Report Assessing the Opportunity for Latino and Minority Voters to Elect Candidates of Choice in the Final Draft Map for the County of San Diego Board of Supervisors

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Executive Summary: This report summarizes the ability to elect analysis conducted on the final draft map for the County of San Diego Board of Supervisor districts passed by the County of San Diego Independent Redistricting Commission on December 3, 2021. We conducted a functional ability-to-elect analysis, which is the standard methodology for assessing the opportunity for voters of color to elect candidates of choice in newly drawn districts. The functional analysis combines the newly proposed district map boundaries for a given jurisdiction with existing voting data as a method of calculating the projected electoral outcome in regards to the opportunity to elect Latino candidates of choice in the newly proposed district(s). This report also includes an analysis of when Asian American candidates of choice have an opportunity to be elected. This functional analysis is a well-established methodology supported by extensive political science scholarship and used widely in voting rights social science and law.

The analysis finds that the final draft map creates one majority Latino citizen voting-age population (CVAP) district (District 1). However, given that the population size of the Latino CVAP in a district is not alone sufficient to ensure if Latino voters have the opportunity to elect their candidate of choice, a functional analysis is performed to estimate and evaluate electoral outcomes in the newly proposed districts.

The analysis also finds that the final draft map creates one additional district (District 4) with a very sizable potential coalition of minority citizen voting-age population (CVAP). However, given that the population size of the minority CVAP in a district is not alone sufficient to ensure if Latino voters and/or other voters of color have the opportunity to elect their candidate of choice, a functional analysis is performed to estimate and evaluate electoral outcomes in the newly proposed districts.

<u>Key findings of the functional ability-to-elect analysis for final draft map:</u>

- District 1 demonstrates the highest rate that the Latino candidate of choice has the opportunity to win. For District 1, in 75% of exogenous primary elections, the Latino candidate of choice advances to the general election. Then, in 100% of exogenous general elections, the Latino candidate of choice wins elections in this district. This district is majority-Latino CVAP.

- District 4 provides the next highest rate that the Latino candidate of choice will be elected. This district shows evidence that a Latino candidate of choice has a high likelihood of advancing out of an exogenous primary election (in 75% of exogenous primary elections). Then the Latino candidate of choice wins in 80% of exogenous general elections. This district is 47.2% minority CVAP and 43.5% Latino + Asian +

Black CVAP. District 4 also shows evidence that Asian American candidates of choice and minority candidates of choice are able to have an opportunity to be elected.

- Districts 2, 3, and 5 in the final draft map are districts where Latino voters are not likely to have the opportunity to elect Latino candidates of choice. In three of these districts, Latino candidates of choice demonstrate the ability to advance out of the primary election, but the analysis of general elections finds that Latino candidates of choice win 0% of the time in districts 2 and 3 and only 33% of the time in district 5.

Background and Summary

The 1965 Voting Rights Act outlines protections against minority vote dilution in the drawing of district boundaries. Minority vote dilution in redistricting occurs when political district boundaries are drawn in a manner that minimizes or cancels out the voting strength and political effectiveness of a minority group. Vote dilution via redistricting results in denying the minority group the opportunity to elect their candidate of choice, even when the population size of the minority group in question is large enough for the group to elect a candidate of choice. In the 1986 *Thornburg v. Gingles* decision, the U.S. Supreme Court outlined a procedure for determining when minority vote dilution in a district occurs. In this ruling, the Court asserted that if dilution is occurring, then data-based districting remedies must be implemented that give the minority group the opportunity to elect a candidate of choice. Candidates of choice are defined as candidates who are preferred by the majority of a particular racial or ethnic group. For instance, a Latino candidate of choice is a candidate who is preferred by a majority of Latino voters.

In our "Racially Polarized Voting Analyses in San Diego County" (RPV report), we analyzed two sets of highly probative elections: 1) Board of Supervisor elections from 2012 to 2020 and 2) exogenous elections for statewide office within only the County of San Diego involving either a Latino or an Asian American candidate from 2012 to 2020. We found that racially polarized voting between Latino voters and non-Hispanic white voters occurred in the last decade in both sets of these election analyses. Our evidence shows there to be racially polarized voting in both Board of Supervisor elections and exogenous statewide elections held within the County of San Diego.

In addition, the RPV report revealed that there was evidence that in some districts for the Board of Supervisor elections, the Latino candidate of choice in the primary election typically did not advance to the general election because white voters preferred their own candidates of choice and were able to block the Latino candidate of choice from advancing to the general election. Specifically, the RPV report statistically demonstrated that there was some evidence of white candidates of choice defeating minority candidates of choice. For example, in district 2 in the 2011 enacted supervisorial map, candidates of choice preferred by Latino voters did not tend to advance out of the primary in the majority of endogenous supervisorial elections.[1] In addition, there was evidence of white bloc voting to stop candidates of choice who were simultaneously preferred by Latino, Black, and Asian American voters in the 2011 enacted map district 2. In addition, in district 4 in the 2011 enacted supervisorial map, the RPV report demonstrated

[1] In Appendix E/Table E2/p. 69 in the RPV report, for example, candidate Rudy Reyes, who is Latino, was the candidate of choice of Latino voters, Asian American voters, and Black voters in the old map's supervisor district 2. In the same district, a cohesive bloc of white voters (81%) supported Dianne Jacob, a white candidate who was elected in the 2016 primary with greater than 50% of the vote. Again, in 2020, in the old district 2 in the enacted 2012-20 map, Appendix E/Table E2/p. 69 of the RPV report showed that >50% of Latino voters, Asian American voters, and Black voters supported candidate Kenya Taylor in a multi-candidate primary. Taylor was the candidate of choice of Latino voters, Asian American voters, and Black voters in the 2020 primary. White voters supported Joel Anderson with 40% of the vote and Steve Vaus with 37% of the vote. Anderson and Vaus – both the white candidates of choice – advanced out of the primary and into the general election due to white cohesion for these two candidates. Taylor, the candidate preferred by Latino, Asian American, and Black voters in district 2 in the 2020 primary did not advance out of the primary and was thus defeated.

evidence that Latino-preferred candidates were also defeated in supervisorial primaries.[2] Further, in district 3 in the 2011 enacted map (which included parts of north county such as Escondido), there was evidence of white bloc voting in multiple primary elections where the Latino candidate of choice was defeated in the primary, but non-Hispanic white-preferred supervisor candidates advanced.[3] In addition, there were other dynamics and racial voting patterns identified in the report in detail; but in a majority of supervisor districts in the County in the 2011 enacted map, white voters' preferred candidates advanced, often due to white bloc voting, and Latino voters' preferred candidates in primary elections typically did not. Further, in district 2 in the 2011 enacted map (which is now part of district 4 in the final map passed on December 3, 2021), there was evidence of white bloc voting to defeat the primary candidate of choice of Latino, Black, and Asian American voters. Coalition voting evidence in other districts was more complex, but in district 2 there was evidence of minority coalition voters' preferred candidate of choice being defeated.

All of the following *Gingles* criteria are shown in the RPV report: (1) Latinos are a sufficiently large group in San Diego County; (2) evidence of racially polarized voting between Latino and non-Hispanic white voters exists in San Diego County; and (3) white voters often cohesively support candidates who defeat the cohesive choice of Latino voters, particularly in primary supervisor elections. Further, there appeared to be some evidence of coalition voting between Latino, Black, and Asian American voters in the 2011 enacted map district 2; and where minority coalition voters' candidate of choice was defeated by white bloc voting in primaries. Therefore, district lines for the Board of Supervisor seats must be drawn so that Latino voters have the opportunity to elect a candidate of choice.

Conducting an opportunity to elect analysis

How does one determine if new district lines are drawn to provide Latino voters the opportunity to elect candidates of choice? A functional analysis, which in this report will be labeled an *ability to elect analysis* or an *opportunity to elect analysis*, should be performed in order to verify that Latino voters in the County of San Diego have the opportunity to elect candidates of choice within newly proposed district boundaries. This report summarizes the ability to elect analysis conducted on the final draft map, which was approved by the County of San Diego Independent Redistricting Commission on December 3, 2021.

[2] In the 2018 primary for supervisor in 2011 enacted map district 4, for example, candidate Lori Saldaña was the Latino candidate of choice. Saldaña was not one of the top two candidates and did not advance out of the primary due to white bloc voting supporting white candidates who did advance out of the primary. The candidate who received the largest white voter support in the primary ultimately won the general election.

[3] For instance, the RPV report (Appendix E/p. 70) showed that the candidate preferred by Latino voters in the 2012 primary, in the 2016 primary, and in the 2020 primary did not advance to the general election (candidate Pate in 2012 was the Latino candidate of choice, who lost the primary; candidate Abed in 2016 was the Latino candidate of choice, who lost the primary; and candidate Diaz in 2020 was the Latino candidate of choice, who lost the primary). In all three primaries, the candidate preferred by non-Hispanic white voters did advance to the general election due to support from non-Hispanic white voters.

Methodology for ability-to-elect functional analysis

In over forty years of voting rights scholarship and litigation, experts have demonstrated the importance and reliability of using existing, exogenous election data to perform a functional analysis to determine if a newly drawn district is in compliance with the Voting Rights Act.[4] This methodology, originally developed by political scientists, has been empirically documented as the established method presented in voting rights litigation since the 1980s.[5]

This functional ability-to-elect analysis methodology first requires that draft maps of newly drawn district boundaries be created by those charged with redistricting. Then voting rights experts evaluate these boundaries. To evaluate a proposed district, the new maps are merged with existing election results data. In the case of evaluating a proposed district for its ability to elect Latino candidates of choice, these existing election results data are those instances where Latino candidates of choice ran in highly probative elections. Then, using past exogenous data – often from statewide elections – these exogenous election results are statistically merged into the newly proposed district. Then an ability to elect analysis can be conducted by arithmetically assessing whether and how frequently Latino candidates of choice from these exogenous past elections are able to win more than 50% of the vote share in a two-candidate general election; or advance out of the primary in a multi-candidate primary election. We mathematically analyze the win rate frequency of Latino candidates of choice in these previous probative exogenous elections. Using this method, we can then calculate the rate that minority candidates of choice win elections in the newly proposed district and use these data points to evaluate if minority voters in the said newly proposed district have the opportunity to elect their candidate of choice. Exogenous elections – and not endogenous supervisor elections – must be used to conduct the functional ability-to-elect analysis as newly drawn supervisor districts do not overlap substantially with old supervisor endogenous district elections.

For this ability to elect analysis, we refer back to our report, "Racially Polarized Voting Analyses in San Diego County." The findings from the RPV report are used to generate the list of probative elections to assess for the ability to elect analysis. Therefore for this analysis, we employ election data collected in San Diego County from 5 exogenous general elections for statewide office involving a Latino candidate who was the candidate of choice occurring between 2012 and 2020 and 6 exogenous general elections for statewide office involving an Asian American candidate occurring between 2012 and 2020. In these elections, Latino candidates were all statistically demonstrated to be the candidate of choice of Latino voters. In these elections, all but one Asian American candidate and one white candidate were

[4] Grofman, Bernard, Lisa Handley and David Lublin. 2001. "Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence." *North Carolina Law Review*. 79(5): 1389-1430; Brace, Kimball, Bernard Grofman and Lisa Handley. 1987. "Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?" *Journal of Politics*. 49(1): 169-185; Lublin, David, Lisa Handley, Thomas Brunell and Bernard Grofman. 2019. "Minority Success in Non-Majority Minority Districts: Finding the Sweet Spot." *Journal of Race, Ethnicity and Politics* 5(2): 275-298; Engstrom, Richard. 2012. "Influence Districts and the Courts: A Concept in Need of Clarity." In *The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act*, Ed. Daniel McCool. Bloomington, IN: Indiana University Press, 67-119.

[5] Ellen Katz, Margaret Aisenbrey, Anna Baldwin and Emma Cheuse. 2006. "Documenting Discrimination in Voting: Judicial Findings Under Section 2 of the Voting Rights Act since 1982: Final Report of the Voting Rights Initiative, University of Michigan Law School." *University of Michigan Journal of Law Reform.* 39(4): 643-772.

demonstrated to be the candidate preferred by Asian American voters. In these eleven exogenous elections, our racially polarized voting report showed there to be clear polarization between Latino and non-Hispanic white voters and between Asian American and non-Hispanic white voters in the County of San Diego. Our racial polarization report also identified which candidate was the Latino candidate of choice or the Asian American candidate of choice in these exogenous elections.

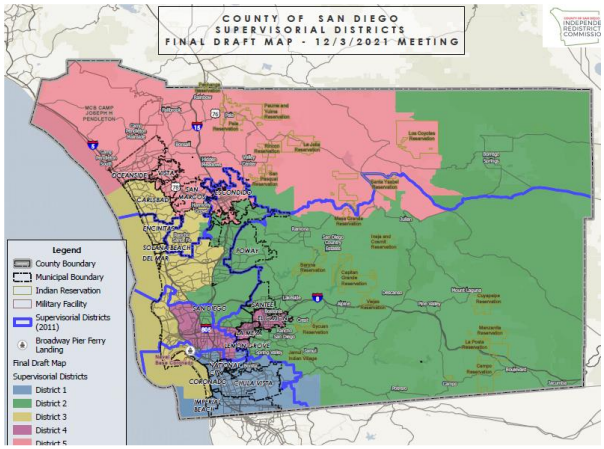
In addition to a functional ability to elect analysis of exogenous general elections, which were those included in our previous summary presentation to the Commission, we also included an ability to elect analysis on all exogenous primary elections for statewide office involving a Latino candidate of choice that we analyzed in the RPV report. Experts have shown that both primary and general elections are probative for an ability to elect analysis, with some scholarship demonstrating the importance of analyzing and emphasizing outcomes in primary elections as well as general elections.[6] For this reason, we also include an analysis of exogenous primary elections involving a Latino candidate of choice.

In the following sections, we first provide a district map and tables which summarize the voting age population (VAP) and the citizen voting age population (CVAP) by race for each of the five districts of the final draft map. We then turn to a brief description of each of the newly drawn districts for the County of San Diego. Then we turn to the opportunity to elect analyses, first reviewing the results on the ability to elect for Latino candidates of choice. We then discuss candidates preferred by Asian American voters and also briefly discuss Black voters. Following the functional ability-to-elect analyses for each proposed map, we summarize the key findings.

[6] Grofman, Bernard, Lisa Handley and David Lublin. 2001. "Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence." *North Carolina Law Review*. 79(5): 1389-1430; Branton, Regina. 2009. "The Importance of Race and Ethnicity in Congressional Primary Elections." *Political Research Quarterly*. 62(3): 459-73.

Description of Final Draft Map

The final draft map is displayed here. We begin our discussion of the map in the southern part of the county and then move north.



District 1 in the final draft map is displayed in blue and includes the entire cities of National City, Chula Vista, Imperial Beach, and other whole communities. It also includes historically and culturally significant neighborhoods within the city of San Diego such as Barrio Logan that border these other communities in the southern part of the County of San Diego. It also includes other portions of the county.[7]

This southern district, district 1, in the final draft map as passed on December 3, 2021, is a Latino CVAP majority district. Geographically compact and bordered by Mexico, District 1 is the only Latino CVAP majority supervisor district with 51.1% Latino CVAP. This district is also majority-minority with a combined Latino, Asian American and Black CVAP of 73.6%. See Table 1 for some of these demographic statistics, which were provided by FLO Analytics.

Table 1. VAP and CVAP by race/ethnicity in each of the five districts of the Final Draft Map

VAP by Race/Ethnicity per District

District	White	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian and Pacific Islander	Some Other Race	Two or More Races	Hispanic/ Latino
1	18.6%	6.1%	0.3%	14.5%	0.5%	0.4%	2.9%	56.7%
2	59.1%	3.7%	0.5%	11.1%	0.4%	0.6%	4.8%	19.8%
3	61.0%	1.9%	0.2%	19.0%	0.2%	0.6%	4.7%	12.4%
4	45.6%	7.8%	0.3%	11.4%	0.4%	0.6%	4.6%	29.3%
5	47.3%	3.0%	0.7%	7.3%	0.6%	0.5%	3.9%	36.8%

[7] District 1 in the final draft map also includes portions of district 2 from the 2011 enacted map in the eastern part of 2021 final map district 1, and it also includes parts of district 4 from the 2011 enacted map (such as the neighborhood of Lomita, which in the 2011 map had been split from its nearby communities in the southern part of San Diego and in the 2021 map these nearby communities have been joined). We mention the historic placement of some areas from the old 2011 district 2 and 2011 district 4 as there was empirical evidence of Latino candidates of choice losing in supervisor primaries in district 2 and district 4 over the past decade. By incorporating some of these former district 2 and district 4 communities within the new 2021 district 1, Latino voters in these neighborhoods – as we will show below in the ability to elect analysis – are now able to have an opportunity to elect Latino candidates of choice in district 1 that was not present in the previous 2011 enacted map in these communities.

CVAP by Race/Ethnicity per District

District ID	White	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian and Pacific Islander	Two or More Races	Hispanic/ Latino
1	23.3%	7.8%	0.2%	14.7%	0.7%	2.1%	51.1%
2	66.5%	3.9%	0.5%	8.9%	0.3%	3.0%	16.7%
3	68.8%	2.2%	0.2%	14.3%	0.3%	2.8%	11.1%
4	52.8%	9.1%	0.2%	10.1%	0.4%	3.0%	24.3%
5	56.3%	3.7%	0.9%	6.2%	0.4%	2.6%	29.7%

District 4 in the final draft map is immediately north of district 1. District 4 is smaller in size because it includes dense urban and suburban populations, and it is bordered by the 5 freeway on the west, district 1 to its south, and the eastern part of the district includes three entire cities of Lemon Grove, La Mesa, and El Cajon. District 4 in the 2021 map is a racially and ethnically diverse district. The combined Latino, Asian American and Black CVAP is 43.5% in this district. The district has a non-Hispanic white majority CVAP of 52.8%. These three whole cities (Lemon Grove, La Mesa, and El Cajon) and a portion of the city of San Diego are racially and ethnically diverse communities, and that is reflected in the demographics of the district.[8]

District 3 in the 2021 final draft map is in the coastal western section of the County of San Diego. This district includes a number of whole communities located along the coastline including Coronado, Carlsbad, Solana Beach, Del Mar and Encinitas. This district also includes the northern section of San Diego city. This district, as shown in Table 1 has a 68.8% non-Hispanic white CVAP. The next largest racial group is Asian American at 14.3% of CVAP.

District 5 is in the northwestern part of the County of San Diego. It includes Camp Pendleton, as well as some tribal reservations located in the northern section of the county such as Pechanga, Pala, Rincon, and Los Coyotes. The district includes the cities of Oceanside, Vista, San Marcos

[8] Further, district 4 in the final draft map includes portions of the old district 2 in the 2011 enacted map in which there was evidence of white bloc voting found (see RPV report for supervisor elections). This new district 4 in the final draft map, as we will discuss below, will provide an opportunity for Latino voters and other voters of color to elect a candidate of choice; in contrast to the white bloc voting against minority candidates of choice that was observed in the 2012 to 2020 primary elections in the old district 2 in the 2011 enacted map. In addition, district 4 in the final draft map also includes some sections of 2011 map district 4. While there was less evidence of minority voters being blocked in the 2011 district 4 than there was in 2011 district 2, there was evidence that Latino candidates of choice lost in primary elections due to cohesive white support for white candidates of choice. As we will discuss below, this newly drawn 2021 district 4 in the final draft map passed on December 3, 2021 provides the opportunity to elect Latino candidates of choice, potentially remedying this statistical finding in the RPV report of white bloc voting and racial polarization in the 2011 district 2 and 2011 district 4. To summarize district 4 in the final draft map, the IRC chose to include the entire cities and communities of La Mesa, Lemon Grove, and El Cajon into district 4 in the final map; as well as based on public input. This decision preserved these communities in their entirety and thus respected community boundaries. In addition, as we will discuss below, this decision to respect these community boundaries and include these full communities within district 4 also protects minority voting rights given the past evidence of white bloc voting in district 2 in the 2011 enacted map (the communities of El Cajon, Lemon Grove, and La Mesa were previously included in 2011 map district 2).

and Escondido. District 5 has the second largest Latino CVAP population of the five districts drawn in the 2021 final draft map at 29.7%. The largest racial group in District 5 is non-Hispanic white at 56.3% CVAP. This district borders Orange County and Riverside County to the north.

District 2 is in the eastern part of the County of San Diego. It includes the communities of Poway, Santee, Ramona, Jamul, Borrego Springs, and a number of areas in the southeast and east of the county along the Imperial County line. Its racial demographics are 66.5% white CVAP, 16.7% Latino CVAP, 8.9% Asian American CVAP, and 3.9% Black CVAP. This area, based on data on supervisor districts in the RPV report, had previously had evidence of white bloc voting to defeat Latino candidates of choice in supervisor primary elections. Some of the areas where Latino voters were on the losing end of racially polarized white bloc voting have been placed in the newly formed district 4 in the 2021 final draft map.

Ability to Elect Analysis Results: What District(s) Provide the Opportunity to Elect Latino Candidates of Choice in the Final Draft Map passed on December 3, 2021?

We next turn to the specific measurement and evaluation of whether each district has the ability to elect Latino candidates of choice.

Table 2 below summarizes the ability to elect analysis for the Final Draft Map on four exogenous primary elections involving a Latino candidate of choice. This table reports the ranked order finish for the Latino candidate of choice in each of the four primary elections across the five districts. The final column in Table 2 summarizes the rate that the Latino candidate of choice advances to the general election in each of the five districts. These exogenous primary elections were analyzed in the previous RPV report to determine that these candidates were Latino candidates of choice.

Because of California's top-two primary system, in primary elections, a candidate in these exogenous elections must finish either first or second in order to advance to the general election. This top-two primary system has been in use since 2012 in California. So in the case of primary elections, the opportunity to elect a Latino candidate of choice is defined by the candidate placing either first or second place; and thus advancing to the general election. All elections we analyze in Table 2 occurred while the top-two primary system was in use in California.[9]

As Table 2 shows, Latino candidates of choice are able to advance to the general election in 75% of exogenous primary elections analyzed in all five districts. This analysis does not find variation in the rate that the Latino candidate of choice advances to the general across the five districts. This exogenous election data on the newly drawn final draft map districts provides evidence that Latino candidates of choice will be able to advance out of the primary a frequent amount in these districts.[10]

[9] See Christian R. Grose. 2020. "Reducing Legislative Polarization: Top-two and Open Primaries Are Associated with More Moderate Legislators." *Journal of Political Institutions and Political Economy*.

[10] In the endogenous elections from the previous decade under the old map, this pattern of advancing out of the primary was not found; but the new map's exogenous election data prospectively suggest that Latino candidates of choice can advance out of the primary 75% of the time in these districts.

Table 2. Newly Drawn Districts in 2021 Final Map Show Latino Candidates of Choice Have an Opportunity to Advance Out of Primary Elections and into the General Election – An Analysis of the Final Draft Map and Exogenous Primary Elections

District	*2018 Gov.*	*2018 Sec. of State*	*2018 Ins. Comm.*	*2018 Atty. General*	*Rate Latino candidate of choice advances*
1	3rd	1st	1st	1st	75%
2	5th	2nd	2nd	1st	75%
3	4th	1st	2nd	1st	75%
4	4th	1st	1st	1st	75%
5	4th	2nd	2nd	1st	75%

*For a candidate of choice to advance to the general election, they must place either first or second in the slate of candidates

We next analyze the exogenous general elections involving a Latino candidate of choice. Again, as a reminder, these opportunity to elect analyses use past exogenous election data where Latino candidates of choice have been identified in order to project onto newly drawn districts in the final draft map if the district presents an opportunity for Latino voters to elect a candidate of choice. Table 3 summarizes the ability to elect analysis for the five districts in the final draft map in exogenous general elections. For general elections, the Latino candidate of choice must win greater than 50% of the vote in the election in order to be elected as there are only two candidates on the general election ballot in California's electoral system. Table 3 summarizes the win rates for the Latino candidate of choice in each of the five analyzed elections across the five districts (see the last column in Table 3). In this table we also calculate the average vote share across five of the analyzed exogenous general elections in each proposed district (see 2nd-to-last column).

This analysis finds that in District 1 in the final draft map passed on December 3, 2021, in 100% of exogenous general elections analyzed, the Latino candidate of choice wins the election. District 4 in the final draft map provides the next highest rate that the Latino candidate of choice will be elected. The Latino candidate of choice wins in 80% of exogenous general elections analyzed. It is important to interpret these general election analyses in the context of the primary election analyses above. In newly drawn District 1 in the final draft map, the Latino candidate of choice has an opportunity to advance out of the primary (75% rate) and an opportunity to win in the general election (100% rate). In the newly drawn District 4 in the final draft map, the Latino candidate of choice has an opportunity to advance out of the primary (75% rate) and an opportunity to win in the general election (80% rate).

Districts 2, 3, and 5 in the final map are districts where Latino voters are not likely to have the opportunity to elect Latino candidates of choice. In Districts 3 and 5, Latino candidates of choice win in 40% of exogenous general elections. In District 2, Latino candidates of choice win 0% of the time. The general elections in Districts 2, 3, and 5 in the final draft map do not show empirical evidence that these districts will provide opportunity to Latino voters to elect candidates of choice.

Table 3. Newly Drawn Districts 1 and 4 in the Final Draft Map Are Latino-Opportunity Districts - Ability to Elect Analysis of Exogenous General Elections Involving a Latino Candidate of Choice

District	*2014 Sec of State*	*2016 US Senate*	*2018 Sec of State*	*2018 Atty Gen*	*2018 Ins Comm*	*Avg vote share across 5 elections*	*Rate Latino candidate of choice wins*
1	59.3%	50.9%	70.2%	69.3%	64.0%	62.7%	100%
2	36.1%	41.8%	47.8%	46.5%	40.0%	42.4%	0%
3	45.6%	34.8%	60.9%	60.3%	48.8%	50.1%	40%
4	58.5%	38.4%	70.5%	69.9%	60.6%	59.6%	80%
5	37.6%	44.2%	51.5%	50.8%	44.2%	45.7%	40%

Asian American Voter Influence and Black Voter Influence

Commissioners on the IRC asked us to consider not only Latino voters' opportunity to elect candidates of choice but also Asian American voters and Black voters. FLO Analytics, the demographer working for the County of San Diego IRC, determined that Asian American voters were not a sufficiently large group in the County of San Diego to meet the first data-based *Gingles* prong 1 requirement to draw a 50% + 1 Asian district. In addition, FLO Analytics also reported that Black voters were not a sufficiently large group in the County of San Diego to draw a 50% +1 district and thus cannot meet the first *Gingles* prong.

However, as noted earlier, the RPV report revealed some evidence regarding voting patterns of multiple minority groups (see, e.g., the RPV report, p. 69/Appendix E/Table E.2). In exogenous elections, the RPV report showed that Latino, Asian American and Black voters are generally found to have the same candidates of choice. Particularly in the 2011 map district 2, as discussed earlier and as shown in the RPV report, there was evidence that white voters would vote as a bloc to stop candidates preferred in coalition by Latino, Asian American, and Black voters. This geographic area in the 2011 map district 2 where these coalitional voting patterns were observed is now partially in the newly drawn district 4 in the final draft map passed on December 3, 2021. For this reason, we examine more closely the ability for Asian American, Latino and Black voters to have the opportunity to elect in newly drawn district 4 in the final draft map given this district is most likely to have the opportunity to have a minority coalition as Asian, Latino, and Black voters are over 40% of the CVAP of district 4 in the final 2021 map. The other 2021 district in this area, district 2, has fewer minority voters, but we also examine whether Asian American candidates of choice win frequently there since it also overlaps the geographic area that had seen coalition voting and white bloc voting in the previous decade.

In the 2021 final draft map, district 4 shows evidence that Asian American candidates of choice win frequently in the district. Examining six exogenous elections, in 100% of elections in district 4, Asian American candidates of choice have an opportunity to win. And as shown and mentioned earlier, Latino candidates of choice are also able to win frequently in this district based on the data from exogenous elections. Thus, district 4 in the 2021 final draft map may not be simply a Latino opportunity-to-elect district – but the exogenous election data also suggests

that Asian American candidates of choice can win in district 4. District 4 – with its nearly 47% nonwhite minority CVAP – is a minority opportunity to elect district.

In the 2021 final draft map, district 2 does not show evidence that Asian American candidates of choice will have an opportunity to win in the district. This district is only 11.1% Asian CVAP, and Asian American candidates of choice based on exogenous elections win 0% of elections.

We also looked at districts 1, 3, and 5 for the frequency that Asian American candidates of choice in exogenous elections have high win rates. We are hesitant to state that these districts would be Asian American opportunity to elect districts given the lower Asian CVAP in each district, but the Commissioners did ask us to look at these data in all districts. We look at these supplemental data as requested by Commissioners on the IRC. In district 1, the win rate for exogenous candidates preferred by Asian American voters is 100%. In district 3, candidates in exogenous elections preferred by Asian American voters have a win rate of 67%, so they win sometimes. In district 5, candidates preferred by Asian American voters rarely win with a win rate of only 33%.

Summary of Ability to Elect Analysis for Final Draft Map

To summarize, district 1 in the final draft map is a Latino opportunity-to-elect district. District 4 also shows evidence that it is a minority opportunity-to-elect district. The other three districts in the final draft map (2, 3, and 5) are unlikely to be Latino opportunity-to-elect districts.

About the Authors

Dr. Christian Grose is Professor of Political Science and Public Policy at the University of Southern California. He is the Academic Director of the USC Schwarzenegger Institute for State and Global Policy. He received his Ph.D. from the University of Rochester and his B.A. from Duke University. He is the author of more than 40 articles and chapters about American politics; legislative politics; race and ethnicity; Latino politics; Black politics; voting rights; and statistical methodology. These articles have been published in peer-reviewed journals such as the *American Political Science Review*, the *American Journal of Political Science*, and the *Journal of Politics.* His award-winning book *Congress in Black and White*, analyzes the role of race and ethnicity in the redistricting process. His research has been funded by the Russell Sage Foundation, the Leonardo DiCaprio Foundation, the MIT Election Data Science Center, and others. Grose directs USC's Fair Maps and Political Reform Lab, which produces nonpartisan research about redistricting, the top-two primary, and independent commissions. He has worked as an expert witness and consultant on numerous voting rights cases, and has extensive experience analyzing racially polarized voting and minority ability-to-elect districts. He has experience working with bipartisan and nonpartisan groups such as commissions.

Dr. Natalie Masuoka is Associate Professor of Political Science and Asian American Studies at UCLA. Professor Masuoka's research expertise is on racial minority voting and public opinion with a particular focus on Asian American and Latino voters. Her research uses quantitative statistical techniques to analyze racial voting patterns. She is the author of two books and 12 articles focusing on these areas. She obtained her Ph.D. in Political Science from the University of California, Irvine under the supervision of Professor Bernard Grofman, a longstanding expert on racially polarized voting and the Voting Rights Act. She is an expert on racially polarized voting analyses, especially Hispanic and Asian-American RPV in California. She teaches classes that focus on the Voting Rights Act, American immigration policy, the U.S. Census, political behavior as well as introductory statistics. She has previously held positions at Duke University and Tufts University.