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October 8, 2021

VIA EMAIL

Riverside County Board of Supervisors
c/o Clerk of the Board
County Administrative Center, Board Chambers
4080 Lemon Street
Riverside, CA 92501
Email: COB@rivco.org

Riverside County Advisory Redistricting Commission
County Administrative Center, Board Chambers
4080 Lemon Street
Riverside, CA 92501
Email: RivCoRedistricting@rivco.org

Re: Riverside County Supervisorial Redistricting Process

Dear Members of the Riverside County Board of Supervisors and Members of the Riverside County Redistricting Advisory Commission:

On behalf of MALDEF (Mexican American Legal Defense and Educational Fund), I write to urge you to re-release your draft maps with data that is required to ensure the County's compliance with state and federal law. MALDEF has serious legal and process concerns surrounding the Riverside County Board of Supervisors redistricting exercise and the draft maps released by the County.

First, we are concerned that the County's failure to include required data related to citizen voting age population (CVAP) and other relevant information required by state and federal law as part of its four draft supervisorial district maps indicates a failure by the County to consider that data in preparing the draft maps. The Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act (FAIR MAPS Act) requires the County to comply with the federal Voting Rights Act of 1965 (VRA), 52 U.S.C. § 10301, and, to the extent practicable, keep communities of interest together. Cal. Elec. Code §§ 21500(b) & (c)(2). The FAIR MAPS Act also requires counties to include with each draft map "information on the total population, citizenship voting age population, and racial and ethnic characteristics of the citizenship voting age population of each proposed supervisorial district[.]". *Id.* § 21508(d)(2). The current maps only include total population data and fail to disclose CVAP data for any of the proposed districts. Without the CVAP data, broken down by racial and ethnic demographics, the public cannot evaluate whether the proposed maps comply with Section 2 of the VRA.

Further, federal law is clear that in determining compliance under Section 2 of the VRA, “CVAP is the appropriate measure to use in determining whether an additional effective majority-minority district can be created.” *Luna v. County of Kern*, 291 F.Supp.3d 1088, 1107 (E.D. Cal. 2018) (quoting *Cano v. Davis*, 211 F.Supp.2d 1208, 1233 (C.D. Cal. 2002)). The current draft maps only contain total population data – there are no population percentages and no CVAP data included. Based on the data provided with the County’s current draft maps, there is no indication that the County has considered either CVAP or compliance with the VRA in creating its current maps. Therefore, the County must redraw its draft maps, and the new maps must consider the racial and ethnic composition using CVAP data in each district in order to ensure compliance with Section 2 of the VRA.

Second, there is a potential Section 2 of the VRA violation due to a lack of proper analysis of a potential two Latino-opportunity-district plan. Indeed, none of the County’s current draft maps contain any majority Latino CVAP districts as required for compliance under the VRA. Based on a review of demographics in the County, it appears possible to draw two districts in the western part of Riverside County with greater than 50% Latino CVAP, and it is incumbent upon the County to fully explore this possibility to avoid potential VRA litigation. For example, a potential majority Latino CVAP district could be drawn in northwest Riverside County containing the communities of Jurupa Valley, Riverside, and Corona; such a district is geographically compact, contiguous, and respects communities of interest. Another potential majority LCVAP district may be drawn in southwest Riverside County containing the communities of Norco, Woodcrest, Temescal Valley, Meadowbrook, and Lake Elsinore.

In closing, MALDEF urges the County Board of Supervisors to release the data demographics, including CVAP for all proposed draft map options that staff has been using to analyze for VRA compliance so that the public can conduct its own careful review of the proposed district plans. The Board of Supervisors should also direct staff to determine whether two VRA compliant districts can be drawn in Riverside County. If you would like to discuss further, I am available at tpellegrini@maldef.org, or at (916) 444-3031. Thank you.

Sincerely,



Tanya Pellegrini
Staff Attorney
MALDEF

cc: Supervisor Kevin Jeffries, District 1, district1@rivco.org
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