



November 16, 2021

Sent Via Email

Riverside County Board of Supervisors
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4080 Lemon Street
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Riverside County Planning Commission
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Re: Supervisorial Redistricting and Compliance with the Voting Rights Act

Dear Members of the Riverside County Board of Supervisors and Members of the Riverside County Planning Commission:

Community testimony, demographic data, and a racially polarized voting analysis by the County’s consultants strongly suggests that the federal Voting Rights Act of 1965 (Voting Rights Act) requires the Riverside County Board of Supervisors (Board) to create two districts where Latinx voters have a real opportunity to elect candidates of choice. The Board and the Riverside County Planning Commission (Planning Commission) must therefore seriously consider creating two federal Voting Rights Act compliant supervisorial districts.

Section 2 of the Voting Rights Act requires the Board, under certain circumstances, to draw districts that provide minority voters with an effective opportunity to elect their preferred candidates. To determine whether the Board must create these districts, the Board must first examine the three *Gingles* preconditions: (1) whether the Latinx community in Riverside County is sufficiently large and geographically compact to constitute a majority in one or more single-member districts; (2) whether Latinx voters are politically cohesive; and (3) whether bloc voting by the majority of voters usually prevents Latinx voters from electing their preferred candidates. *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986). Once these preconditions are established, you must “consider[] whether ‘on the totality of circumstances,’ minorities have been denied an ‘equal opportunity’ to ‘participate in the political process and to elect representatives of their choice.’” *Abrams v. Johnson*, 521 U.S. 74, 91 (1997) (quoting 52 U.S.C. § 10301(b)).

The three *Gingles* preconditions are present in the County. The Latinx community is numerous and compact. Latinx voters make up 39.3% of the County’s citizen voting age population (CVAP)¹ and there are cohesive Latinx communities on the westside of the County. It is possible to draw at least two compact districts on the westside where Latinx voters make up over 50% of the CVAP in each district, as evidenced by the Inland Empire Redistricting Hub’s community map. *See Johnson v. De Grandy*, 512

¹ 2019 5-year American Community Survey.

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U.S. 997, 1000 (1994) (noting that an important factor under a Section 2 analysis is whether “minority voters form effective voting majorities in a number of districts *roughly proportional* to the minority voters’ respective shares in the voting-age population.”) (emphasis added). What’s more, the County’s consultants recently released a summary of their analysis that there is racially polarized voting in Riverside County, meeting prongs II and III of the *Gingles* factors. Community testimony, socioeconomic data, and past and current discrimination against the Latinx community in the Inland Empire support a finding that, under the totality of the circumstances, the Latinx community has less of an opportunity to participate in the political process. *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”). This strongly suggests that the Voting Rights Act requires the Board to create at least two districts—proportional to Latinx voters’ respective shares of CVAP in the County—where the Latinx community can finally have a real opportunity to elect candidates of choice.

* * *

The Board and the Planning Commission must take seriously the likely need to create at least two supervisorial districts where Latinx voters have an effective opportunity to elect candidates of choice. Compliance with the Voting Rights Act must take priority over almost all factors except equality of population. Nonetheless, it is possible to draw a map with districts substantially equal in population that comply with the Voting Rights Act and the Fair Maps Act, and we urge you to adopt such a map. If you have any questions, feel free to contact me at jgomez@aclusocal.org.

Sincerely,



Julia A. Gomez
Staff Attorney
ACLU Foundation of Southern California

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