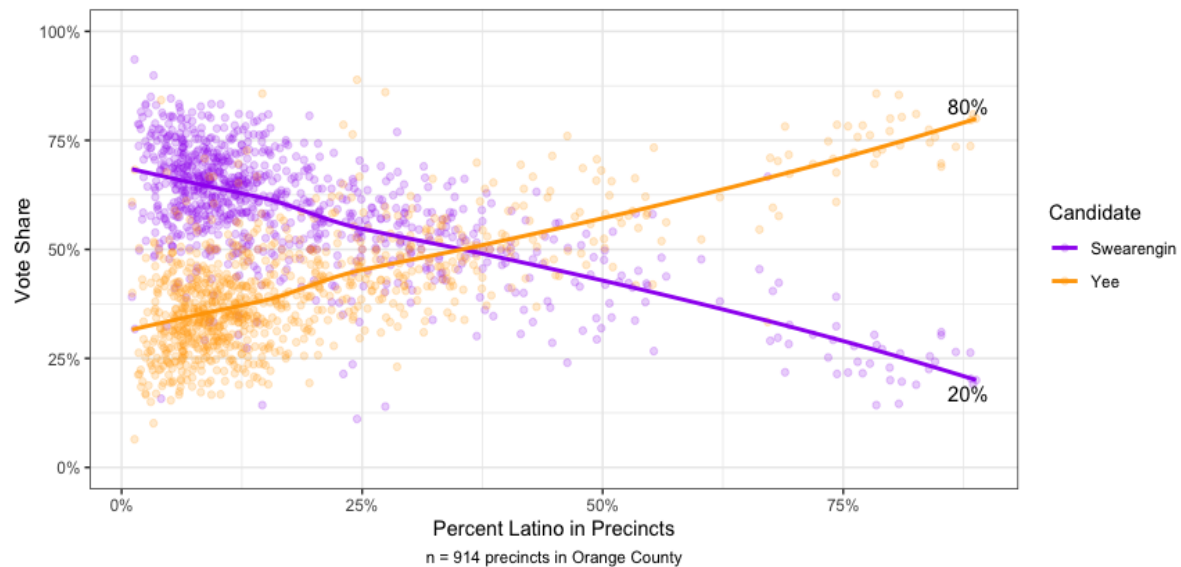


Figure 15: 2014 Attorney General Vote Choice by Percent of Latino Registered Voters in Orange County

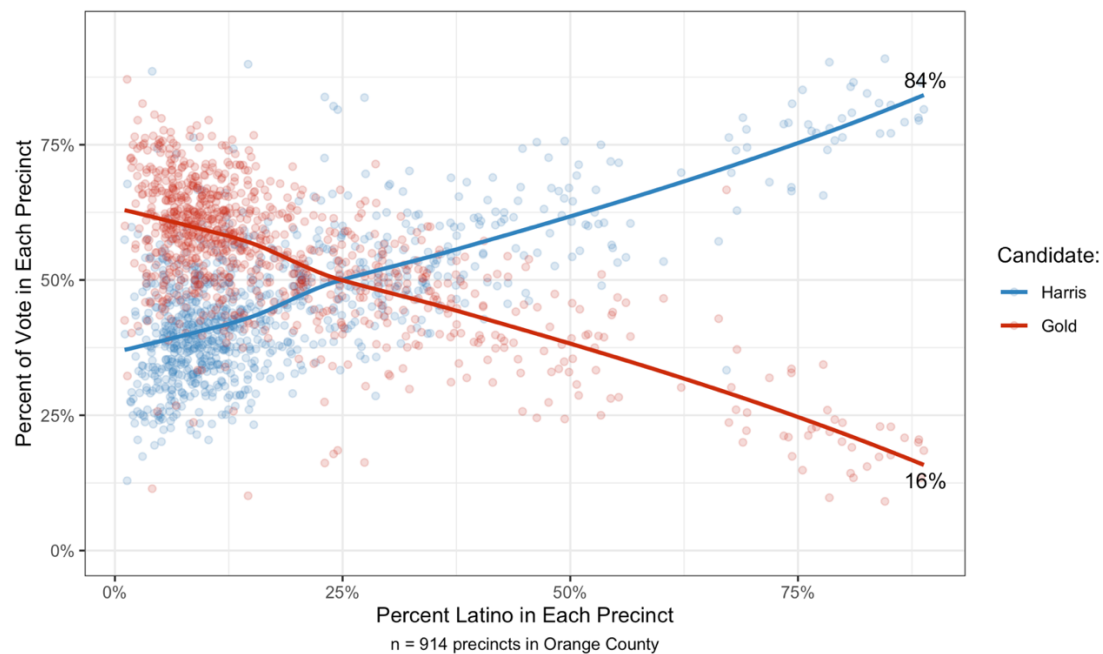




Figure 16: 2014 Governor Vote Choice by Percent of Latino Registered Voters in Orange County

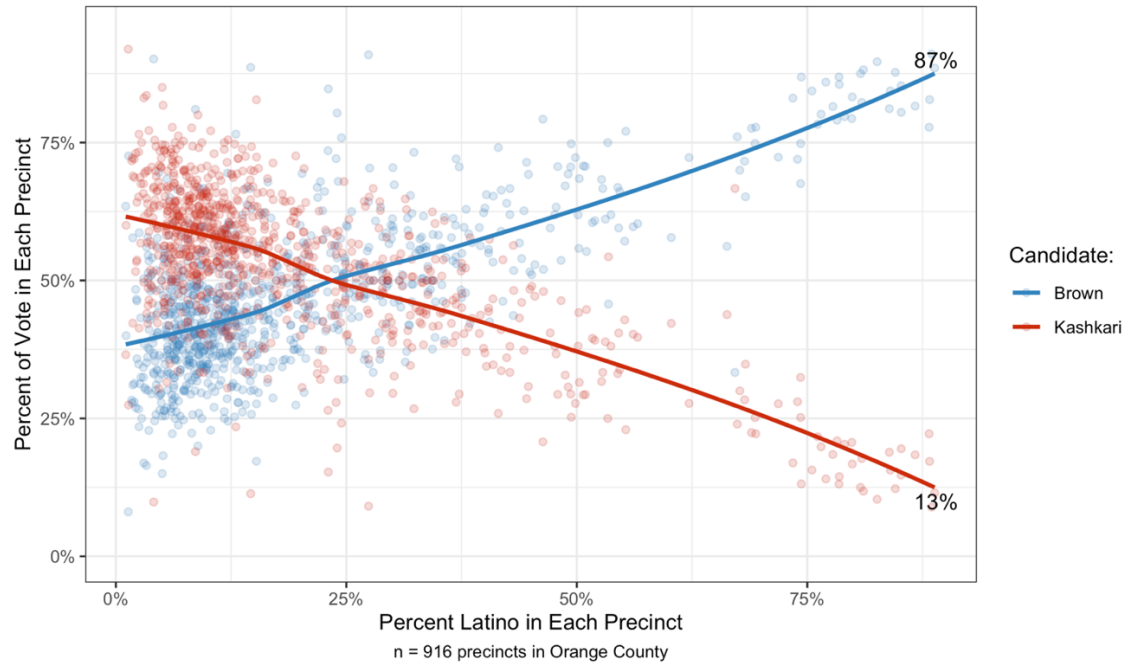


Figure 17: 2014 Lieutenant Governor Vote Choice by Percent of Latino Registered Voters in Orange County

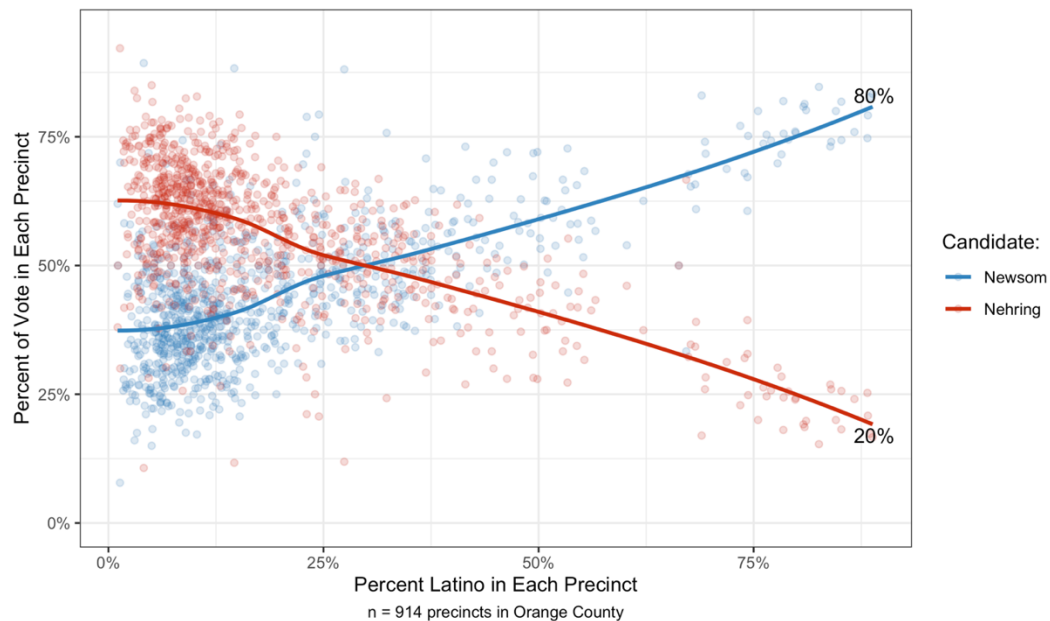
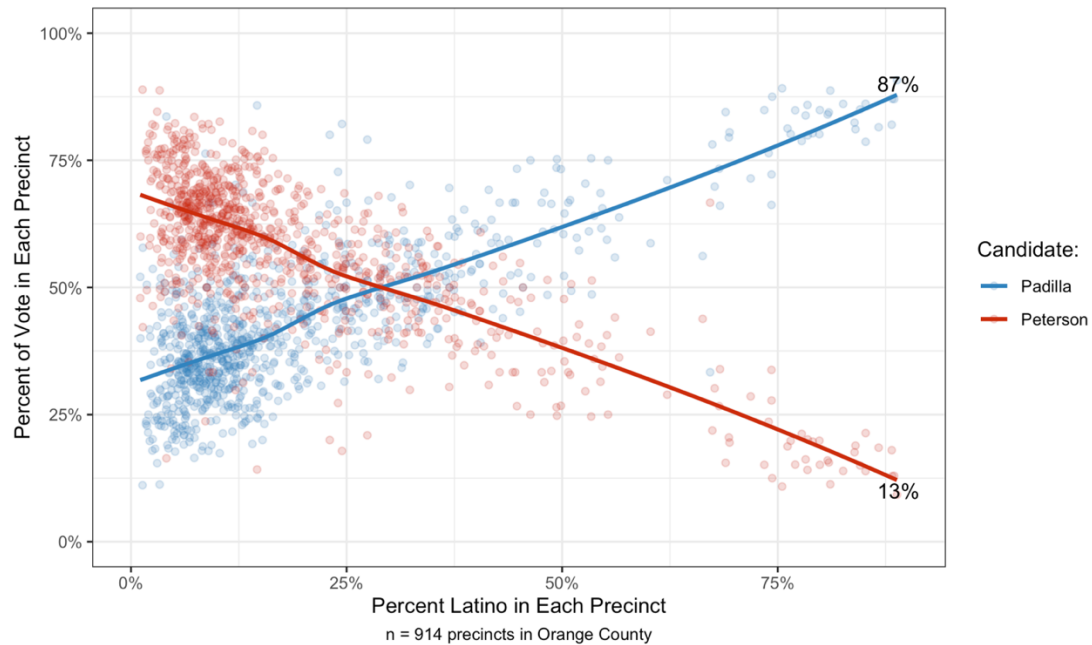




Figure 18: 2014 Secretary of State Vote Choice by Percent of Latino Registered Voters in Orange County



VI. Conclusion

Latinos in Orange County are sufficiently large and geographically compact, they exhibit political cohesion and racial bloc voting, and non-Latinos in the area exhibit bloc voting. As such, all three of the *Gingles* factors are met for Latinos in Orange County. The Commission, to the extent possible, should draw congressional, state senate, and state assembly districts in and around Santa Ana that are over 50% Latino CVAP, as there is a very strong VRA case to be made.

Sincerely,
The UCLA Voting Rights Project