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Opinion of the 2021 Redistricting Plan for the County of Los Angeles Board of Supervisors' Compliance with the Voting Rights Act

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Dear Ms.Whatley:

We have been asked for our opinion of the 2021 Redistricting Plan for the County of Los Angeles Board of Supervisors' compliance with the Voting Rights Act of 1965.

In summary, the final map does not appear to have the purpose or effect of illegally diluting minority voting strength. Reflecting significant Latino population growth over the past decade, the map creates three Latino majority-minority districts by total population, with two such districts (Districts 2 and 4) majority-minority in CVAP. No other County minority group is large enough and geographically compact enough to constitute a majority in a single district. A majority-minority district is defined as a district where the minority population is a numerical majority (fifty percent plus one or more) of the population in the district. *Easley v. Cromartie*, 532 U.S. 234 (2001).

Latinos are the largest minority group in Los Angeles County. According to the 2020 Census, Los Angeles County has a total population of 10,039,107. Of this total, 48.6% are Latino, 26.1% are Non-Hispanic White, 15.4% are Asian, and 9.0% are Black. the Census reveals that there are 4,804,763 Latinos in Los Angeles County or 47.98% of the total population, of whom 3,562,733 (44.76%) are of voting age. This population increased by 116,953 people (2.49% increase) since the 2010 Census. Latino VAP increased five times more than the total Latino population, with a VAP population increase of 363,395 or 11.36%.

Latinos make up nearly 50% of the County's total population. According to the American Community Survey, Latino CVAP in Los Angeles County is 38%. The two majority CVAP (40% of County Board of Supervisor districts) Latino districts also correspond to Latinos' total County wide CVAP of nearly 40%, reflecting the nature of the County's population as of the 2020 Census.

The only other single race minority group with a population increase since 2010 is Asians, who now number 148,790 more people than in 2010 (11.23% increase) and 162,104 more people of voting age (14.77%), according to the 2020 Census. There are 1,474,237 (14.72%) Asian people in Los Angeles County as the 2020 Census data reveal. By contrast, the non-Hispanic White and Black populations decreased in both total population and VAP.

In its redistricting efforts, the County of Los Angeles Citizens Redistricting Commission (LACCRC) was aware of Census data and population changes in Los Angeles County. The LACCRC emphasized recognizing and preserving communities of interest (COI) while balancing COIs with other redistricting criteria, including Census data and an understanding of who lives in Los Angeles County.

The specific definition of COIs can be amorphous and indefinite. However, COIs can be reliably defined as a neighborhood or community that would benefit from being maintained in a single district because of shared interests, views, or characteristics.

Communities of interest can be identified by referring to many data points, including the decennial Census, American Community Survey, demographic studies, related surveys, and social and economic characteristics that community members. Relevant social and economic characteristics can include Income levels, educational backgrounds, traditional and longstanding housing patterns, cultural and language characteristics, employment and economic patterns, health and environmental conditions. The LACCRC evaluated such data points in drafting the final map and in complying with its stated redistricting criteria, including but not limited to the Voting Rights Act.

Section 2 of the Voting Rights Act of 1965 prohibits any electoral practice or procedure that minimizes or cancels out the voting strength of members of racial or language minority groups in the voting population. This phenomenon is known as vote dilution. Redistricting plans cannot crack (reduce or divide) or pack (overconcentrate) a geographically discrete minority community across districts or within a district in a manner that dilutes minority voting strength.

In *Thornburg v. Gingles*, 478 U.S. 30 (1986), the Supreme Court set out the framework for challenges to such dilutive redistricting practices or procedures. In *Brnovich v. Democratic National Committee*, 141 S. Ct. 2321, 2337 (2021), the Supreme Court described Gingles as "our seminal § 2 vote dilution case" and recognized that "[o]ur many subsequent vote dilution cases have largely followed the path that Gingles charted."

Analysis begins by considering whether the three *Gingles* preconditions exist. First, the minority group must be sufficiently large and geographically compact to constitute a majority of the voting age population or a minority coalition with other similarly situated groups in a single-member district. Second, the minority group must be politically cohesive in supporting the same candidates. Third, the majority must vote sufficiently as a bloc to enable it usually to defeat the minority group's preferred candidate.

While the second *Gingles* precondition asks only whether minority voters generally vote as a cohesive group, the third precondition assesses whether "a bloc-voting [white] majority can routinely outvote the minority, thereby impair[ing] the ability of a protected class to elect candidates of its choice. " *Johnson v. De Grandy* , 512 U.S. 997, 1007, 114 S.Ct. 2647, 129 L.Ed.2d 775 (1994). Critically, the salient inquiry under the third *Gingles* precondition is not whether white candidates do or do not usually defeat minority candidates, but whether minority-preferred candidates, whatever their race, usually lose.

Gingles describes a review of the totality of the circumstances that requires a "searching practical evaluation of the past and present reality" of a jurisdiction's electoral system that is "intensely local," "fact-intensive," and "functional" in nature. 478 U.S. at 45-46, 62-63, 79. The commission's RPV consultant and Voting Rights Act counsel prepared "Los Angeles County Racially Polarized Voting Analysis for 2021 Redistricting," (the Analysis), which is used herein to inform our opinions.

When evaluating how to create districts with large minority populations, the Commission may not "reach out" to grab a minority community simply to add minority population to a given district. The U.S. Supreme Court has been very clear that such "reach outs" raise suspicions of a racial gerrymander, a redistricting decision based predominantly on race that violates the U.S. Constitution's 14th Amendment and its equal protection guarantee.

For example, the Supreme Court struck down a North Carolina redistricting because the design of a "serpentine" district was nothing if not race-centric, and could not be justified as a reasonable attempt to comply with the VRA. *Shaw v. Reno (Shaw II),* 517 U.S. 899, 116 S.Ct. 1894, 135 L.Ed.2d 207.

The Supreme Court has clearly stated that a redistricting plan will not be held invalid simply because the "redistricting is performed with consciousness of race" or because a jurisdiction intentionally creates a majority-minority district. Indeed, Race is always part of the redistricting process. *United States v. Hays*, 515 U.S. 737, 745 (1995), *Easley v. Cromartie*, 532 U.S. 234, 253-54 (2001) (quoting *Bush v. Vera*, 517 U.S. 952, 958 (1996),. Race cannot predominate the process.

A plaintiff challenging a majority-minority district for improperly using race to draw the district: must show at a minimum that the legislature subordinated traditional race-neutral districting principles . . . to racial considerations. Race must not simply have been a motivation for the drawing of a majority-minority district, but the predominant factor motivating the legislature's districting decision. Plaintiffs must show that a facially neutral law is unexplainable on grounds other than race. *Easley v. Cromartie,* 532 U.S. 234, 253-54 (2001) and *Bush v. Vera,* 517 U.S. 952, 958 (1996).

Among the "race-neutral districting principles" are "compactness, contiguity, [and] respect for political subdivisions or communities defined by actual shared interests." *Miller v. Johnson,* 515 U.S. 900, 916 (1995) and *Shaw v. Reno,* 509 U.S. at 647).

The most legally relevant elections in VRA election and racially polarized voting analysis are "endogenous elections" with minority and white candidates running for the same offices (Los Angeles County Board of Supervisor district elections). Endogenous elections are the most probative in assessing whether white bloc voting exists to usually prevent minorities from electing their preferred candidates.

Board of Supervisor (BOS) elections are non-partisan elections to a County legislative body. Exogenous elections are mostly partisan, such as those for governor, attorney general, and U.S. Senator.

The academic literature in statistical analysis of election results consistently observes that voting behavior differs substantially between partisan and nonpartisan elections (See: Schaffner and Streb 2002, Wright 2008, Bernhard and Freeder 2020, or Lim and Snyder 2015). In non-partisan elections, voters are more likely to use non-partisan election specific information cues, such as incumbency status, in making their decisions than they typically do in partisan elections. In addition, the academic literature holds that voters are likelier to abstain in non-partisan elections than they are for partisan races.

For this opinion, we focus on the BOS non-partisan endogenous election results as the most relevant and probative of voter behavior and minority voters' history of electing their preferred candidates to the BOS as well as two other non-partisan elections, both elected at-large county wide, the County Sheriff and County District Attorney (DA).

As the analysis attests, minority voters have enjoyed regular success in electing their preferred BOS candidates, Sheriff, and DA over the past decade since the implementation of the last BOS redistricting plan. In our analysis, We analyzed all contested Board of Supervisors elections (endogenous elections) between 2012 and 2020, both the top two primaries and general elections.

The election analysis reveals some statistical evidence of racially polarized voting (RPV). However, the RPV is not legally cognizable because cohesion is inconsistent and nonminority voters do not vote as a bloc to usually defeat minority preferred candidates. In addition, minority voters elected their preferred candidates for Sheriff and DA in 2018 and 2019 respectively.

In pertinent part, the analysis states:

> In determining the presence of legally significant racially polarized voting, the courts overwhelmingly recognize the significant value of elections involving candidates of different races. The non-partisan Los Angeles County local elections analyzed and reviewed for our report virtually all 6 feature candidates of multiple races. "Elections between white and minority candidates are the most probative in determining the existence of legally significant white bloc voting." *Old Person v. Cooney*, 230 F.3d 1113, 112324 (9th Cir. 2000). Single race elections are not typically entitled to the same evidentiary weight as those elections involving minority candidates. *U.S. v. City of Euclid*, 580 F.Supp.2d 584 (N.D. Ohio 2008) and *Rural West Tenn. African Am. Affairs Council v. Sundquist*, 209 F.3d 835, 840 (6th Cir.2000).
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> Since we have relatively precise estimates of group voting behavior in the Supervisorial elections, which is the focus of this redistricting, there is no compelling scientific reason to analyze non-Supervisorial elections (referred to as exogenous elections in redistricting litigation). Further, from a practical point of view, there are no other elected offices held in the county that are of similar type to the Board of Supervisors, which is for a non-partisan, legislative body…
>
> Most of the elections analyzed show no pattern of racially polarized voting... Overall, we find that there is no legally cognizable racially polarized voting in elections for Los Angeles Board of Supervisors because cohesion is inconsistent and White/Other voters do not vote as a bloc to usually defeat minority preferred candidates…
>
> In examining election results and behavior in Los Angeles County over the past decade, we also assessed the 2018 County Sheriff and 2019 County District Attorney elections from secondary sources, both of which are also nonpartisan as are the BOS elections. In both elections, minority and White candidates were on the ballot for sheriff and district attorney. In both elections, the minority candidates of choice won, Alex Villanueva (Latino) and George Gascon (White). In Villanueva's election, he beat a longtime White incumbent, "marking a stunning upset for a seat that hasn't seen an incumbent lose in more than a century" (Los Angeles Times, 11/8/18). In 2019, George Gascon defeated incumbent Jackie Lacey (Black) for County District Attorney. Gascon was the candidate of choice of minority voters. Lacey had been the first Black person and the first woman to hold the office (see KCRW, 9/17/20 and Los Angeles Times, 11/6/20)…

As we know, the race of the candidate does not necessarily determine whether or not they are the minority candidate of choice.

Legally significant RPV did not exist in these two elections because the minority candidates of choice won, thus exemplifying that Whites did not bloc vote to prevent their elections. Thus, these elections align with our analysis of BOS elections, that White bloc voting does not prevent minorities from usually electing their BOS candidates of choice, the standard set by the U.S. Supreme Court in Thornburg v. Gingles.

In addition, *Gingles* does not even apply to the two above elections because of the candidates' electoral success. Electoral success confirms there is no white bloc voting and no legally significant RPV.

The existence of RPV in any given election is not the dispositive consideration. Instead, the key is minority candidates of choice winning elections, as they did in 2018 and 2019 Sheriff and DA and as candidates have for BOS. Candidate of choice victories confirm that there is no legally significant RPV in nonpartisan elections for Los Angeles County local offices over the past decade.

Creating majority-minority districts arbitrarily, for the erroneous, unsupported presumption of the minority population needed to elect preferred candidates without analytical supporting data and evidence, is uniformly considered to be constitutionally infirm, especially here given the RPV analysis showing minority electoral success since 2012, as the Supreme Court repeatedly held during last decade's redistricting cycle. See: *Bethune-Hill v. Virginia State Board of Elections* (Docket #15-680, 2017), *Cooper v. Harris*, 137 S. Ct. 1455, 197 L.Ed.2d 837 (2017), and *Alabama Legislative Black Caucus v. Alabama*, 135 S. Ct. 1257 (2015).

Indeed, in the absence of consistent white bloc voting and the presence of minority electoral success, majority-minority districts can only be legally justified by examining the actual population of the County and the inclusion of compact, historic, geographically discrete minority communities and communities of interest in districts to adhere to "traditional districting principles such as maintaining communities of interest and traditional boundaries." *League of United Latin Am. Citizens v. Perry* , 548 U.S. 399, 433, 126 S.Ct. 2594, 165 L.Ed.2d 609 (2006). Keeping such compact minority communities together is permissible while also respecting the U.S. Constitution's 14th Amendment one person, one vote and equal protection requirements.

In addition, the Supreme Court's redistricting jurisprudence provides further support for applying race-neutral, traditional redistricting criteria, such as preserving communities of interest. The Court has regularly held that "[a]ny number of consistently applied legislative policies" can be used in redistricting and can justify population deviations such as making districts compact, respecting municipal boundaries, preserving the cores of prior districts *Reynolds v. Sims*, 377 U.S. 533 (1964). *Mahan v. Howell*, 410 U.S. 315 (1973), *Brown v. Thomson*, 462 U.S. 835 (1983), and *Voinovich v. Quilter*, 507 U.S. 146 (1993), *Karcher v. Daggett*, 462 U.S. 725 (1983) and *Harris v. Arizona Independent Redistricting Commission*, 136 S. Ct. 1301, 194 L. Ed. 2d 497 (2016).

Creating new majority-minority districts reflecting minority group population growth can also be legally sustainable. *Abbott v. Perez*, 138 S. Ct. 2305 (2018) and see the lawsuit filed by the U.S. Department of Justice in in USA v. State of Texas, Civil Action No. 3:21-cv-29, filed December 6, 2021.

To avoid racial predomination, the LACCRC maintained geographically compact, concentrated, traditional minority communities. Uniting them through geography, shared culture, language, and community rather than race-based criteria and assumptions is a traditionally accepted practice where the LACCRC avoided what the Supreme Court disapproved of here:

> a reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid. *Shaw v. Reno – Id*
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> … to draw … a district connecting concentrations of Georgia's dispersed minority population would require us to subordinate Georgia's traditional districting policies and consider race predominantly, to the exclusion of both constitutional norms and common sense. *Miller v. Johnson*, 515 U.S. 900 (1995)

The Voting Rights Act does not choose winners among minority groups or favor one minority over another. A preferred candidate of a minority group may win and defeat the preferred candidate of another minority group. In addition, the candidate of choice of two of three (Latinos, Blacks, and Asians) minority groups may similarly prevail as the candidate of choice in an election.

Final Map

The final map does not appear not to impair or dilute Black, Asian, and Latino voters in purpose or effect.

District 1 is majority Latino in total population, VAP, and CVAP: 58.16%, 54.80%, 51.51%. This district is reflective of the LACCRC's COI focused approach to redistricting. In this district, several traditional, geographically related, compact, minority communities are preserved and included in D1. For example, Boyle Heights (Latino population of 73,112 (93%) out of total population of 79,020) is kept whole. Several other traditional, compact predominantly Latino communities on the east side of the City of Los Angeles and east of the City of Los Angeles itself, including unincorporated East Los Angeles (Latino total population of 113,434 (95%) out of total population of 119,284), El Sereno (Latino total population of 29,869 (78%) out of total population of 38,310) and Lincoln Heights (Latino total population of 19,730 (67%) out of total population of 29,526) are included in this district.

Multiple historic, compact, geographically connected Asian communities are included whole in this district: Chinatown, Little Tokyo, Filipino Town (HiFi), West San Gabriel Valley, which includes Monterey Park and Alhambra all are kept whole in this district. This area also includes what is sometimes referred to as new Chinatown which has a significant Vietnamese population. Most of historic Thai Town is included in D1.

Such a COI, traditional community and neighborhood focus complies with U.S. Supreme Court precedent. For example: The recognition of nonracial communities of interest reflects the principle that a State may not "assum[e] from a group of voters' race that they 'think alike, share the same political interests, and will prefer the same candidates at the polls.'" *LULAC v. Perry*, 548 U.S. 399 (2006) and *Shaw v. Reno*, 509 U. S. 630, 647 (1993). Such community based, race neutral redistricting also avoids setting arbitrary percentages of minority voters to be assigned to any given district. Such racial considerations are disfavored by the Supreme Court. *Cooper v. Harris*, 137 S. Ct. 1455, 197 L.Ed.2d 837 (2017)

District 2 is a central urban majority minority coalition district reflective of the area's compact, traditional communities of interest. This district is comprised of CVAP in the following amounts: Latino 37.97%, Non-Hispanic White 20.30%, Asian 11.19%, and Black 28.91%. This district features the largest Black population of all five supervisor districts and retains and keeps whole the district's historic core of traditional Black communities, in response to public comments. These communities include: Crenshaw, Baldwin Hills, View Park, Ladera Heights, West Adams, Jefferson Park, Inglewood, Hawthorne, and South Los Angeles including Watts and Compton. Koreatown and Gardena, which has a large, compact Japanese population, are also included in D2.

The unincorporated area of Florence-Firestone is included in this district. According to the 2020 Census, Florence-Firestone has total population of 62,456, of whom 56,566 (91%) are Latino. Unincorporated Florence-Firestone is today predominantly Latino, although some public commenters contend that this area has been a historically Black community. However, public

comments also reveal that recent migration patterns have changed its demographic composition to what it is today.

There were public comments that opposed extending D2 to encompass several beachfront communities. Opponents claimed that doing so would dilute Black voting strength in this district where Blacks have traditionally elected their candidates of choice.

We do not agree. The D2 Black population changes are legally insignificant, given the findings of the analysis, and do not dilute the voices of Black voters. In addition, in the absence of white bloc voting and given minorities', including Black voters, success in electing candidates of choice to non-partisan offices (BOS, Sheriff, and DA) throughout the past decade, Blacks have had and continue to have under the final map the ability to elect preferred BOS candidates.

District 3 is a majority White district in Northwestern Los Angeles County. The minority CVAP populations follows: Latino 28.68% Black 5.29%, and Asian 12.18%. Total minority CVAP among the three largest single race minority groups is 46.15%.

District 4 is a majority Latino district in total population, VAP, and CVAP (50.01%). Asian and Black CVAP in this district exceeds 21%. D4 has 13.72% Asian CVAP.

District 4 also includes traditional, compact Asian communities of Long Beach, with a large Cambodian community, and Torrance, with a traditional Japanese community is kept whole in D4.

As discussed herein, the Commission prioritized race neutral redistricting priorities such as keeping communities of interest together, uniting and preserving historic, and traditional neighborhoods and compact minority communities.

This district also brings together historic, traditional, and compact Latino communities in Southeast Los Angeles, including but not limited to: Huntington Park, South Gate, Bell, and Bell Garden. Pico Rivera (91% Latino), and Commerce (94% Latino), two traditional, compact Latino communities, were added to D4 from D1. The gateway cities of Whittier, Santa Fe Springs, and La Mirada are kept whole in this district in response to public comments and also geographic and COI compactness considerations.

District 5 is mainly a North County, plurality White district whose minority CVAP populations consist of; Latino 26.7%, Black 7.48%, and Asian 14.32% for a total CVAP of the County's three largest single race minority groups of 48.5%.

In California and in other states that comprise the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit, coalition districts may be used to evaluate compliance with Voting Rights Act Section 2 through the *Gingles* factors. *Romero v. City of Pomona*, 883 F.2d 1418 (9th Cir. 1989) and *Badillo v. City of Stockton, Cal.*, 956 F.2d 884 (9th Cir. 1992).

The LACCRC legally had the option to create coalition districts, consisting of Latino, Black, and Asian people, as seen herein. However, *Gingles* appears not to apply to the final map

because of minority voters' success in electing BOS candidates of choice and the absence of white bloc voting to prevent minorities from usually electing their referred candidates. As we opined in the analysis: Overall, we find that there is no legally cognizable racially polarized voting in elections for Los Angeles Board of Supervisors because cohesion is inconsistent and White/Other voters do not vote as a bloc to usually defeat minority preferred candidates."

One Person, One Vote

"Substantial equality of population" in state or county-level redistricting has come to mean that a legislative plan with an "overall range" of less than ten percent may survive an equal protection attack, unless there is proof of intentional discrimination within that range. *Gaffney v. Cummings*, 412 U.S. 735 (1973), *White v. Regester*, 412 U.S. 755 (1973), and *Reynolds v. Sims*, 377 U.S. 533 (1964)

However, redistricting plans within the "ten percent" standard are not immune from attack. The attacking plaintiffs must present compelling evidence that the plan ignores legitimate reasons for population disparities (such as VRA and 14th Amendment compliance) and creates the deviations solely for the benefit of certain persons to the constitutional detriment of others.

In the last redistricting cycle, the Supreme Court spoke clearly about population deviations and the extreme deference given to redistricting bodies' decisions regarding population in their redistricting.

> The Fourteenth Amendment's Equal Protection Clause requires States to "make an honest and good faith effort to construct [legislative] districts ... as nearly of equal population as is practicable." Reynolds, 377 U.S., at 577, 84 S.Ct. 1362.
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> The Constitution, however, does not demand mathematical perfection. In determining what is "practicable," we have recognized that the Constitution permits deviation when it is justified by "legitimate considerations incident to the effectuation of a rational state policy." Id ., at 579, 84 S.Ct. 1362. In related contexts, we have made clear that in addition to the "traditional districting principles such as compactness [and] contiguity," Shaw v. Reno, 509 U.S. 630, 647, 113 S.Ct. 2816, 125 L.Ed.2d 511 (1993), those legitimate considerations can include a state interest in maintaining the integrity of political subdivisions, Mahan v. Howell, 410 U.S. 315, 328, 93 S.Ct. 979, 35 L.Ed.2d 320 (1973), or the competitive balance among political parties, Gaffney v. Cummings, 412 U.S. 735, 752, 93 S.Ct. 2321, 37 L.Ed.2d 298 (1973).
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> We have further made clear that "minor deviations from mathematical equality" do not, by themselves, "make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State."
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> We have defined as "minor deviations" those in "an apportionment plan with a maximum population deviation under 10%." Brown, 462 U.S., at 842, 103 S.Ct. 2690. And we have refused to require States to justify deviations of 9.9%, White v. Regester, 412 U.S. 755,

764, 93 S.Ct. 2332, 37 L.Ed.2d 314 (1973), and 8%, Gafney, 412 U.S., at 751, 93 S.Ct. 2321…

In sum, … those attacking a state-approved plan must show that it is more probable than not that a deviation of less than 10% reflects the predominance of illegitimate reapportionment factors rather than the "legitimate considerations" to which we have referred in Harris v. Ariz. Indep. Redistricting Comm'n 136 S. Ct. 1301 (2016) Reynolds and later cases.

…see also Vieth v. Jubelirer, 541 U.S. 267, 284, 124 S.Ct. 1769, 158 L.Ed.2d 546 (2004) (plurality opinion) (listing examples of traditional redistricting criteria, including "compliance with requirements of the [Voting Rights Act]").

Given the inherent difficulty of measuring and comparing factors that may legitimately account for small deviations from strict mathematical equality, we believe that attacks on deviations under 10% will succeed only rarely, in unusual cases. And we are not surprised that the appellants have failed to meet their burden here. Emphasis Added

The final map has a 9.32% deviation, which is under the Supreme Court's 10% figure. There is no evidence to suggest, prove, or indicate that the Commission's deviation was caused by going beyond traditional redistricting criteria and other "legitimate [local] interests." There is nothing in the LACCRC's record to meet the Court's *Harris* standard of indicating problematic decision-making to justify a one person, one vote challenge to the final map being one of the "unusual cases" that "rarely" succeed in proving a one person, one vote violation.

Conclusion:

In their final map, the Commission preserved and united historic, geographically discrete majority-minority communities and communities of interest to adhere to "traditional districting principles such as maintaining communities of interest and traditional boundaries." *League of United Latin Am. Citizens v. Perry,* 548 U.S. 399, 433, 126 S.Ct. 2594, 165 L.Ed.2d 609 (2006).

The final map does not appear to have the purpose or effect of diluting minority voting strength or discriminating against people based on race, color, or membership in a language minority group.

Reflecting significant Latino total and voting age population growth over the past decade, the map creates three Latino majority-minority districts by total population, with two such districts (Districts 2 and 4) majority-minority in CVAP. No other County minority group is large enough and geographically compact enough to constitute a majority in a single district.

Latinos make up nearly 50% of the County's total population. According to the American Community Survey, Latino CVAP in Los Angeles County is 38%. The two majority CVAP (40% of County Board of Supervisor districts) Latino districts correspond to Latinos' total County wide CVAP of nearly 40%, reflecting the nature of the County's population as of the 2020 Census.

The only other single race minority group with a population increase since 2010 is Asians, who now number 148,790 more people than in 2010 (11.23% increase) and 162,104 more people of voting age (14.77%), according to the 2020 Census. There are 1,474,237 (14.72%) Asian people in Los Angeles County as the 2020 Census data reveal. By contrast, the non-Hispanic White and Black populations decreased in both total population and VAP.

In its redistricting efforts, the County of Los Angeles Citizens Redistricting Commission was aware of Census data and population changes in Los Angeles County. The Commission emphasized recognizing and preserving communities of interest (COI) while balancing COIs with other redistricting criteria, including Census data and an understanding of who lives in Los Angeles County.

Finally, the final map's 9.32% deviation complies with the 14th Amendment's one person, one vote requirement. There is no evidence to suggest, prove, or indicate that the Commission's deviation was caused by going beyond traditional redistricting criteria and other "legitimate [local] interests," such as complying with the Voting Rights Act of 1965.

We are always available to answer any questions or concerns.

Sincerely,

/s/

Bruce L. Adelson, Esq.

Los Angeles County Independent Redistricting Commission Voting Rights Act Counsel