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Testimony

by

**Arturo Vargas, Executive Director
National Association of Latino Elected and Appointed
Officials (NALEO) Educational Fund**

before

the California Citizens Redistricting Commission

**Sacramento, California
July 21, 2011**

† Deceased

Members of the California Citizens Redistricting Commission:

I am Arturo Vargas, Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund. Thank you for the opportunity to submit this testimony which presents our perspectives on the visualizations the Commission has been developing in preparation for its release of the final maps.

The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,000 Latino elected and appointed officials nationwide. Our Board members and constituency include Republicans, Democrats and Independents. We are one of the nation's leading organizations in the area of Latino civic engagement, and we are deeply committed to ensuring that California's 2011 redistricting provides the state's Latinos with a fair opportunity to choose their elected leaders.

Since we last submitted testimony to the Commission on June 28, 2011, we continue to actively mobilize the Latino community to provide meaningful public input into the Commission's redistricting process. We have continued to help community members gain access to the Commission's visualizations for their regions, and provided them with assistance on submitting comments to the Commission. We are continuing a robust program of webinars, email blasts and individual phone calls reaching Latinos throughout the state.

We commend the Commission for continuing its hard work in developing its visualizations, and we appreciate that it has responded to several of the concerns we raised regarding the impact of its first draft maps on Latino opportunities for fair representation. We urge the Commission to carefully examine some additional areas in the state where the Commission should restore existing Latino effective districts, create new ones, or strengthen Latino representation opportunities. In this testimony, we first provide recommendations on how the Commission should proceed with its remaining mapping process. We then compare the number of existing Latino effective districts with those proposed in the Commission's visualizations,¹ and provide

¹ We base our analysis on the districts displayed in the most recent interactive visualizations on the Statewide Database website as of this writing (visualization dates range from July 17 – July 19, 2011); these visualizations are entitled "to be presented": <http://swdb.berkeley.edu/gis/gis2011/>.

comments on revisions the Commission still needs to make in order to ensure that their maps provide Latinos with a full opportunity for fair representation. We then present a compilation of specific suggestions from community members with whom we have worked regarding how the visualizations affect their communities of interest and how lines shown be drawn in their regions of the state.

I. The Commission's Mapping Process

The Commission is now at a critical stage in its mapping process. The deadline for the adoption of the final map is less than a month away, and as the Commission starts to complete its final work, it is even more crucial that members of the public have a meaningful opportunity to provide input into this process.

Together with other groups who are conducting outreach to California's underrepresented communities, we joined in a letter submitted on July 19, which urged the Commission to release another draft map before the August 15 deadline to allow members of the public a formal 14-day period to provide comments to the Commission that could be incorporated into its final maps. The letter provided two alternative interpretations of the Voters First Act which would enable the Commission to release another draft and comply with the Act's provisions. We continue to believe that this is the optimal approach for ensuring meaningful public comment, because it will allow persons to have the time to carefully review a static set of maps, and articulate their recommendations in a coherent manner.

The Commission's current approach of continually posting updated visualizations in a relatively unpredictable manner creates significant challenges for public comment. Essentially, individuals are trying to analyze a "moving target," because their review of one set of visualizations can become outdated in a matter of days or even hours. Unless members of the public are able to consistently monitor the Commission's hearings and review every single version of the visualizations, they are not able to keep up with the proposed changes and provide well-informed input on them. It is not feasible for members of the public who have work or family demands to follow the Commission's activities in this manner. At some point, the public must have a sense that whatever visualizations they are commenting on are very close to final, and must have one last opportunity to carefully analyze the visualizations, particular with respect to assessing the

overall statewide impact of individual regional and level of government visualizations. We urge the Commission to release another set of draft maps with a formal 14-day comment period to achieve this goal.

If the Commission chooses not to release another set of draft maps, we ask that it more fully implement the recommendations set forth in our July 13 letter to the Commission. We commend the Commission for implementing some of our recommendations by posting easily accessible interactive visualizations with citizen voting age population (CVAP) data for each district. We urge the Commission to implement our other suggestions, particularly with respect to notifying the public when it has posted near final visualizations, with statewide visualizations for every level of office, and providing a minimum 72-hour comment period before making any final changes. We understand that the Commission's review of several sets of visualizations provide it with an opportunity to assess a wide range of options and ultimately develop the best maps possible for the state. However, at some point, members of the public need to have the confidence that they are providing well-informed input on a near final set of visualizations, and that the Commission will not decide on unanticipated last-minute significant changes when adopting the final maps.

II. Latino Effective Districts and the Commission's Recent Visualizations

Under the federal Voting Rights Act of 1965 (VRA), the Commission's maps must provide Latinos with a fair opportunity to elect the representatives of their choice. Under the Voters First Act, which created the Commission, compliance with the VRA is the second-highest ranked criterion for its maps. In summary, based on an analysis of the number of districts with at least 50% Latino CVAP,² the Commission's most recent visualizations generally represent a significant improvement over its first draft maps, particularly with respect to the Assembly and Congress. However, the Senate visualizations still raise concerns because of the reduction of Latino effective districts, and the diminution of Latino presence in districts that are likely to become Latino effective districts in the near future. We also believe the Commission should further enhance Latino electoral opportunities at the Assembly and Congressional level.

² Generally, districts with at least 50% Latino CVAP will hereinafter be referred to as "Latino effective" districts. In a few cases, we have categorized districts with 49% Latino CVAP as Latino effective districts because they are essentially performing as or are extremely likely to perform as Latino effective districts.

Table 1 reveals that the Commission’s current visualizations create four additional Latino effective districts overall at the Assembly level.

Table 1
Latino Effective Districts – State Assembly

| Existing | | | Visualization | | | |
|------------------------|------------|----------------------|-----------------------------|---------------|----------------------|-----|
| Region | District # | Latino Share of CVAP | Region | District Name | Latino Share of CVAP | |
| Central Valley | 31 | 53.0% | Central Valley | FSEC 2 | 51% | |
| Los Angeles metro area | 39 | 62.4% | Inland Empire | LASFE | 52% | |
| | 45 | 50.8% | | LADNT | 51% | |
| | 46 | 67.8% | | LAVSQ | 50% | |
| | 50 | 71.4% | | LAELA | 58% | |
| | 57 | 57.4% | | LASGL | 57% | |
| | 58 | 63.4% | | LACVN | 51% | |
| Inland Empire | 61 | 49.8% | | LADNN | 56% | |
| | 62 | 54.5% | | LAPRW | 57% | |
| Orange County | 69 | 52.0% | | Inland Empire | RLTFO | 52% |
| | | | | | POMVL | 51% |
| | | | San Diego County | SSAND | 51% | |
| | | | Orange County | SNANA | 53% | |
| | | | Imperial/Riverside Counties | COACH | 50% | |

Source for district CVAP: For existing districts, MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009). For Commission visualizations, Latino CVAP was taken from the districts on the interactive visualization website.

For the Assembly, the Commission’s visualizations create the following additional Latino effective districts:

- In the Los Angeles metropolitan area, the visualization creates an additional Latino effective district in the San Fernando Valley (LASFE) and the core Los Angeles area (LAVSQ). We would note that LAVSQ, which has a Latino CVAP of 50% and a Black CVAP of 40%, is a district which offers competitive representation opportunities for both ethnic communities.

- In the San Diego County area, the Commission creates a new Latino effective district, SSAND.
- Consistent with the recommendations in our June 28 testimony, Latino areas in the Coachella Valley of Riverside and Imperial County appear to be united in a new Latino effective district, COACH.

We also commend the Commission for restoring a Latino effective district in the Orange County area (SNANA) that had been weakened in the first draft maps released on June 10, and for respecting the community of interest which includes the Latino areas of Santa Ana and Central Anaheim. We urge the Commission to retain a Latino effective district in this area for any future mapping.

We urge the Commission to look closer at its configuration in the southern part of the Central Valley, because we believe that a Latino effective district should be created by increasing the Latino CVAP of the KINGS district. As discussed in more detail in Appendix I, community members recommend that this should be accomplished in part by including Latino areas in Visalia and Tulare in the KINGS district.

**Table 2
Latino Effective Districts – State Senate**

| Existing | | | Visualizations | | |
|---------------------------------------|------------|----------------------|-------------------------|---------------|----------------------|
| Region | District # | Latino Share of CVAP | Region | District Name | Latino Share of CVAP |
| Central Valley | 16 | 50.9% | Central Valley | KINGS | 51% |
| Los Angeles metro area | 22 | 52.1% | Los Angeles metro area* | LAELA | 52% |
| | 24 | 56.1% | | LALBS | 52% |
| | 30 | 68.6% | | LAPRW | 50% |
| Inland Empire | 32 | 51.8% | Inland Empire* | POMSB | 51% |
| Imperial County/Riverside County area | 40 | 49.0% | | | |

*Although the Commission presents multiple options for its Senate visualizations in the Los Angeles and Southern California areas, the Latino CVAP of all of the Latino effective districts in these areas is identical, and there are no other Latino effective districts in any of the options.

Source for district CVAP: For existing districts, MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009). For Commission visualizations, Latino CVAP was taken from the districts on the interactive visualization website.

Table 2 reveals that the Commission's map reduces the number of Latino effective districts at the Senate level from six to five. We urge the Commission to review the following areas, in order to create or restore Latino effective districts, or strengthen Latino opportunities:

- The Commission should create an additional Latino effective district in the Central Valley by strengthening the Latino presence in the MRCED district, which is 43% Latino CVAP.
- In both of the Commission's Los Angeles visualization options, the district covering much of the San Gabriel Valley, LACVN, is only 44% Latino CVAP. Currently, most Latinos in this area are in Latino effective Senate districts, and LACVN should be reconfigured to strengthen its Latino CVAP.
- In Los Angeles' San Fernando Valley area, existing SD 20 is very close to becoming a Latino effective district, with 47.0% Latino CVAP. In contrast, in the Commission's visualizations, LASFE, which covers a considerable amount of the same area, is only 38% Latino CVAP. The district should be reconfigured to increase its Latino CVAP.
- In the Imperial County/Riverside County area, existing SD 40 is virtually a Latino effective district, with 49% Latino CVAP. In the Commission's visualizations, ISAND, which covers much of the same area in Imperial County, is only 46% Latino CVAP. While the diminution of the Latino CVAP in the district is relatively small, the configuration of ISAND is particularly problematic because it does not include the heavily Latino areas of Coachella Valley, which existing CD 40 does. As discussed in our June 28 testimony, we believe that Latinos of Imperial County and the Coachella Valley share the same challenges with respect to education, employment, and access to health care, and should be united in the same district.
- In the Orange County area, existing CD 34 has a Latino CVAP of 38.4%. In contrast, the Latino CVAP of the WSTSA district in the Commission's SoCal visualization options ranges from 26-29%, a considerably weaker Latino opportunity district than currently exists. The district should be reconfigured to increase its Latino CVAP.

(Table 3 appears on the next page)

**Table 3
Latino Effective Districts – Congressional**

| Existing | | | Visualizations | | |
|------------------------|------------|----------------------|---------------------------|---------------|----------------------|
| Region | District # | Latino Share of CVAP | Region | District Name | Latino Share of CVAP |
| Central Valley | 20 | 50.5% | Central Valley | KINGS | 49% |
| Los Angeles metro area | 31 | 49.9% | Los Angeles metro area | DOWNTOWN | 73% |
| | 32 | 53.6% | | DWWTR | 50% |
| | 34 | 64.8% | | ELABH | 50% |
| | 38 | 65.3% | | COMP | 49% |
| | 39 | 51.9% | | COVNA | 51% |
| Inland Empire | 43 | 51.7% | | SFVET | 51% |
| | | | Inland Empire | ONTPM | 52% |
| | | | San Diego/Imperial County | IMSAN | 51% |

Source for district CVAP: For existing districts, MALDEF analysis based on the U.S. Department of Justice's Special Tabulation of the U.S. Census Bureau's American Community Survey 5-Year Estimate Data (2005-2009). For Commission visualizations, Latino CVAP was taken from the districts on the interactive visualization website.

Table 3 reveals that Commission’s visualizations add two additional Latino effective districts; in contrast, its first draft maps at best retained the existing number of Latino effective districts. We commend the Commission for its efforts to respond to the concerns raised by many community stakeholders regarding the stagnation of Latino effective districts in its first draft Congressional maps.

- In the Los Angeles metropolitan area, the visualizations create an additional Latino effective district in the San Fernando Valley (SFVET) and in the south and southeast Los Angeles area (COMP). We note however, that the DOWNTOWN district, with 73% Latino CVAP is highly “packed,” and we urge the Commission to shift some of its Latino population to districts that are south and east of it, to strengthen the Latino presence in the surrounding districts.

- In the San Diego County area, the Commission creates an additional Latino effective district, IMSAN.
- In the Inland Empire area, the Commission restored a Latino effective district (ONTPOM) which it had weakened in its first draft maps, and we urge the Commission to ensure a Latino effective district remains in this area in the final maps.

While we believe the Commission's Congressional visualizations are a strong positive step toward ensuring that the growth in the state's Latino population is reflected in opportunities for fair representation, we believe that there are additional areas where the Commission must create Latino effective districts, or strengthen Latino opportunities.

- In the Central Valley area, the Commission should create an additional Latino effective district. In the Commission's visualizations, there are four districts that cover the south and mid-Central Valley area: KR (Latino CVAP 23%), KINGS (Latino CVAP 49%), MRCED (Latino CVAP 41%), and FRSNO (Latino CVAP 30%). Thus, there is only one essentially Latino effective district (KINGS); we believe that by reconfiguring the districts in this area, the Commission can create a second one.
- Existing current CD 47 in Orange County is 44.1% Latino CVAP. In the Commission's visualization, proposed SNORN in the same area has a Latino CVAP of 42%. While this is a relatively small diminution from the existing Latino CVAP, in the Commission's first draft maps, there was a far more significant reduction in the Latino CVAP in the districts covering the SNORN area. Moreover, in visualizations that preceded the most recent, the Latino CVAP of SNORN was less than 42% - in some cases, ranging from 35-38%. We commend the Commission for respecting the community of interest in the area by uniting Latino neighborhoods in Santa Ana and Anaheim in the most recent visualization. We urge the Commission to be mindful of retaining this community of interest and a strong Latino opportunity district in this area.

In addition, we understand that several community members have raised concerns about the impact of the Commission's visualizations on representation opportunities for the African American community at each level of office, particularly in the Los Angeles area. We believe that the Commission can maintain fair districts for African Americans without diminishing Latino opportunities, and we urge it to do so. In this connection, we note that three voting rights

organizations representing California's diverse ethnic communities (the African American Redistricting Collaborative, the Coalition of Asian Pacific Americans for Fair Redistricting, and the Mexican American Legal Defense and Educational Fund) have submitted "unity maps" for the Assembly and for Southern California Senate districts. These maps show that it is possible to create increased Latino electoral opportunities while respecting the voting rights of all three underrepresented communities.

III. Community Member Input on Visualizations

As we have continued to mobilize Latinos to provide input into the Commission's redistricting process, community members have shared their perspectives on how proposed lines affect their communities of interest. We have attached a compilation of these comments in Appendix I, and we urge the Commission to give them serious consideration as they continue with the mapping process.

IV. Conclusion

The California Citizens Redistricting Commission has an unprecedented opportunity to ensure that all Californians have an opportunity for fair representation in the state's electoral process. The maps that the Commission draws will shape the political landscape for the next ten years, and will help determine whether Latinos and other underrepresented groups can continue to make political progress in the state. By making significant changes to its first draft maps, the Commission has taken a positive step closer toward protecting the voting rights of Latinos and ensuring that its maps reflect the growth of the Latino population. At the Congressional and Assembly level, it has restored or created additional Latino effective districts, and has responded to many comments submitted by Latino community members regarding their communities of interest.

We urge the Commission to continue its progress by rectifying the reduction of Latino effective districts in its Senate visualizations, and strengthening the Latino presence in districts that are close to becoming Latino opportunity districts in the Merced, San Fernando Valley, San Gabriel Valley and Orange County areas. The Commission must also carefully examine its Assembly and Congressional visualizations in the Central Valley area to determine if an additional Latino effective district should be created. We also call on the Commission to give full consideration

to the comments of Latino community members compiled in Appendix I. We believe the Commission shares our vision for a redistricting process that will help ensure the future strength of California's democracy, and we look forward to continuing to work with the Commission to achieve this goal.

Thank you for your consideration of our views and for your service to our State.

NALEO Educational Fund Compilation of Input from Latino Community Members about Communities of Interest*

ASSEMBLY

San Jose:

- San Jose and East San Jose have been split into two separate districts. This divides a Latino community of interest that shares common social and economic characteristics. The Commission should seek to unify San Jose and East San Jose, including the communities in Old Willow Glen, Monterrey Road, Burbank, East Foot Hills, and Penitencia Creek Road.

Tri County Central Coast region (Monterey, San Benito and Santa Cruz counties):

- The Commission should continue to maintain together the community of interest comprised of Salinas, Gilroy and Watsonville, including the surrounding farmland areas. Additionally, each of these communities should be kept whole.

Central Valley:

- The Commission should continue to utilize the 99 Freeway as a dividing line for Bakersfield. East of the 99 is a strong Latino community that should be located in a Latino effective district, which can be accomplished by strengthening the Latino CVAP of the KINGS district.
- The Commission should include the communities of East Oroquieta, Goshen, Seville, Lemon Cove, Tulare, Woodville, Pixley, Terra Bella, Ducor, and Rich Grove in a Latino effective district. These communities are a community of interest and share agricultural interests, and members of the community are bilingual English and Spanish, or are primarily Spanish-speaking.
- The Commission should continue to keep Sanger in a Latino effective district.
- There is a natural divide between rural and urban Fresno, with a loose boundary that occurs along the Santa Fe railroad lines. The urban areas of Fresno should be maintained in the current Latino effective district, FSEC2.
- The Commission should add the heavily Latino neighborhoods of Tulare and Visalia to the KINGS district. These communities share social and economic characteristics with the Latino communities of interest in KINGS.

* This Appendix is a compilation and analysis of comments from Latino community members regarding the communities of interest affected by the California Citizens Redistricting Commission's latest Visualizations. The NALEO Educational Fund collected the community of interest comments through community workshops and webinars April 2011-June 2011. This document highlights the most salient input from community members and therefore does not encompass all testimony submitted by the Latino community.

Los Angeles:

- The Commission should add Van Nuys, North Hills and Mission Hills to the North East San Fernando Valley district, LASFE. These communities share common social and economic interests with the communities of Sylmar, San Fernando, Pacoima, Mission Hills, North Hills, Arleta, Panorama, Sun Valley, and North Hollywood.
- The Commission should exclude the communities of Sunland, Tujunga, Shadow Hills and La Tuna Canyon from the Latino effective district LASFE, and include the communities of Van Nuys, North Hills, and Mission Hills. The communities of Sunland, Tujunga, Shadow Hills, and La Tuna Canyon do not share many common social and economic characteristics with the Latino community of interest in the North East San Fernando Valley.
- The Commission should maintain together the community of interest that includes Azusa, Covina, Irwindale, and Baldwin Park. These communities share common social and economic characteristics and should be maintained together in the final maps.

Orange County:

- The Commission should maintain the communities of Santa Ana, East Garden Grove and Central Anaheim in the same district. These cities have several heavily Latino neighborhoods that share common social and economic characteristics and should be kept in the same district in final maps.

Imperial and Riverside County:

- The Commission should maintain a Latino effective district with the Imperial Valley and Coachella Valley unified in the same district. These communities share common social and economic characteristics.

San Diego:

- The Commission should keep together the Latino communities of interest that are east of the 805 Freeway and maintain the historic communities such as Barrio Logan, Logan Heights and Sherman Heights in a Latino effective district.

SENATE

Central Valley

- The Commission should add the heavily Latino neighborhoods of Tulare and Visalia to the KINGS district. These communities share social and economic characteristics with the Latino communities of interest in KINGS.

Los Angeles

- The Commission should continue to maintain together Latino communities west of and in the downtown Los Angeles area in a Latino effective district.

- The Commission should maintain together the Latino community of interest in the Northeast San Fernando Valley district LASFE, including the communities of Sylmar, San Fernando, Pacoima, Mission Hills, North Hills, Arleta, Panorama, Sun Valley, Van Nuys and North Hollywood.

Imperial County and Riverside County:

- The Commission should maintain the Imperial Valley and Coachella Valley in the same district as it does in the Assembly visualizations. These communities share common social and economic characteristics and should be maintained together in final maps.

San Diego

- The Commission should maintain the Latino community of interest along Interstate 78 which includes Oceanside, Vista, San Marcos and Escondido. These communities have common social and economic characteristics.

CONGRESS

San Jose

- San Jose and East San Jose have been split into two separate districts. This divides a Latino community of interest that shares common social and economic characteristics. The Commission should seek to unify San Jose and East San Jose, including the communities in Old Willow Glen, Monterrey Road, Burbank, East Foot Hills, and Penitencia Creek Road.

Tri County Central Coast region (Monterey, San Benito and Santa Cruz counties)

- The Commission should continue to maintain together the community of interest comprised of Salinas, Gilroy and Watsonville, including its surrounding farmland. Each of these cities should be kept whole.

Central Valley

- The communities of East Porterville, Orange Cove, East Orosi and southwest part of the City of Fresno share common social and economic characteristics and should be included in a Latino effective district.

San Diego

- The Commission should maintain the Latino community of interest along Interstate 78 which includes Oceanside, Vista, San Marcos and Escondido. These communities have common social and economic characteristics.