California Redistricting, the VRA and the Latino Community: Ensuring Fair Representation for All Californians

January 26, 2020

Rosalind Gold
Chief Public Policy Officer
rgold@naleo.org

VRA and Protection of Latino Voting Rights in California Redistrictings Under Section 2

Garza v. County of Los Angeles (1991):

➤ The 1981 Board of Supervisors' redistricting plan was primarily intended to protect Anglo incumbents, and in doing so, fragmented the Latino community.

➤ In achieving this goal, the Board knew that the protection of their incumbencies was inextricably linked to the continued fragmentation of the Latino community.

➤ During 1959-1971, the Board had redrawn the supervisorial boundaries at least in part, to avoid enhancing Hispanic voting strength in the district that had the highest proportion of Hispanics and to make it less likely that a viable, well financed Hispanic opponent would seek office in that district.

➤ Ultimately, this case resulted in redistricting of LA County Supervisorial districts and creating the first "Latino effective" district for the Board.

VRA and Protection of Latino Voting Rights in California Redistrictings Under Section 2

- Luna v. County of Kern (2018):

➢ Kern County failed to establish a second "Latino effective" district in its 2011 redistricting plan, and essentially split Latinos in the heavily farmworker and Latino areas in the northwest part of the county from Latinos in areas south and east of Bakersfield.

➢ Court relied heavily on the *Gingles* factors and the "totality of circumstances" analysis.

➢ Plaintiffs eventually settled with the County, and new plan unites Latinos in the northwest part of the district with those south of Bakersfield.

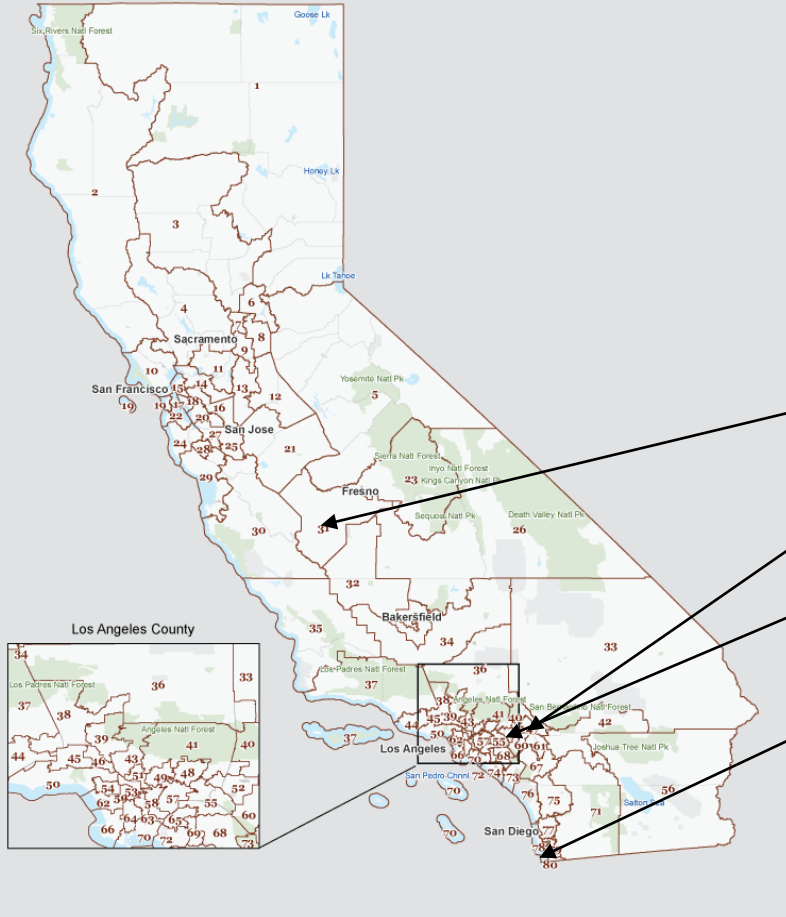# Latino "Effective Districts" Created by CCRC in 2011

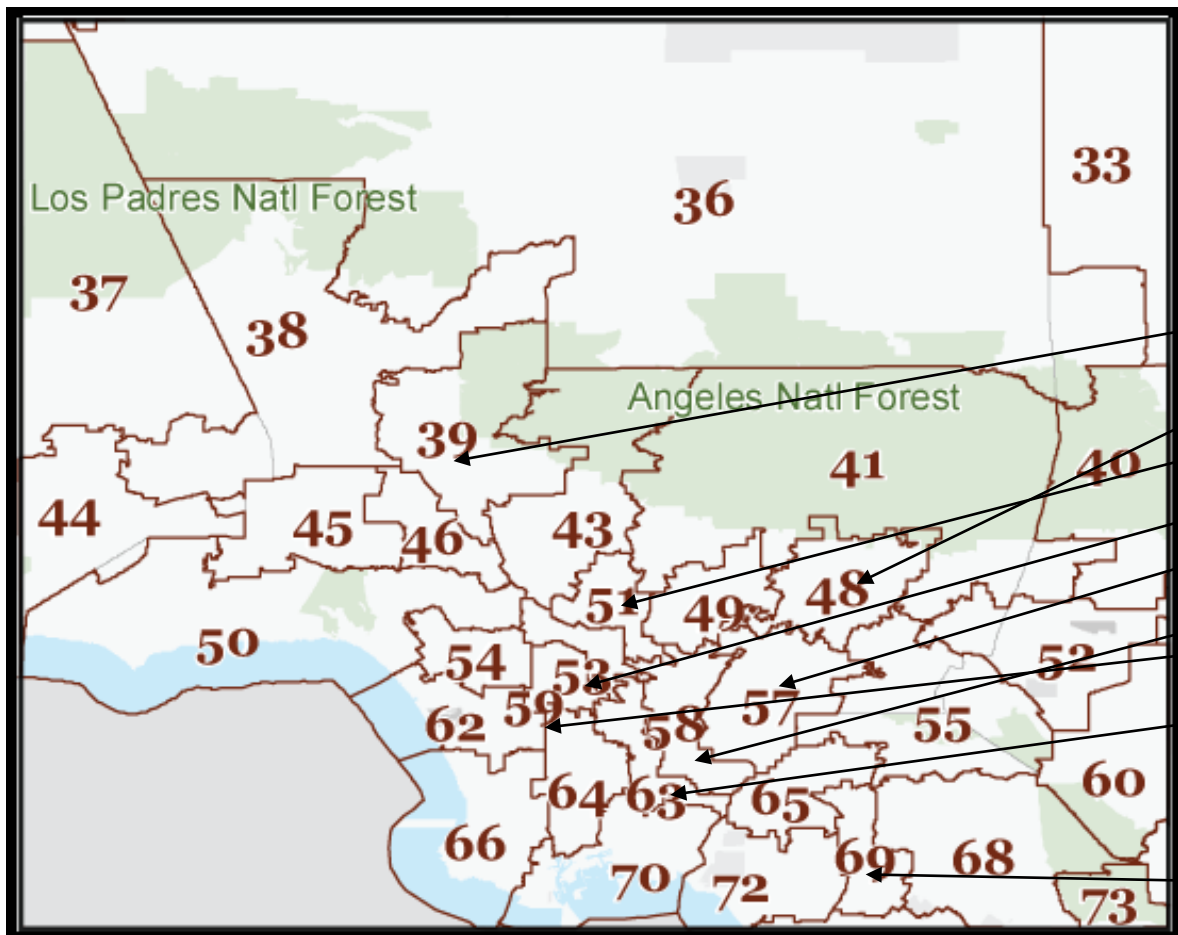Assembly Districts outside of Los Angeles and Orange Counties:

AD 31 (Fresno)
AD 47 (San Bernardino)
AD 52 (San Bernardino)
AD 80 (San Diego)

Latino "Effective Districts" Created by CCRC in 2011

Assembly Districts in LA, Orange Counties:

Los Angeles
AD 39
AD 48
AD 51
AD 53
AD 57
AD 58
AD 59
AD 63

Orange
AD 69

Potential Amendments to VRA to Restore Section 5 to its Full Strength before *Shelby* Decision

- The Voting Rights Advancement Act of 2019 (VRAA) was passed by the U.S. House of Representatives in December 2019, but was not considered by the U.S. Senate.

    ➢ Some version of the VRAA likely to be introduced again in the 117th Congress.

- VRAA provides two primary "triggers" for pre-clearance:

    ➢ History of repeated voting rights violations.
    ➢ "Known Practices Coverage": Jurisdictions which meet certain demographic criteria must pre-clear certain practices that have been known to be used in a discriminatory manner, including redistricting.

Factors Reducing Likelihood of Enactment of VRAA before CCRC Completes Redistricting

- Because of 50-50 split in Senate, Senate will be taking time to work out agreements about rules, committee assignments and related matters.

- Legislative action on impeachment, and issues such as COVID-19 pandemic relief are top priorities for Congress.

- There is still intense partisan polarization in Congress; bills with strong bi-partisan support will have a better chance of moving forward quickly in Congress.

Recommendations on Mapping for VRA Compliance

- VRA compliance is a mixture of science and art – combines repeated and iterative analysis of geography, population and voting data, and other historical information

- Commission should "sketch" VRA districts first, and build the remainder of its maps around them; Commission should not start mapping until non-profit organizations with VRA experience present draft maps.

- VRA compliance is the second highest priority for maps – higher than respecting local jurisdiction lines and communities of interest (COIs); this may lead to tension with stakeholders' perspectives about keeping localities or COIs together in the same district.

- Commission has an important role in educating public about why VRA compliance is important for redistricting – and good for our democracy.

Thank you

Rosalind Gold
Chief Public Policy Officer
rgold@naleo.org

Twitter: @NALEO

naleo.org