

From: **Tony Quinn** [REDACTED]

Date: Mon, Apr 25, 2011 at 9:53 PM

Subject: Section 5, Merced & Kings

To: [REDACTED]

April 25, 2011

My Dear Commissioners and Staff:

In my letter to you of April 21, I explained the difficulties you face in creating your Section 5 districts because of the existence of current Senate District 12 which crosses from Salinas in Monterey County to Merced County. I suggested creating a coastal Latino district using the Salinas population.

Here are suggestions on how to deal with Merced and Kings Counties.

Let's first deal with the Assembly. The schematic I am currently working on has 319,480 people in San Joaquin County united with southern Sacramento County and 365,826 people in southern San Joaquin united with Stanislaus County. This is the population split if you do the north state to the Oregon border applying constitutional criteria. You should keep all the minority areas of San Joaquin together and combine them with northern Stanislaus County (101,474 people). The rest of Stanislaus combines with Tuolumne County.

Next comes your Section 5 district, which should be all of Merced County, and to this you would add 209,921 people from western Fresno County including about 117,000 people from the Latino portions of Fresno city. This would create a district that is over 62 percent Latino, four percent Asian and three percent African American. There is a

Latino incumbent representing much of this area now, so it would surely elect another Latino.

To its south would be your second Section 5 district, encompassing Kings County. In Bakersfield, you received testimony about keeping all the farm worker/Latino communities together. Actually, the law will require that you do that. You cannot maintain the Latino ratios in Kings County without the Kern Latinos. But you must instruct your staff to carefully preserve the population of the High Desert districts so they do not encroach into the Kern Latino areas. The Kern Latino areas are approximately 250,000 people.

This population plus Kings County (152,982 people) and 62,692 people from Latino portions of western Tulare County will give you a Section 5 AD that is about 66 percent Latino. The two ADs can be combined into your Section 5 Senate District that would be well over 60 percent Latino. The district would run from Bakersfield to Merced and include heavily Latino parts of Fresno. This is the only way, I believe, that you can maintain a 60 percent Latino population for the districts encompassing both Merced and Kings Counties.

One caveat, the current Senate District encompassing Kings County is 71 percent Latino. If you felt the need to retain that number, you would need to add in more of Fresno County, but you would not be able to place Merced County into the district. But that would leave Merced County in a district with well under 60 percent Latino population. This one of the difficult choices that you will face.

I hope you do understand one aspect of the mathematics here, and that is that you must regress to some degree with the Latino population in the districts including Kings County. That is because all of the districts are overpopulated thus must lose population. But you must retain Kings County whole, and it is, oddly enough, the least Latino part of these districts. So you can only remove Latino areas to bring the districts to population equality. Just more evidence of what I told you earlier, the Voting Rights Act is fundamentally a matter of mathematics.

Finally there is Congress, and one of the worse districts is current Congressional District 18 with its long finger into Stockton. San Joaquin can be its own congressional district taking a small piece of rural Sacramento, and 13,076 people from Stanislaus County. You can back CD 18 entirely out of San Joaquin County, keep its Stanislaus County portion, 247,939 people, and keep all of Merced but then add in Latino parts of Madera County and gain the necessary additional people from Fresno County. It must be 52 percent Latino and this formula should achieve that.

The Section 5 CD just to the south, current CD 20, is over by 41,446 people and all that can go into CD 18. But that will have to come out of the district's Fresno portion. The district is currently 70 percent Latino but, as I pointed up above, there may be some

regression because the people it has to lose may have to come from its Latino parts.

So you see you can meet the state constitutional criteria and still form the Section 5 districts you need.

You'll notice that I have also given you exact population numbers for the district compositions in these messages. You will soon confront the reality that this is how you build districts, and it is the functional equivalent of water torture. You must get used to it.

Tony Quinn

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