Exhibit 12

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

KETO NORD HODGES, et al.,

Plaintiffs,

v. Case No. 8:24-cv-879

KATHLEEN PASSIDOMO, et al.,

Defendants.
_____/

EXPERT REPORT OF MARY E. ADKINS, J.D., M.A.

PURPOSE OF 2010 FAIR DISTRICTS AMENDMENTS
AS UNDERSTOOD THROUGH A HISTORICAL REVIEW OF THE
INFORMATION AVAILABLE TO VOTERS

Mary E. Adkins, J.D., M.A.

I. Introduction, Methods, and Summary of Conclusions

a. The initiatives

The 2010 Fair Districts initiatives were two proposed constitutional amendments with the primary purpose of minimizing the political partisan drawing of legislative and congressional districts in Florida. The purpose of these initiatives is found in the initiative text and organization, the public statements and identities of its sponsors and public supporters, court and legislative documents, the persons financially contributing to the initiative campaign, contemporaneous news reporting and polls, and the histories of similar redistricting reform efforts in Florida. The contemporaneous understanding of the initiatives is also found in the same information from and about the opponents of the initiatives.

The two initiatives were identical in wording except that the words "congressional" in Amendment 5 (Article III, section 20) were substituted with "legislative" in Amendment 6 (Article III, section 21). Both initiatives set forth six standards for redistricting: three mandatory standards in subsection (a) and three standards in subsection (b) that were subordinate to the standards in the earlier

subsection. Based on my assessment of the historical record, as available to voters in 2010, the first listed standard, prohibiting redistricting based on political partisanship or incumbency, was understood by the proponents, opponents, and voting public as the primary purpose of the Fair Districts amendments.

The historical evidence about one of the mandatory standards, the prohibition against minority vote dilution and diminishment of minority voting strength, shows the debate over this issue was expanded by initiative opponents, who hit upon it as a wedge issue to defeat the proposals. Proponents, through their lawyer, even told the Florida Supreme Court that the minority preservation provisions worked to support a single purpose: prohibit the use of race to support a "political gerrymander."

This Report presents the methods and results of the author's investigation into the purposes of the citizens' initiative proposals that eventually became Sections 20 and 21 of Article III in the Constitution of Florida. The two proposals became popularly known, and were publicized by their promoters, as the "Fair Districts Amendments." This Report investigates the history of the amendments and similar, related predecessor proposals and points out the identity of the promoters, the evolution of language, and the evolution of apparent purpose of the Amendments and their predecessors. It uses news articles, editorials, and opinion pieces; reports of polls; statements of both promoters and detractors; and analyses of sources of

monetary contributions to the initiatives. Specifically, it traces the role of minority vote protection or suppression in connection with the Amendments. It makes certain conclusions based on this information. Finally, it compares this history of perception of purpose with the history of perception of purpose of the federal Voting Rights Act of 1965.

It is critical to note, however, that the method by which citizens' initiatives come into being is fundamentally different from that of legislative constitutional proposals or revision-commission constitutional proposals. Unlike the other methods, amendments proposed by citizens' initiatives have no deliberative process. There is no legislative history and no staff analysis. There is no uniform committee process by which the language of the proposal is worked through or discussed. While a citizens' initiative may be the product of a group or committee, the Constitution does not require any process or documentation of its purpose. Therefore, one cannot look to legislative history when conducting a historical analysis of the purpose of a citizens' initiative.

b. Methods

My review of "print" news media begins with newspaper archives; however, each of the newspapers, with the exception of the Tampa Tribune and St. Petersburg Times, which have since merged into the Tampa Bay Times, has an online presence which is presumed to make available at least the same news stories, editorials,

opinion pieces, and letters to the editor that the physically printed versions do.[1] I began by conducting a search of the proprietary online newspaper aggregator "Newspapers.com." This aggregator uses many newspapers, including the major-market newspapers the Miami Herald, the Tampa Tribune, the St. Petersburg Times,[2] the Orlando Sentinel, the South Florida Sun-Sentinel, the Fort Myers News-Press, the Pensacola News Journal, and the Tallahassee Democrat.[3] The search terms I used included "Amendment" and "Fair Districts," and the time parameter was 2008 to 2010. This time frame would cover early efforts to gather signatures, early communications from the proponents, and early responses from the public.

c. Conclusions

The conclusions I have reached from compiling and analyzing this information are that the promoters of the Fair Districts Amendments presented them primarily to end political gerrymandering, the practice of drawing legislative and congressional district lines to favor a political party, incumbents from that party, or

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[1] Bradenton.com; floridatoday.com; miamiherald.com; news-press.com; orlandosentinel.com; pnj.com; sun-sentinel.com; tallahassee.com; tcpalm.com (which includes St. Lucie News Tribune and Vero Beach Press Journal); yoursun.com.

[2] The Tampa Tribune has since bought the St. Petersburg Times; the combined newspaper is now called the Tampa Bay Times.

[3] A notable exception is the Florida Times-Union, the major daily newspaper in Jacksonville. However, upon inquiry with a newspaper librarian, the Florida Times-Union does not make its newspapers available to libraries or other sources for archival research. There is no reason to think that the publications in the Florida Times-Union would diverge, in any material respect, from those published in the remaining periodicals during the relevant timeframe. Therefore, the inability to include this particular newspaper does not alter the conclusions reached.

both.[4] This purpose is preserved in subsection (a) of the amendments, making it a mandatory "first-tier"[5] standard. Another intended purpose is to forbid districts from being "drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice"[6] (hereafter "preservation of minority representation" or "minority preservation"), which also appears in subsection (a), making it, too, a mandatory, or "first-tier" standard. However, the minority-preservation issue was raised less often in the news media than eliminating political gerrymandering was. My conclusion that minority preservation as a perceived intent is secondary to the partisan or incumbent intent issue is based on the number of times each was described in print news media as being a major goal of the Fair Districts Amendments.

Another notable pattern regarding preservation of minority representation as a part of the public perception of the Fair Districts Amendments is that the debate over this issue began in earnest only after the Florida Supreme Court opinion validating the Fair Districts initiatives for the ballot, on January 29, 2009. Initiative

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[4] Art. III, § 20 (a), Fla. Const. (1968, 2010).
[5] *See Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 599 (Fla. 2012) (referring to "tiers").
[6] Art. III, § 20 (a), Fla. Const. (1968, 2010).

opponents attempted to take the upper hand on this one standard, claiming that the standards would actually diminish minority representation.

In contrast, it is not surprising that a review of the history leading up to the passage of the Voting Rights Act of 1965 (the "VRA") reveals that facilitating Black voting rights was the primary—really, the only—goal. The Fair Districts Amendments, while concerned with preserving minority representation, tempered that concern in two ways: first, by making minority representation only one of two main goals, which did not receive as much media attention as the other main goal; and, second, by using the term "racial and language minorities," rather than narrowing the minority focus to Black voting. The VRA added "language minority" protections in 1975, ten years after its creation and passage as a remedy for Black disenfranchisement.[7]

[7] Act of Aug. 6, 1975, Pub. L. No. 94-73, Title II, secs. 203, 206, 207, 89 225 Stat. 400, 401-02 (codified as amended at 42 U.S.C. §§ 1973(a), "No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided in subsection (b) of this section;" 1973b(f)(2), "No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group;" 1973d; 1973k; 1973l(c)(3), "The term 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage").

II. History of Attempts to Change or Add Redistricting Methods to the Florida Constitution

a. 1977-78 CRC

The near-total revision of Florida's Constitution in 1968, omitting only the Judicial Article, called for a revision method that was then, and remains more than fifty years later, unique in the United States: an automatically recurring, every-twenty-years, constitution revision commission with the power to place proposals for amending the constitution directly on the ballot, without having to endure any approval process from the legislature or the courts.

The first Constitution Revision Commission (CRC) met in 1977 and 1978, just under ten years after the constitution was adopted.[8] That CRC proposed several changes to the new constitution. One of them, Revision 3, called for an independent redistricting commission, which would replace the legislature in the decennial redistricting process mandated to take place after every federal census. The commission was to have been bipartisan, with seven members made up of one gubernatorial choice from each of five lists (one list each from the House Speaker, Senate President, House minority leader, Senate minority leader, and chair of the state political party receiving the second-greatest number of votes in the most recent

[8] The Constitution provided for the first CRC to occur ten years after the Constitution was adopted and all subsequent ones to be every twenty years thereafter. Art. XI, § 2 (a), Fla. Const. (1968, superseded 1998).

gubernatorial election), plus one more person chosen by the Governor. Those six would choose a seventh member.

The proposal also contained a section establishing standards. It mandated that districts be "as nearly equal in population as is practicable," with congressional districts varying by no more than one percent.[9] It mandated districts be "composed of convenient contiguous territory" and be "drawn to coincide with the boundaries of local political subdivisions."[10] Third, it mandated that districts be compact, and provided a rule of thumb to determine compactness.[11] Fourth, it required a plan "equitable to all electors."[12] Factors forbidden from consideration in this equitable plan were "demographic information or information about incumbent legislators, the political affiliations of registered voters, or previous election results for the purpose of favoring any political party, incumbent legislator, or any other person or group."[13] Finally, the proposal forbade any district from being drawn "for the purpose of diluting the voting strength of any language or racial minority group."[14] Given that the 1977-78 CRC was made up of 33 Democrats and just 4 Republicans, and that the

[9] 1978 CRC Proposed Revision 3 (1978), full text provided in Appendix 1.
[10] Id.
[11] Id.
[12] Id.
[13] Id.
[14] Id.

Legislature was dominated by Democrats by a margin of 29 to 11 in the Senate[15] and 93 to 27 in the House,[16] it is remarkable that the CRC would have proposed a body that would remove the Legislature's ability to draw its own districts.

Placed alongside the districting commission on the ballot was a mandate for single-member districts, which tend to make it easier for minorities to elect representatives.[17] An examination of the transcripts from the CRC plenary discussion about the independent redistricting commission reveals that almost no discussion occurred about the commission itself. Much controversy surrounded the single-member-districts, however. The proposal containing both the independent redistricting commission and the single-member-district mandate was defeated at the polls, as was every other proposal submitted by the CRC that year.

b. 1980 – 1993: Not quite

An identical proposal was attempted for the next election cycle, 1980. A group composed of Common Cause, the NAACP, the Republican Party of Florida, and the Association of Florida Conservatives, attempted to persuade the Legislature to place the CRC's measure on the ballot as a joint resolution. When the Legislature refused,

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[15] The Florida Senate 1978-1980, https://www.flsenate.gov/UserContent/Publications/SenateHandbooks/pdf/78-80_Senate_Handbook.pdf (last visited August 13, 2024).
[16] Bound House Journal 1978, Members and Officers page, Search & Browse (flleg.gov) (last visited August 13, 2024).
[17] Id.

the group began its own initiative campaign. However, the initiative could not collect enough petition signatures to reach the ballot.[18]

No other attempt to alter the redistricting process gained any legs until 1993, a year after the historically contentious 1992 redistricting cycle. That cycle produced the most bitter (at least publicly so) redistricting process then known in Florida. In 1993 Ander Crenshaw, then the Republican President of the Florida Senate, proposed an independent redistricting commission and additional redistricting standards, a proposal supported by Democratic Governor Lawton Chiles. The proposal would have created a seven-member redistricting board appointed by judges. It also provided for standards that forbade favoring political parties or incumbents, and that would protect racial minorities.[19] That proposal passed the Senate—which was evenly divided between Republican and Democratic senators—unanimously, but it died on the calendar in the House.[20]

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[18]https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=14&seqnum=15 (last visited August 10, 2024); Case Studies of State Redistricting Campaigns, Volume 3: Florida, FairDistrictsFlorida.org, at 5 https://www.brennancenter.org/sites/default/files/publications/FairDistrictsFlorida%20-%20Vol%203%20-%20final.pdf (last visited August 21, 2024). The full text of the attempted initiative is provided in Appendix 2.

[19] Brennan Center: Redistricting Case Study, supra 18, at 5. The full text is provided in Appendix 34.

[20] Id.

c. 1997-98 CRC

Four years later, when the 1997-98 CRC met, the subject of an independent redistricting board arose again. However, this was an unusual moment in Florida political history. In 1996, for the first time since Reconstruction, both houses of the Legislature were led by Republicans. This fact had two important effects. First, as to the operation of the CRC, which contained 19 Democrats and 18 Republicans, the group realized it would need to develop broad consensus on issues to be able to present proposals that had bipartisan support both within the CRC and to the voting public. By nearly all accounts, CRC members reported that their work on this CRC was the best government-service experience of their lives. Everyone was collegial and respectful, even in disagreement. Second, as to the operation of the state, the Republicans appeared poised to be still in the legislative majority for the next redistricting, in 2002.

Republicans had not had the opportunity to lead redistricting for more than one hundred years, and perhaps they could not be faulted for anticipating that process with joy, if not avarice. Yet it was a former Republican legislator, CRC member Marilyn Evans-Jones, who sponsored an independent redistricting commission. Predictably, her proposal generated both praise and exasperation. But the proposal received the necessary supermajority of 22 votes (of 37) to be placed on the ballot.

At that point, an unnamed Republican member of the CRC told Evans-Jones, "Congratulations. You have just destroyed the Republican party."[21]

The proposal, in its final form, provided for eleven appointed commissioners and added standards calling for single-member districts: "A district of either house may not include territory of any other district of the same house."[22] It also protected minority representation: "Districts may not be drawn in a manner that dilutes the voting strength of any racial or language minority group."[23]

When the Legislative session began in the spring of 1998, the CRC was still wrapping up its business. The legislative leadership soon began lobbying the CRC to take a re-vote on the independent redistricting commission. After much effort, they succeeded. When the re-vote took place, not without some twists in procedure, the redistricting commission failed placement on the ballot by 2 votes.

Since 1998, several attempts have been made through citizens' initiatives to create redistricting commissions, establish standards for districting, or both. A brief description of each follows.

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[21] Martin Dyckman," Appointees don't always do as told," *St. Petersburg Times* (May. 19, 1998).
[22] 1997-1998 Constitution Revision Committee Proposal No. 172 (a), https://library.law.fsu.edu/Digital-Collections/CRC/CRC-1998/pdf/0172fp.pdf (last visited August 14, 2024). The full text is provided in Appendix 4.
[23] Id.

d. 2002 initiatives

Two proposals, sponsored by People Over Politics, were approved by the Secretary of State on November 4, 1999. One, proposal 99-06, would create standards for redistricting and the other, proposal 99-07, would create a districting commission. The proposed ballot title and summary of 99-06 were as follows:

> Ballot Title:
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> Standards to be followed in apportioning or creating legislative or congressional districts
>
> Ballot Summary:
>
> Establishes additional standards for legislative or congressional reapportionment beyond existing equal population requirement; districts shall be compact and composed of contiguous territory, avoiding division of counties where possible; districts shall not dilute voting strength of any group based on race, religion or national origin; districts shall not be drawn to favor or disfavor any incumbent, political party or other person.

The proposed ballot title and summary of 99-07 were:

> Ballot Title:
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> Creates independent nonpartisan commission to apportion legislative and congressional seats which replaces apportionment by legislature
>
> Ballot Summary:
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> Creates 17-member commission replacing legislature to apportion legislative and congressional districts following census; state officials, members of congress, lobbyists, party officers, relatives or employees are ineligible; commissioners swear not to seek office in such districts or be paid lobbyists for four years; 16 members selected equally by majority and minority parties who select 17th member; all actions

require 3/5 vote; not adopting districting plan within 180 days requires state supreme court to apportion.[24]

Also sponsored by Common Cause Florida, Florida Silver Haired Legislature, and the League of Women Voters of Florida, the initiatives were closed before qualifying for the ballot. It appears that funding and sufficient valid signatures were elusive.[25]

e. 2004 Election Cycle

Two initiatives were proposed in 2003 for the 2004 election; both were sponsored by the Committee for Fair Representation, and both were approved by the Secretary of State on October 13, 2003, although their unofficial vote total, as shown on the state initiatives website, was zero.[26] Proposal 03-37, titled "Additional Standards to be Followed in Apportioning Legislative and Congressional Districts," was, as its name indicates, an attempt to create standards for apportionment. Its ballot summary read as follows:

> Establishes additional standards for legislative and congressional districts beyond those currently set forth in the state constitution: districts shall be compact and shall, where practicable, utilize existing political and geographical boundaries; districts shall, where practicable, preserve communities of interest; and districts shall not be drawn to favor an incumbent, political party or other person.

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[24] The full text of each is in Appendix 5.

[25] https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=30560&seqnum=2; https://dos.elections.myflorida.com/cgi-bin/TreSel.exe (last visited August 10, 2024).

[26] https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=37828&seqnum=1; https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=37828&seqnum=2

The proposed standards did not mention minority representation.

The second, proposal 03-38, would have established an independent redistricting commission. Its ballot title and summary read as follows:

> Ballot Title:
>
> Independent nonpartisan commission to apportion legislative and congressional districts which replaces apportionment by legislature
>
> Ballot Summary:
>
> Creates 17-member commission replacing legislature to apportion legislative and congressional districts following census; state officials, members of congress, lobbyists, party officers, relatives or employees are ineligible; commissioners swear not to seek office in such districts or be paid lobbyists for four years; 16 members selected equally by majority and minority parties who select 17th member; all actions require 3/5 vote; not adopting districting plan within 180 days requires state supreme court to apportion.[27]

Both initiatives were withdrawn; neither appeared on the ballot.[28]

f. 2006 Election Cycle

Nine initiatives that sought to alter redistricting were filed for the 2006 elections cycle; two committees sponsored these nine initiatives. Three of them were filed by a group named the Committee for Fair Elections. One sought to establish a "nonpartisan" districting commission to determine legislative and congressional maps and included standards for drawing districts. Another sought to set forth

[27] Initiative Information (myflorida.com) (last visited August 23, 2024).
[28] https://dos.elections.myflorida.com/initiatives/ (last visited August 10, 2024).

redistricting standards, and the third sought to create an implementation schedule should the districting commission be approved by the voters. The proposal regarding redistricting standards was found to exceed the maximum permitted number of words for the ballot summary; consequently, it was never submitted to the Attorney General for review. The implementation schedule was voluntarily withdrawn.

The remaining proposal, for the independent districting commission, was found in its Supreme Court review to violate both the single-subject rule and the accurate-summary rule. The Court found that, because the proposal both sought to create a new method of redistricting and prescribe new standards to be used in that redistricting, it violated the single-subject rule. Three justices concurred, adding that coverage of both legislative and congressional districting also violated the single-subject rule. The Court found the summary misleading because it described as "nonpartisan" a process that more accurately should have been called "bipartisan."[29] When it was disapproved, it had already garnered 689,325 petitions, exceeding the required number by 75,000.[30]

The ballot title and summary for this initiative, number 05-14, read:

Ballot Title:

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[29] *Advisory Opinion to the Attorney General re: Independent Nonpartisan Commission to Apportion Legislative and Congressional Districts which Replaces Apportionment by Legislature*, 926 So. 2d 1218 (Fla. 2006).

[30] https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=41643&seqnum=1 (last visited August 10, 2024).

> Independent Nonpartisan Commission To Apportion Legislative And Congressional Districts Which Replaces Apportionment By Legislature
>
> Ballot Summary:
>
> Creates fifteen member commission replacing legislature to apportion single-member legislative and congressional districts in the year following each decennial census. Establishes non-partisan method of appointment to commission. Disqualifies certain persons for membership to avoid partiality. Limits commission members from seeking office under plan for four years after service on commission. Requires ten votes for commission action. Requires Florida Supreme Court to apportion districts if commission fails to file a valid plan.

Its full text provided, in section (a), the language that led the Supreme Court to invalidate it for containing standards, not just a proposal to create a districting commission. The offending language: "[A] commission shall divide the state into . . . consecutively numbered single-member senatorial districts of convenient contiguous territory . . . ." The language describing representative districts was the same. The language describing congressional districts did not include this language. However, the final sentence in section (a), applicable to all districts, provided that they be "as nearly equal in population as practicable."[31]

The remaining six initiatives were sponsored by the Committee for Fair Representation, which had different principals from the Committee for Fair Elections, as set out on their respective registration materials.

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[31] https://dos.elections.myflorida.com/initiatives/fulltext/pdf/41643-1.pdf (last visited August 10, 2024).

Two of them—both showing zero signatures and both withdrawn—had the same title and similar summaries. The only substantive difference is that proposal 5-12 had one more standard described in the summary than 05-05 did. Their titles and summaries were:

> 05-05
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> Ballot Title:
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> Additional Standards To Be Followed In Apportioning Legislative And Congressional Districts
>
> Ballot Summary:
>
> Establishes additional standards for legislative and congressional districts beyond those currently set forth in the state constitution; districts shall be compact and shall, where practicable, utilize existing political and geographical boundaries; districts shall; where practicable, preserve communities of interest; and districts shall not be drawn to favor an incumbent, political party or other person.[32]
>
> 05-12
>
> Ballot Title:
>
> Additional Standards To Be Followed In Apportioning Legislative And Congressional Districts
>
> Ballot Summary:
>
> Establishes additional standards for legislative and congressional districts beyond those currently set forth in the state constitution. Requires that districts be compact and, where practicable, utilize existing political and geographical boundaries; that districts, where

[32] https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=37828&seqnum=3 (last visited August 10, 2024).

> practicable, preserve communities of interest; that districts not be drawn to favor an incumbent, political party or other person; and that districts not consider the residence of any individual, except to comply with the constitution or laws of the United States.[33]

Again, neither of these initiatives mentioned minority representation, though both included most of the other requirements that the Fair Districts Amendments would later contain.

III. Fair Districts Proposals 2008 - 2010

By the time, then, that the organization sponsoring the Fair Districts proposals was registered with the Secretary of State, in 2006, much of the proposals' language had already been tested in previous iterations. A table illustrating the respective features of each relevant proposal is provided in Appendix 6. The 2006 removal from the ballot taught proponents that they should choose either a districting commission or additional districting standards, but not both; and that the Florida Supreme Court may consider legislative and Congressional standards to be two different subjects.

No specific language as to preserving minority representation or favoring parties or incumbents, however, had been seen in a proposed districting amendment since the 2002 proposal. A case study by the Brennan Center reported that the Fair Districts proponents, seeking to retool and maximize their chances of passage in the election, spoke and met throughout 2006 and 2007 with "voting rights experts,

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[33] https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=37828&seqnum=7 (last visited August 10, 2024).

legislative leaders, members of the minority party, and organization leaders from a diverse array of constituency groups, including communities of color, to develop a shared strategy for reform."[34] These conversations and meetings revealed that minority voters did not trust an independent commission to protect their representation.[35] Therefore, Fair Districts incorporated minority-representation protection language into the proposed districting standards and abandoned the concept of proposing a districting commission. In fact, the main difference between the 2006-2010 Fair District standards and those in most predecessor proposals was the addition of the minority-representation preservation language in the former.

A. Purpose of Fair Districts Amendments Based on Historical Review

a. The Text and Its Organization

Any discussion of the purpose or original understanding of a part of a constitution must begin with the text itself. Here, salient aspects of the amendments include not just the text, but also its organization. Because the two amendments are identical except for the use of "congressional" in Section 20 and "legislative" in Section 21, Section 20's text is set forth below:

> Standards for establishing congressional district boundaries.—In establishing congressional district boundaries:
> (a) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or

[34] Brennan Center: Redistricting Case Study, supra 18, at 7.
[35] Id.

abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
(c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.[36]

The text is designed so that the mandatory provisions are in subsection (a).

They can be atomized as follows:

1) No plan or district may be drawn with intent to favor a political party.

2) No plan or district may be drawn with intent to disfavor a political party.

3) No plan or district may be drawn with intent to favor an incumbent.

4) No plan or district may be drawn with intent to disfavor an incumbent.

AND

5) No district may be drawn with intent OR result of

denying OR abridging

the opportunity of racial OR language minorities

to participate in the political process OR to diminish their ability to elect representatives of their choice.

[36] Fla. Const. Art. III, § 20.

6) Districts shall consist of contiguous territory.

Setting out the subsection (a) language highlights a difficulty, albeit probably unintentional, in the minority-representation language. That is, the "to" before "diminish" appears to have no antecedent verb. If we take each "or" as a choice or departure point, we can logically read this part as, "No district may be drawn with the result of denying the opportunity of racial minorities to diminish their ability to elect representatives of their choice." Almost certainly this result was not intended by the drafters, and a serious study of the intent of this amendment will not pretend it was. Still, perhaps it is a lesson that even the most careful drafting can produce anomalies.

The greater issue here is that these six features of subsection (a) are mandatory. Opponents argued, during the campaign, that they are inherently incompatible; a common example given was that it is impossible to keep a district represented by a member of a minority while endeavoring not to favor an incumbent or (to a lesser extent) a party.

The subsection (b) provisions are expressly subordinated to those of subsection (a). Its opening language is: "Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) or with federal law, ..." Thus, the subsection (b) standards are mandated only if they can be accomplished

while not conflicting with the provisions of (a) or "federal law," understood here to refer to the Voting Rights Act, then they "shall":

1) be as nearly equal in population as is practicable;
2) be compact; and
3) where feasible [another qualifier], utilize existing political and geographical boundaries.

Thus, the requirements may be described as six standards—with the final one containing four choice, or departure, points where it uses the word "or"—followed by three more standards that would be subordinate to the first six.

The final subsection, (c), simply states that all subsection (a) standards should be weighted equally, and that all subsection (b) standards should be weighted equally.

b. Proponents' Purpose

This report details the proponents' contemporaneous stated purpose in promoting the Fair Districts Amendments through a search of their own words, found in news articles quoting them, transcripts of hearings or other meetings in which they spoke, and in other sources, such as other reports that quote the proponents.

i. Officers/Spokespeople

a. Ellen Freidin

The primary spokesperson for FairDistrictsFlorida.org, the organization that promoted the Fair Districts Amendments, was Ellen Freidin, a Miami-based lawyer who had served as a member of the 1997-98 Constitution Revision Commission. Freidin served as the Fair Districts campaign manager.[37] It was Freidin who was quoted most often in news articles when the reporter quoted proponents or sponsors of the measures. Ms. Freidin also was the spokesperson for the proposed amendments when the Joint meeting of the Florida House Select Policy Council on Strategic and Economic Planning and Senate Reapportionment Committee invited her to speak regarding the proposed amendments in February 2010. Indeed, Ms. Freidin's opening statement, followed by responses to questions posed by council and committee members, stretched nearly three hours, with only two five-minute breaks.

During this joint meeting, it was mentioned that another document, written by former Speaker of the House of Representatives of Florida and Fair Districts affiliate Jon L. Mills, had written a short document and circulated it among certain legislators; however, Mills was neither mentioned nor quoted in news articles about the proposed amendments.

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[37] Brennan Center: Redistricting Case Study, supra 18, at 8.

b. Barry Richard (Ballot-validity attorney)

1. Positions as argued in briefs

Both Fair Districts and the Florida Legislature filed briefs for the mandatory ballot-validity hearing.[38] The Fair Districts brief totaled nine pages and reiterated its argument that the initiative complied with ballot-summary and single-subject requirements. [39]

In contrast, the Legislature's far-ranging brief demonstrated that its objections to the Fair Districts proposals had not yet coalesced. The Legislature was represented by counsel for each chamber, not by the Solicitor General. Its arguments, as described below, included the "impossibility" of accomplishing politics-free redistricting; the consequent increased role of the courts in redistricting and the abiding impossibility of politics-free redistricting by the courts; and the mutual incompatibility of the subsection (a) mandates.

In its summary of argument, and in the argument itself, the Legislature emphasized its view that eliminating politics from redistricting is impossible: "[O]ne goal of the amendment — to eliminate politics from legislative redistricting decisions — is humanly impossible to achieve."[40] Also: "The most troublesome provisions are those requiring the intent behind a plan or district to be politically

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[38] Fla. Const. Art. 4, § 10 (1968).
[39] SC 08-986.
[40] SC 08-986, Brief of Florida Legislature at 4, 7.

neutral, neither favoring nor disfavoring any party or incumbent. This objective is humanly impossible to achieve."[41]

Intending to support an argument that the proposals would violate the single-subject rule, the Legislature's brief argued:

> Because — by its very nature — legislative redistricting cannot be politically neutral or devoid of political intentions, any plan propounded by the Legislature necessarily will be subject to challenge in the Supreme Court pursuant to Article 3, s. 16. . . . Because the Legislature will be unable to draft a plan or create all districts in compliance with paragraph 1 of the proposed amendment, the Supreme Court will be tasked with the constitutional obligation pursuant to Article 3, ss. 16(b) and (f) to conduct reapportionment.[42]

It then closed its logical circle:

> This Court will find the task of eliminating political considerations as impossible as it is for the Legislature. . . . Courts attempting politics-free plans have been unable to avoid them. In fact, judges find themselves facing the fact that no substantive standards exist for such an effort, and the resulting districts end up favoring one party or individual over another anyway. Even when judges attempt to avoid political considerations, the question arises whether it is humanly possible to do so.[43]

The Legislature's brief then addressed minority representation but did not reach the conclusion it did months later, when it claimed the proposals would actually hurt minority representation. In this 2008 brief, the minority-representation argument went like this:

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[41] SC 08-986, Brief of Florida Legislature at 17.
[42] SC 08-986, Brief of Florida Legislature at 19-20.
[43] SC 08-986, Brief of Florida Legislature at 20-21.

> Moreover, some requirements of paragraph 1 are so at odds that one provision cannot be obeyed without violating another. For instance, racial minorities often favor a political party or candidate. *Thornburg v. Gingles*, 478 U.S. 30, 68 (1986). Thus drawing a district or creating a plan to facilitate minority participation in the political process or enhancing their ability "to elect representatives of their choice" necessarily collides with the requirement that the intent behind districts be party neutral and not favor or disfavor an incumbent.[44]

2. Positions as argued in oral argument.

For the ballot-validity oral argument before the Supreme Court of Florida, on November 6, 2008, Fair Districts made clear that its primary purpose was drawing districts to avoid partisan advantage. Barry Richard argued on behalf of Fair Districts. In his opening, Attorney Richard argued:

> [The two proposals share] a single concept designed to do one goal, and that goal is to ensure that when the Legislature sets lines, that it sets them solely on the basis of proportional representation. Period. One person, one vote. And each of the standards serves that same singular purpose by providing that the Legislature shall not distort that single purpose by utilizing those things that historically have been used to distort it.[45]

Richard continued affirming the single purpose of the proposals when he refuted a suggestion that the several standards in the proposal language amounted to logrolling: "Here the voter knows that either I want my districts to be based solely

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[44] SC 08-986, Brief of Florida Legislature at 23.

[45] SC 08-986, Oral Arguments, Florida Supreme Court Gavel to Gavel Video Portal | Case SC08-986, SC08-1163, SC08-1149, SC08-11 (wfsu.org), at 3:10 (last visited August 23, 2024).

on proportional representation uninfluenced by something else or I want it to be influenced by something else so I am going to vote against this. It's a clear choice."[46]

The respective arguments regarding minority representation was revealing; the Legislature agreed they belonged in the proposals, and Fair Districts admitted that the Legislature does not gerrymander out of bigotry, but rather out of partisanship.

In their own words:

Legislature:

> I certainly would have the racial discrimination provisions in there. I mean, personally I would agree with that. I think to oppose that is like voting against the flag. The language minority requirements to the extent that I can understand them, they appear to be drawn from the Voting Rights Act. There's, we have no quarrel with those.[47]

Fair Districts:

> Happily we are beyond the time when the sponsors had to be concerned about bigotry. The sponsors do not believe, nor do I think any of us believe, that the legislature gerrymanders racial or ethnic groups because of some bigotry against that group, but what we do have concern about is that they use those groups to accomplish a political gerrymandering, so the singular purpose of this, and that's the reason when counsel said we are not doing anything different than what the law requires now that's not true. The law [prohibits] discriminating against racial or language minorities for the purpose of bigotry but it does not prohibit using those groups to achieve a political end and that's what this seeks to stop and that's a singular unified purpose.[48]

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[46] Id. at 7:33.
[47] Id. at 30:12.
[48] Id. at 41:21.

c. Additional spokespersons; coordinated effort

Other people speaking in support of the proposed amendments were not its originators or officers but spokespeople for organizations that had endorsed or contributed funds to the proposed amendments. Some of the people who were quoted frequently spoke for the NAACP, the Florida unit of AARP, and various local chapters of the Florida League of Women Voters.

This effort was coordinated to keep the message clear and free of inconsistencies. As the Brennan Center report put it, "The group's campaign manager conducted weekly calls to keep coalition partners up to date on activity and the message strategy the campaign team had developed. The regular updates allowed partners to promote a common message in support of the redistricting amendments, particularly with their own members and the public."[49]

Public outreach by Fair Districts partners included training for community-based presenters, editorial board visits, and press teleconferences, and letters to the editor.[50] While neither press teleconference transcripts nor presenter-training materials are publicly available, the results of the press conferences, letters to the editor, and editorial-board meetings are seen in the news media that this report has catalogued and analyzed.

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[49] Brennan Center: Redistricting Case Study, supra 18, at 10.
[50] Id.

The television efforts were modest: they ran only in the final two weeks before the election, in the Tampa, Orlando, Palm Beach, and Miami media markets, and consisted of two cartoon advertisements: one comparing the Legislature's drawing of districts to a fox guarding a henhouse, and the other depicting representatives of the AARP, NAACP, Democracía Ahora, and the League of Women Voters cheering "giving power back to the people." Both then showcase the editorial support.[51]

Radio spots were also recorded by well-known personalities such as Julian Bond of the NAACP and Rev. Joseph Lowery; their recordings were estimated to have reached 500,000 Blacks through telephone calls and radio, as estimated by Ms. Freidin and reported by the Brennan Center report. The same sources reported that Spanish-language radio spots were also used. The content of these voice recordings is not known, but could be expected to both mirror the coordinated message and place more emphasis on the racial- and language-minority protections.

ii. Major Contributors.

The Fair Districts political action committee received monetary contributions from more than 4,157 unique contributors, raising a total of $9,162,456.60 between 2007 and 2010. More than two-thirds of the total amount raised came through

[51]Brennan Center: Redistricting Case Study, supra 18, at 12; YES on Fair DistrictsFlorida Amendments 5 & 6, New TV Ad: YES on FairDistricts Florida Amendments 5 & 6 (youtube.com) (last visited August 21, 2024); FairDistrictsFlorida TV Ad, Fair Districts Florida TV Ad (youtube.com) (last visited August 21, 2024).

contributions of $100,000 and over.[52] A list of donors who contributed more than $50,000 is provided in Appendix 7.

Most of those large contributions came from organizations that were characterized by reporters or opponents as "liberal," "progressive" or "left-leaning."[53] These organizations included the National Education Association—the largest donor at $1,164,107; the Florida Education Association; the Florida Watch Ballot Committee; the Michael R. Bloomberg Revocable Trust; the Rockefeller Family Fund, Inc., and several lawyers and law firms, such as Searcy, Denney, & Scarola, Wayne Hogan, and Hogan's law firm; and Christopher Findlater, a Black lawyer from Virginia who contributed nearly $900,000. Although the Florida NAACP, the ACLU, and the Florida League of Women Voters endorsed the Fair Districts Amendments, they were not major monetary contributors to the campaign.

The mere fact that Fair Districts' major contributors had a certain political profile does not affect public perception appreciably, assuming that the average citizen will not actually visit the Fair Districts website to learn more about the amendments. It is when the contributors' list is not only reported but also characterized in some way that it may shape broader perceptions.

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[52] Id. at 12-13.

[53] *E.g.*, Scott Powers, "2 Ballot Measures Pit GOP vs. Dems," *Orlando Sentinel* (Oct. 20, 2010).

Forty-three contributors to the failed 2006 ballot measure were also repeat contributors to the 2010 Fair Districts' ballot initiative. The overlap suggests that the repeat contributors were backing the creation of redistricting standards, and not minority district protection, as the 2006 initiative did not state a standard for minority protection.

iii. What Spokespeople said about the proposals

In newspaper stories, Fair Districts spokespeople typically described the amendments as creating districts that do not protect incumbents,[54] compact districts,[55] districts that keep communities together,[56] competitive districts,[57] and districts that protect minority representation. When asked about the effects the amendments may have on minorities, spokespeople often referred the reporter to the actual language in the proposed amendments.[58]

However, in one interview, which appeared in an article run by at least three newspapers, Freidin was paraphrased as saying that "the debate has nothing to do

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[54] *E.g.,* Ellen Freidin, "Amendments 5 & 6, Pro," *Palm Beach Post*, October 17, 2010; "2 redistricting amendments on ballot," Bill Kaczor, Tallahassee Democrat, January 23, 2010.
[55] Ellen Freidin, "Amendments 5 & 6, Pro," *Palm Beach Post*, October 17, 2010.
[56] Id.
[57] Id.; *E.g.*, John Lantigua, "Amendments' goals: curb tailor-made voting districts," *Palm Beach Post*, October 11, 2010.
[58] Ellen Freidin, "Amendments 5 & 6, Pro," *Palm Beach Post*, October 17, 2010; *e.g.*, "Two black lawmakers support GOP-led amendment," Marc Caputo, *The Miami Herald*, April 17, 2010.

with party or race . . . . The goal is to change a system that has not only rewarded the party in power, but one that locked out newcomers while protecting incumbents."[59]

Spokespeople often have referred interviewers to the requirement that the districts not be drawn to favor or disfavor a particular incumbent or party. Two representative explanations, both by Ms. Freidin, follow: "It doesn't matter which party is in power. Whichever party is in power wants to take advantage of redistricting so it can enhance their ability to stay in power."[60] "The Republicans want to hold on to power, but I assure you the Democrats would be doing the same darn thing."[61] These statements of nonpartisanship can be understood as a way to appeal to potential voters who might otherwise support drawing lines to keep Republicans in power. Thus, by the words of both Ms. Freidin and Mr. Richard, the main focus of the amendments is driven by neither party nor racial motives, but rather by the desire to have districts not drawn to the specifications of incumbents.

Speaking to the perceived need for the amendments, spokesperson Freidin has been quoted as saying, "If our districts were drawn fairly, there would be more competitive elections. . . . 42 percent of the voters [the percentage of registered

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[59] Jim Ash, "New amendments target redistricting," *Florida Today*, November 7, 2010; Jim Ash, "Amendments 5, 6 will keep gerrymandering down," *Tallahassee Democrat*, November 8, 2010; Jim Ash, "Amendments make both parties mad," Fort Myers News-Press, November 8, 2010.
[60] Mike Schneider, "Amendments would reshape redistricting," *Tallahassee Democrat*, October 12, 2010.
[61] Jim Mayfield, "Redistricting reform plans discussed at Stuart meeting," *Stuart News*, April 27, 2010.

voters that are Democrat] are packed into about a third of the districts."[62] This statement can be understood as implying that previously the lines have been drawn to favor the Republican Party and Republican incumbents and that better partisan proportionality is needed.

When quoted about the minority-representation standards, the Fair Districts Amendments spokespeople and others generally said that the standards were designed to protect minority representation from diminishing, similar to the requirements of the Voting Rights Act.[63] In one article, Ms. Freidin, while "stop[ping] short of staying [sic] the amendment would preserve all the existing minority-access districts in the state," did say, "[W]e are absolutely confident that the language actually provides greater protection than exists under the Voting Rights Act today."[64]

However, the minority-representation standard was the subject of more commentary in news stories when opposition spokespersons were interviewed. The persons speaking most often in opposition were incoming Senate President Mike Haridopolos and Black congresswoman Corinne Brown. Cuban congressman Mario Diaz-Balart and incoming Speaker of the House Dean Cannon also spoke in

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[62] Paul Flemming, "District lines depend on vote," Fort Myers *News-Press*, September 20, 2010.
[63] E.g., Paul Flemming, "Ballot to address legislative districts," *Tallahassee Democrat*, September 19, 2010 (citing Brennan Center for Justice analysis),
[64] Aaron Deslatte, "Bipartisan duo fears for minority districts," *Orlando Sentinel*, January 12, 2010.

opposition, albeit less often. No organization formed in opposition until ProtectYourVote, Inc. did so on September 19, 2010. This committee raised $3,934,000, nearly two-thirds of it from the Republican Party of Florida.[65] A complete list of contributors is provided in Appendix 8.

The substantial investment of the Republican Party in ProtectYourVote suggests the opposition to Fair Districts was based on partisan and incumbent motivations, rather than minority-representation preservation. The involvement of large corporations such as U.S. Sugar and business-friendly organizations such as the Florida Chamber of Commerce, each of which contributed $100,000 to ProtectYourVote, is likely motivated by partisan, not racial, concerns.

One of the criticisms ProtectYourVote had against Fair Districts was that the amendments would actually reduce the number of Black and other minority seatholders in both Congress and the Florida Legislature.

One opposition point was that the standards could not be neutral as to parties and incumbents and yet maintain minority representation at or above then-current levels.

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[65] Heavily funded by the Republican Party of Florida, ProtectYourVote also included the two minority Congress members whose opposition to the Fair Districts Amendments predated ProtectYourVote by several months. ProtectYourVote was also funded by the Florida Chamber of Commerce, U.S. Sugar, and Florida Crystals. The committee later refunded $103,819.41 to the Republican Party of Florida, according to the Florida Division of Elections.

Perhaps ironically, this dialogue as to minority representation actually raised the minority-representation discussion level above where it might otherwise have landed. Articles that described the conflicting opinions about minority preservation outnumbered the articles that repeated or rephrased the minority-preservation language in the amendments unopposed. Descriptions of the conflicting opinions about minority-representation preservation appeared in 17.6 percent of the news stories; unopposed recitations of the minority-preservation language appeared in 28.5 percent.

c. Fair Districts Proposals From the Voters' Perspective

a. Sources.

The intentions of the proponents of the Fair Districts Amendments, while important on their own, are but one subset of the information that ultimately influenced how potential voters understood the proposed amendments. Other potential sources of information include news stories; lectures or webinars about proposals; the Fair Districts website; mailings; radio and television coverage; and polls. Lectures, webinars, and the Fair Districts website were likely used mainly by a small group of active and informed voters; a far greater number could reasonably be expected to have received their information via television, radio, or print or online newspapers.

The television coverage disseminated by the Fair Districts organization itself consisted, as described above, of two thirty-second cartoons that emphasized legislator self-interest in district-drawing and portrayed the amendments as giving power back to the people. This is a simple and very general message. It tells a viewer in general terms that if she votes "yes" for the Fair Districts Amendments, she will be taking power back—from someone. The radio information, targeted as it seems to have been to Black and Spanish-speaking voters, can, as noted above, be expected to have at least some mention of the minority-protection features of the Amendments.

Logically, print or online news is more likely than most other media to have the ability to provide explanatory information about this rather complex pair of amendments. Thus, a study of print and online news media is a reliable way to determine what the voters understood the Fair Districts Amendments to mean.

For this report, I searched the newspapers in the proprietary online news archiving site Newspapers.com, searching the term "Fair Districts" in the years 2008 through 2010. In each news story I checked for the purpose or purposes the Fair Districts proposals were described as having: not favoring or disfavoring incumbents; not favoring or disfavoring a particular political party; preserving minority representation; placing minority representation at risk; or promoting

compactly shaped districts. I searched these terms because the concepts they represented were part of the language of the amendments.

The types of news stories included news articles, editorials, opinions, regular columns, brief explanatory lists of all proposed amendments on the ballot, and letters to the editor. In my referrals to all of these in the aggregate, I call them "news stories." When I refer to a particular type of news story, I call it, for example, "editorial" or "article."

b. Early coverage

Before the Amendment language was approved for the ballot, on January 29, 2009, the relatively few news stories described the proposed amendments in ways that generally tracked the language of the amendments themselves. Nearly every mention was in the form of an opinion or editorial, and commentary beyond a recitation of the language described the proposals as rational and providing for greater competitiveness among the parties and with the incumbents.[66]

c. Opposition Begins to Emerge

After the Fair Districts amendment language was approved for the ballot, the proposals began to receive increased news coverage. On June 7, 2009, the Tampa Tribune reported on the rapid pace of signature gathering to place the amendments

[66] *E.g.*, Editorial, "Leveling field for elections," *St. Lucie News Tribune* (TC Palm), November 26, 2008.

on the ballot. The article noted there was no organized opposition yet, but "Republican insiders and the amendments' sponsors" predicted opposition to emerge.[67] One week later, the Miami Herald reported that "civil rights activists" resisted the bipartisan redistricting commission initiative, so the legislature would remain in charge of redistricting. A Republican party spokesperson said that it did not anticipate putting any money into the campaign.[68]

On November 3, 2009, the Senate reapportionment committee held its first hearing on the Fair Districts amendments.[69] Committee chair Haridopolos concluded the hearing that the amendments posed "many more questions than I realized."[70]

i. Members of Congress Brown and Diaz-Balart

On November 6, 2009, Florida congressional incumbents Corrine Brown, a Democrat, and Mario Diaz-Balart, a Republican, sent a lengthy letter to the House Select Policy Council on Strategic and Economic Planning. As the House staff later summarized to House legislators: "Overall, the congresspersons asserted that

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[67] William March, "Redistricting Drive Could Reshape Politics," *Tampa Tribune*, June 7, 2009, at 9.
[68] Beth Reinhard, "Tailored Voting Districts Targeted," *Miami Herald* (Broward edition), June 15, 2009,at 1A, 2A.
[69] Senate Reapportionment committee, Nov. 3, 2009, https://thefloridachannel.org/videos/11309-senate-reapportionment-committee/ (last visited August 22, 2024).
[70] Id. at 1:27.

FairDistrictsFlorida.org's proposed standards lack definition, lacked a clear method for reconciling inconsistencies, and could dilute minority access seats."[71]

The messages from Brown and Diaz-Balart concentrated on the danger to minority representation the proposed amendments presented. Brown told news reporters she feared that the Fair Districts Amendments would turn back the clock to a time before Florida had Black members of Congress.[72] This was a bold stance, considering that the tier-one language, on its face, sought to prohibit lessening minority representation.

ii. Senator Haridopolos

State Senator Mike Haridopolos, the incoming President of the Senate and, therefore, a leader in the upcoming redistricting, objected with a threefold front: the terms were confusing; the goal of eliminating politics from redistricting was impossible; and, echoing Brown and Diaz-Balart, the proposals would erode minority representation.[73] He was quoted extensively in articles and wrote opinion pieces.

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[71] HJR 7231, Congressional Redistricting and Reapportionment, House of Representatives Staff Analysis, at 16.
[72] Bill Kaczor, "2 redistricting amendments on ballot," *Tallahassee Democrat*, January 23, 2010.
[73] *E.g.*, Mike Haridopolos, "Guest Opinion: Redistricting Amendments Must Not Pass," Fort Myers *News-Press*, Oct. 20, 2010.

iii. The Legislature's poison pill amendment

On April 16, 2010, Republican House representative Dorothy Hukill introduced a joint resolution through the House Select Policy Council on Strategic and Economic Planning to propose a constitutional amendment on the Legislature's redistricting powers. The supporters of the resolution had stated at a council hearing on April 15 that the amendment would add flexibility to the Legislature's redistricting authority in the event the Fair Districts Amendments passed. Opponents and news articles referred to the resolution as a poison pill amendment attempting to nullify the Fair Districts standards. The proposed language read, in pertinent part: "The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of common interest other than political parties may be respected and promoted, both without subordination to any other provision of this article."[74]

At the April 15 council hearing, legislators supporting the amendment repeatedly asserted that they intended it only to "complement" and "clarify," not override, the Fair Districts initiatives. Multiple legislators asserted that the amendment was necessary in light of the confusion expressed in hearings on how the Fair District initiatives would be applied. There was discussion on how Fair Districts would impact minority districts. Resolution sponsor Hukill said she was

[74] HJR 7231 (2010).

unable to predict whether the House amendment would create more or fewer minority districts, but that it would protect the ability of minority groups to participate in the political process.[75] Representative Hukill reaffirmed that under the proposed resolution the Fair Districts standards would "be considered but will not take precedent."[76]

An Associated Industries representative addressed the council in support of the House resolution. To a question whether there was public confusion over the Fair Districts Amendments by the public, he responded by saying he did not think the public had the "knowledge or subtlety" about how "all the moving parts" of the amendments fit. Hukill, in her debate summation, bluntly said the resolution "does not conflict with the initiatives already on the ballot." The proposed joint resolution passed the council vote eleven to five.

The second and final council hearing on the joint resolution occurred four days later in the Rules and Calendar Council. The public arguments of most incumbent legislators opposing Fair Districts were fixed by this point. Opponents of the Fair Districts proposals argued the standards were unworkable. They also argued the standards were incomprehensible, or if understandable, they conflicted with one

[75] Recording of House Select Policy Council on Strategic and Economic Planning, April 15, 2010, at 23:32.
[76] Recording of House Select Policy Council on Strategic and Economic Planning, April 15, 2010, at 27:35.

another. Some arguments focused on black minority districts. To preserve or newly form such a district, legislators argued, violated the nonpartisan standard because a black majority district would trend to the Democrats. It would also, said Representative Larry Cretul in closing debate, concentrate black voters into one district, leaving adjacent districts with a majority of non-black voters who were presumed Republicans.

On April 19, 2010, the House Rules and Calendar Council debated the resolution. Of the organizations making an appearance before the council, one supported the amendment and nine opposed it. Legislators on the council voted in favor of the joint resolution by a vote of twelve to six. In all, the Legislature devoted ten hours and fifteen minutes to proposed Amendment 7, including more than six hours of House and Senate floor debate. A list of pertinent hearings is available in Appendix 9.

On April 23 and 26, 2010, the House held its floor debate on the resolution. The House easily passed the resolution by the necessary three-fifths majority, seventy-four votes in favor to forty votes in opposition. The resolution was then sent to the Senate where a similar resolution was pending.

The Senate joint resolution 2287, as twice amended, however, differed in that it established mandatory standards that:

> establish single-member legislative and congressional districts that are contiguous, do not overlap, are equal in population, are drawn in a manner

> that respects communities of common interests and that does not deny citizen rights to express favor or disfavor for incumbents or political parties, and are drawn in a manner that does not deny or diminish opportunities for racial or language minorities to participate in the political process and elect candidates of their choice.

Although two amendments to the Senate joint resolution were attempted, the Senate decided to adopt the House joint resolution unchanged; it passed in the Senate with the necessary three-fifths majority.

The proposed amendment was then sent to the Secretary of State and placed on the ballot as Amendment 7, immediately following the Fair Districts Amendments 5 and 6.

The Florida chapter of the NAACP sued; the circuit court granted summary judgment in favor of the NAACP, finding the proposed Amendment 7 was deceptive. The Legislature appealed to the First District Court of Appeal, which certified the case as one of great public importance to the Florida Supreme Court.

Oral argument in the case was held August 18, 2010; House Speaker Dean Cannon represented the state. The Court pressed Cannon on whether Amendment 7 granted the legislature full discretion when redistricting, thereby eliminating the standards in Amendments 5 and 6. Cannon responded, no, that Amendment 7 granted some latitude with the compactness requirement but in no way affected the prohibition against partisan gerrymandering.

The Court issued its opinion thirteen days later, on August 31, 2010, upholding the circuit court judgment and excluding Amendment 7 from the ballot.

d. Public opinion polls

Two public opinion polls were taken on the Fair Districts amendment in the weeks before the 2010 general election.

One poll was conducted between September 12th and 16th by the Harstad Strategic Research; and the results were reported by authors Joseph Eagleton and Daniel Smith in a chapter in a 2015 book, *Jigsaw Puzzle Politics in the Sunshine State*.[77] The results of the Harstad poll of 1,209 likely voters reported both amendments were above the necessary 60 percent approval bar. Democrats supported both amendments at a higher rate than Republicans, but even the latter approved the Amendment 5 at 63.4 percent and Amendment 6 at 62.4 percent. Both Black and Latino voters approved both amendments at greater than 60 percent.[78]

Authors Eagleton and Smith also analyzed the precinct election results in three congressional districts, which included the two districts of congresspersons Corinne Brown and Mario Diaz-Balart. The results of this analysis showed a total approval rating with Brown's 257 precincts at 56.6 percent and in Diaz-Balart's 191 precincts

[77] Joseph T. Eagleton & Daniel A. Smith, "Drawing the Line: Public Support for Amendments 5 and 6," in *Jigsaw Puzzle Politics in the Sunshine State*, Seth C. McKee, Ed. (Gainesville: University Press of Florida 2015).
[78] Eagleton and Smith at 119-20.

at 62.3 percent. The twelve counties within the boundaries of Brown's precincts approved the amendments at a higher rate of 59.4 percent, and the two counties of Diaz-Balart at 70.5 percent.[79]

Authors Eagleton and Smith concluded from this data:

> Fair Districts Florida touted Amendments 5 and 6 as a common sense, practical fix to a complex problem. By establishing additional standards for drawing congressional and legislative districts, proponents of Amendments 5 and 6 sought to make government more representative. On Election Day, a supermajority of Floridians apparently agreed. There was extensive support for redistricting reform in both the statewide pre-election survey and at the precinct level across partisan and racial and ethnic lines, indicating a broad array of Florida voters supported institutional change.[80]

A second poll of all ballot amendments was taken October 15 through 19 by a telephone survey of 801 subjects. The poll was conducted by IPSOS on behalf of a number of Florida newspapers. The poll reported that one in three voters remained undecided on most of the amendments. Only 45 percent of likely voters reported that they viewed Amendments 5 and 6 favorably, thus requiring an additional 15 percent gain among undecided voters. An IPSOS pollster commented that voters had not read the ballot amendments and observed that: "People don't really know what the heck these things are." Another IPSOS pollster warned that the polling numbers

[79] Id. at 123-24.
[80] Id. at 124.

could change fast once ballot proponents started final advertising pushes, "These campaigns . . . spend furiously in the few weeks before the election."[81]

e. Final media push

Early voting in 2010 started in Florida fifteen days before the election, on October 18, 2010. The Fair Districts committee paid $3,811,652.64 in media advertising between October 7 and November 1, 2010. It paid an additional $456,429.07 in printing and direct mail expenses between September 20, 2010 and October 7, 2010 urging support of the amendments.[82] Fair Districts and its affiliates also held speaking forums in various state locations.

As noted earlier, the two Fair Districts television advertisements focused on political gerrymandering and did not mention minority representation.

The opposing Protect Your Vote committee also conducted a pre-election advertising blitz. They spent $3,536,258 in media placements in October 2010. The committee additionally spent $21,000 in direct mail services and $46,436 in voter contact during that same period.[83]

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[81] Michael C. Bender, "Key amendments unlikely to pass, new poll indicates," *Miami Herald*, Oct. 25, 2010.
[82] Campaign Finance Database - Expenditures Records - Florida Division of Elections - Department of State (myflorida.com) (last visited August 23, 2024).
[83] Id.

f. Patterns of information

Over time, the prohibition of intent to favor or disfavor protection of incumbents, at 70.5 percent, and prohibition of intent to favor or disfavor protection of parties, at 72.1 percent, were the Fair Districts' features mentioned most often in news stories. Coming in as a group and distinctly behind party and incumbent protection were mentions of whether the Fair Districts Amendments would call for compactly, or at least less bizarrely, shaped districts (40.0 percent) and whether they would help (33.2 percent) or hurt (28.9 percent) minority representation.[84]

However, when looking at the timing of the information, an interesting pattern emerges. The earliest stories mentioned protecting minority representation (5 of 6 stories through January 30, 2009). Then, the effect on minorities was not mentioned at all, until minority protection was mentioned once in early March 2009 and once in June 2009.[85] The idea that minority representation might be at risk—the argument of Brown, Diaz-Balart, and Haridopolos—arose only once, on July 25, 2009.[86]

Twenty-seven news stories on the Fair Districts Amendments were published before November 9, 2009, the date the Florida Senate began its hearings on the amendments. Twenty-two of them, 81.5 percent, reported the Amendments would

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[84] Based on a database of 193 Florida news stories from 2008 through election day 2010, using Newspapers.com.
[85] *Tallahassee Democrat*, March 2, 2009; *Tampa Tribune*, June 7, 2009.
[86] *South Florida Sun-Sentinel*, July 25, 2009.

end partisan redistricting; twenty, 74.1 percent, reported the Amendments would end intentional protection of incumbents; eighteen, 66.7 percent, that the Amendments would create compact districts; and nine, 33.3 percent, that the Amendments would protect formation of minority districts. Only one article reported a concern that the Amendments would harm the formation of minority districts.

After the start of the November 9, 2009 legislative hearings, a marked increase occurred in the number of stories that reported a concern that Fair Districts would harm minority representation. Fifty-four of 163 stories, or 33.1 percent, between November 9, 2009 and election day 2010 contained information that the Fair Districts Amendments could harm minority representation. And with the first articles about ProtectYourVote.org, beginning when it organized on September 19, 2010, minority representation was mentioned in 27 of 62, or 43.6, percent, of the articles—a notable increase, but still far fewer than half the news stories. During this period, sources were quoted as saying minority representation was at risk or would decrease *more* often (38.7 percent) than sources were quoted saying the Fair Districts Amendments would protect minority representation (29.0 percent). It is difficult to claim with certainty whether minority awareness would have remained lower without the opposition of Senator Haridopolos or Congressmembers Brown and Diaz-Balart. Regardless, the proponents treated minority protection as a secondary issue compared with the other mandatory provisions for the ballot initiative.

IV. Comparison of Fair Districts Amendments History with Voting Rights Act History

By contrast, the history and causes of the Voting Rights Act of 1965 (the "VRA") are well documented: Everything in the history of the VRA points almost exclusively to the need to protect Black voting rights. Voter-registration data in Southern states tell the story plainly. In fact, the Redistricting Law "Red Book" of 2010, published by the National Conference of State Legislators, states: "The [Voting Rights A]ct accomplished what the 15th Amendment to the U.S. Constitution and numerous federal statutes had failed to accomplish—it provided minority voters an opportunity to participate in the electoral process and elect candidates of their choice, generally free of discrimination."[87]

The need for this opportunity to be met was most acute in the South, where slavery had been practiced more widely than elsewhere in the United States, and where many whites still had entrenched notions of white superiority and the need for segregation of the races.

The years leading up to the passage of the VRA had been inflamed with racial disharmony in Southern states. The unanimous U.S. Supreme Court decision in *Brown v. Board of Education of Topeka*[88] had ignited a firestorm of vitriol from white segregationists. Far from guaranteeing desegregation of public schools, the decision

[87] NCSL, Redistricting Law 2010 (publisher, year) at 51.
[88] 347 U.S. 483 (1954).

resulted in whites, mainly in the South, to resist any efforts to give rights to Blacks. Segregation became a rallying cry, and politicians had to espouse it if they hoped to be elected. In Florida, the 1956 and 1960 gubernatorial elections featured campaign advertisements by candidates affirming their support for segregation; in 1963, Alabama Governor George Wallace declared in his inaugural address, "Segregation today, segregation tomorrow, segregation forever." In Mississippi, Governor Ross Barnett attempted to defy the U.S. Supreme Court when he allowed a mob to greet Black student James Meredith when Meredith tried to attend his first class at the University of Mississippi. Two were killed in the ensuing riot.

White feeling that Blacks should not vote was an extension of the insistence on segregation. Allowing Blacks to vote would foreseeably lead to the election of Blacks, or at least of whites sympathetic to issues important to Blacks. Whites then would cease to live in a world rigged to sustain their stranglehold on power, money, privilege, and respect.

For a general history of the VRA, and for purposes of this report, I rely on the VRA histories provided in two U.S. Supreme Court cases, *South Carolina v.*

Katzenbach[89] and *Shelby County, Ala. v. Holder*,[90] and on historian David J. Garrow's *Protest at Selma*.[91]

The U.S. Supreme Court opinions in *Katzenbach* and *Shelby County* provide information on Black voter registration rates as a percentage of Black voting-age population, primarily in three Southern states. The picture they paint is bleak. Despite the Fifteenth Amendment, which provided that men could vote regardless of race, and despite the Civil Rights Acts of 1957 and 1964, which provided standards by which a victim of racial discrimination in voting could litigate in federal court, Black voter registration rates lagged some 50 points behind that of whites:

> [R]egistration of voting-age Negroes in Alabama rose only from 14.2% to 19.4% between 1958 and 1964; in Louisiana it barely inched ahead from 31.7% to 31.8% between 1956 and 1965; and in Mississippi it increased only from 4.4% to 6.4% between 1954 and 1964. In each instance, registration of voting-age whites ran roughly 50 percentage points or more ahead of Negro registration.[92]

Voting registrars in Southern states used a variety of "ingenious" measures to discriminate against Blacks attempting to register to vote. A widely used ploy was to administer a difficult literacy test to Blacks but administer an easy one, or none at all, to whites registering to vote.[93] During a similar period, in Dallas County,

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[89] 383 U.S. 301 (1966).
[90] 570 U.S. 529 (2013).
[91] Garrow, David J., *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press 1978).
[92] *Katzenbach*, 383 U.S. at 313.
[93] Id. at 310-13.

Alabama, of which Selma was the county seat, Black voter registration rates remained in single digits, rising only from 156 to 383 in a Black population of about 15,000,[94] or from 1 percent to 2.5 percent of the Black population. In Florida, at the time the VRA was passed, no Black had been elected to Congress since Reconstruction.[95]

By 2009, "'the racial gap in voter registration and turnout [was] lower in the States originally covered by § 5 than it [was] nationwide.'"[96]

The Garrow book follows two more-or-less simultaneous tracks on a nearly minute-by-minute basis: the strategies, tactics, and actions of the Student Nonviolent Coordinating Committee (SNCC) and the Southern Christian Leadership Conference (SCLC), led by Dr. Martin Luther King in several locations but primarily Selma, Alabama; the actions of the Lyndon B. Johnson administration; and the actions of both houses of the Congress in conceiving, drafting, amending, and passing the Voting Rights Act of 1965 (VRA). Taken together, these sources show that though the Selma demonstrations of the first months of 1965 are widely believed to be at least one reason the VRA was passed, the concept of stronger voting rights legislation had existed in LBJ's mind and in his inner circle since at least late 1964.

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[94] Id. at 315.
[95] *DeGrandy v. Wetherell*, 794 F. Supp. 1076, 1079 (N.D. Fla 1992).
[96] *Shelby County, Ala. v. Holder*, 570 U.S. at 535.

The Selma demonstrations are an important part of any analysis of the purpose of the VRA because they illustrate the ferocity of the rage some Southern whites had in opposition to Black voting rights. The infamous "Bloody Sunday" demonstration, in which law enforcement officers and volunteer "possemen," some on horseback, trampled, beat, and gassed peaceful Blacks who were standing quietly, nauseated the nation when newspaper photos and television brought the melee to homes across America the following day. But to assume that this demonstration was "the" impetus for the VRA would be to err. Much of the VRA had already been drafted by Bloody Sunday.

What the Selma demonstrations accomplished, author Garrow concludes (along with many others), is that Bloody Sunday provided the sense of urgency necessary for Black voting rights legislation to become a priority with Congress. Regardless of whether the VRA had its conception before, during, or after some of the more violent demonstrations, it is widely accepted that the VRA was always, and primarily, about voting rights *for Blacks*. For example, a section was proposed to enable certain Spanish-speaking citizens to vote more easily, but this section was treated as an optional amendment, and was added, subtracted, and used as a side-issue bargaining tool before finally being discarded. It was not until 1975 that the

Act was amended to include language minorities.[97] With this amendment came the designation of five Florida counties with large Spanish-speaking populations as counties requiring preclearance. One of these counties was Hillsborough.

Unlike the VRA, the Fair Districts Amendments were borne of frustration that the process of drawing legislative and Congressional districts had become so politically driven that it had created out-of-balance, unrepresentative districting maps. As noted earlier, because the Fair Districts Amendments were citizens' initiatives, they have no legislative history and little in the way of publicly available statistics, like voter registration rates, that methodically document the problems the amendments sought to fix. Therefore, news stories, public statements (like oral argument transcripts and interviews), and prior attempts at instituting redistricting reform must provide the bulk of the historical perspective. The sources I have examined ultimately show, in the aggregate, that while preserving minority representation was a feature of the Fair Districting amendments, it was not the

[97] Act of Aug. 6, 1975, Pub. L. No. 94-73, Title II, secs. 203, 206, 207, 89 225 Stat. 400, 401-02 (codified as amended at 42 U.S.C. §§ 1973(a), "No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b(f)(2) of this title, as provided in subsection (b) of this section;" 1973b(f)(2), "No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group;" 1973d; 1973k; 1973l(c)(3), "The term 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage").

primary driving force, either in proponent communications or by the news information provided to the public.

V. Conclusion

The Fair Districts Amendments of 2010 culminated a long line of attempts to amend the Florida Constitution to eliminate political gerrymandering from the redistricting process. While preservation of minority representation was a part of those amendments, most attention given the amendments in news reports and from the spokespersons themselves gave priority to the amendments' provisions prohibiting favoring or disfavoring political parties or incumbents. In contrast, the federal Voting Rights Act of 1965 was passed with the exclusive purpose of systematically protecting Blacks', particularly Southern Blacks', right to vote unencumbered from interference by white segregationists.

VI. Statement of Compensation and Qualifications Regarding Expert Report Author

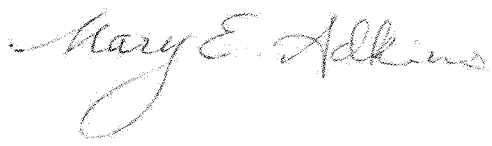
Although I have testified in federal court, I have not done so in the past four years. I have been retained in this matter at an hourly rate of $400.00 per hour; my deposition and court testimony rates are compensated at $450.00 per hour.

I have been researching and writing about the history of the Florida Constitution since 2010. My first book, *Making Modern Florida: How the Spirit of Reform Shaped a New State Constitution*, told for the first time the story of how political and demographic conditions in mid-twentieth-century Florida created the

need for a new Constitution, and how that Constitution was created. The book continues to be well-received, and in fact is in use as a required text in Florida State University's Master's in Applied American Politics & Policy programfor the Fall 2024 semester. I have presented more than seventy times on the history of the Florida Constitution and its amendments and have authored, co-authored, or edited five other books, with more in progress. I am nationally recognized as an expert on the history of the Florida Constitution; most recently I was invited by the Brennan Center for Justice to contribute an essay on the Florida Constitution.

My CV, which is attached to this report, documents my educational background and professional achievements.

Respectfully,



Mary E. Adkins September 9, 2024

APPENDIX 1.

1977-78 CRC proposal

SECTION 16. Legislative and Congressional Reapportionment.

(a)Reapportionment Mandate. In each year ending in one, the state shall be divided into: as many congressional districts as there are United States Representatives apportioned to the state; not less than thirty or more than forty senate districts; and not less than eighty or more than one hundred and twenty representative districts. All legislative districts shall be single-member districts.

(b) Reapportionment Commission. In each year ending in zero and at any other time of court-ordered reapportionment, a commission shall be established to prepare a reapportionment plan for congressional and state legislative districts. The commission shall consist of seven electors, none of whom may be elected public or party officers or employees of the state legislature. The president of the senate, the speaker of the house of representatives, the minority leader of the senate, the minority leader of the house of representatives and the chairperson of the political party which received the second highest vote in the last gubernatorial election shall each submit to the governor and make public a list of not less than three persons. By July 1 of the same year, the governor shall appoint one person from the each list and one additional person. Within thirty days after the appointments have been made, the six commissioners shall select by a vote of at least four commissioners a seventh commissioner, who shall serve as chairperson. Failure to select the seventh commissioner within the time prescribed shall constitute an impasse which shall automatically discharge the commission. A new commission shall then be appointed in the same manner as the original commission. The legislature shall establish by law the qualifications of commissioners, the procedures for their selection and for the filling of vacancies, and the uties and powers of the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(c) Reapportionment Standards.

(1) Congressional districts and state legislative districts for each respective house shall be as nearly equal in population as is practicable, based on the population reported in the federal census taken each year ending in zero. In no case shall a

congressional district have a population which varies by more than one percent from the average population of all congressional districts in the state. In no case shall a single state legislative district have a population which varies by more than five percent from the average population of all districts of a house. In no case shall the average of the absolute values of the population deviations of all districts of the respective house vary by more than two percent from the average population of all districts. Any population variance must be justifiable as necessary for compliance with one or more of the other standards set forth in this section. The commission shall have the burden of justifying any variance between the population of a district and the average population of all districts.

(2) Districts shall be composed of convenient contiguous territory and, consistent with subsection (1), shall be drawn to coincide with the boundaries of local political subdivisions.

(3) Districts shall be compact in form. The aggregate length of all district boundaries shall be as short as practicable consistent with the standards contained in subsections (1) and (2). In no case shall the aggregate length of the boundaries of all districts of a house, as well as of all districts within a local political subdivision that has a population sufficient to establish two or more districts, exceed by more than five percent the shortest possible aggregate length of all the districts under any other plan that is consistent with the other standards contained in this constitution.

(4) The commission shall prepare a plan that is equitable to all electors. In preparing a plan, the commission shall not use demographic information or information about incumbent legislators, the political affiliations of registered voters, or previous election results for the purpose of favoring any political party, incumbent legislator, or any other person or group.

(5) No district shall be drawn for the purpose of diluting the voting strength of any language or racial minority group.

(d) Judicial Review of Apportionment. Within 15 days after the submission of an apportionment plan by the commission, the Attorney General shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment plan. The supreme court, in accordance with its rules, shall permit adversary interests to present their views, and, within 60 days from the filing of the

petition, shall enter its judgment. Should the supreme court determine the apportionment plan to be invalid in whole or in part, the governor shall reconvene the commission which shall, within 30 days, adopt an apportionment plan conforming to the judgment of the supreme court. A revised plan shall be subject to judicial review by the supreme court in the same manner as the original plan.

Schedule to Article III, Section 16. The first election pursuant to this apportionment shall be held at the general election in 1982.

APPENDIX 2.

1980 proposal.

Reference: Article III, Section 16

Ballot Title: Citizen's Amendment for Better Representation

Ballot Summary: None. Full Text: Section 16 of Article III of the State Constitution shall be amended to read:

SECTION 16. Legislative and congressional reapportionment.-

(a) REAPPORTIONMENT MANDATE. In each year ending in one, the state shall be divided into: as many congressional districts as there are United States Representatives apportioned to the state; not less than thirty or more than forty senate districts; and not less than eighty or more than one hundred and twenty representative districts. All legislative districts shall be single-member districts.

(b) REAPPORTIONMENT COMMISSION. In each year ending in one and at any other time of court ordered reapportionment, a commission shall be established to prepare a reapportionment plan for congressional and state legislative districts. The commission shall consist of seven electors, none of whom may be elected public or party officers or employees of the state legislature. The president of the senate, the speaker of the house of representatives, the minority leader of the senate, the minority leader of the house of representatives, and the chairperson of the political party which received the second highest vote in the last gubernatorial election shall each submit to the governor and make public a list of not less than three persons, By July 1 of the same year, the governor shall appoint one person from each list and one additional person. In making his appointments, the governor shall give due consideration to the appointment of a commission that is broadly representative of the people of the state. Within thirty days after appointments have been made, the six commissioners shall select by a vote of at least four commissioners a seventh commissioner, who shall serve as chairperson. Failure to select the seventh commissioner within the time prescribed shall constitute an impasse which shall automatically discharge the commission. A new commission shall then be appointed in the same manner as the original commission. The legislature shall establish by

law the qualifications of commissioners, the procedures for their selection and for the filling of vacancies, and the duties and powers of the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(c) REAPPORTIONMENT STANDARDS.

(1) Congressional districts and state legislative districts for each respective house shall be as nearly equal in population as is practicable, based on the population reported in the federal census taken each year ending in zero. In no case shall a congressional district have a population which varies by more than one percent from the average population of all congressional districts in the state. In no case shall a single state legislative district have a population which varies by more than five percent from the average population of all districts of a house. In no case shall the average of the house exceed two percent of the average population of all districts. Any population variance must be justifiable as necessary for compliance with one or more of the other standards set forth in this section. The commission shall have the burden of justifying any variance between the population of a district and the average population of all districts.

(2) Districts shall be composed of convenient contiguous territory and, consistent with paragraph (1), shall be drawn to coincide with the boundaries of local political subdivisions.

(3) Districts shall be compact in form. The aggregate length of all district boundaries shall be as short as practicable consistent with the standards contained in paragraphs (1) and (2). In no case shall the aggregate length of the boundaries of all districts of a house, as well as of all districts within a local political subdivision that has a population sufficient to establish two or more districts, exceed by more than five percent the shortest possible aggregate length of all the districts under any other plan that is consistent with the other standards contained in this constitution.

(4) The commission shall prepare a plan that is equitable to all electors. In preparing a plan, the commission shall not use demographic information or information about incumbent legislators, the political affiliations or registered voters, or previous election results for the purpose of favoring any political party, incumbent legislator, or any other person or group.

(5) No district shall be drawn for the purpose of diluting the voting strength of any language or racial minority group.

(d) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen days after the submission of an apportionment plan by the commission, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment plan. The supreme court, in accordance with its rules, shall permit adversary interests to present their views, and, within sixty days from the filing of the petition, shall enter its judgment. Should the supreme court determine the apportionment plan to be invalid in whole or in part, the governor shall reconvene the commission which shall, within thirty days, adopt an apportionment plan conforming to the judgment of the supreme court. A revised plan shall be subject to judicial review by the supreme court in the same manner as the original plan.

(e) SCHEDULE TO ARTICLE III, SECTION 16. The first election pursuant to this apportionment shall be held at the general election in 1982.

APPENDIX 3.

(Journal of the Senate, February 23, 1993, page 187)

CS for SJR's 328, 530, 844 and 139—
A joint resolution proposing the repeal of section 16, Article III of the State Constitution, relating to legislative apportionment, and the addition of section 10, Article II of the State Constitution, relating to the establishment of a commission to reapportion the state legislative districts and redistrict congressional districts; prescribing guidelines for such reapportionment and redistricting; and providing for judicial review thereof.

Be It Resolved by the Legislature of the State of Florida:

That the repeal of section 16 of Article III of the State Constitution and the addition of the following section 10 of Article II of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II
GENERAL PROVISIONS

SECTION 10. Legislative apportionment and congressional redistricting.

(a) REAPPORTIONMENT MANDATE.— By the end of each year that ends in one, the state shall be divided by the commission herein created into: as many congressional districts as there are United States Representatives apportioned to the state; forty consecutively numbered senate districts; and one-hundred-and-twenty consecutively numbered representative districts. All legislative districts shall be single-member districts.

(b) REAPPORTIONMENT COMMISSION.—

(1) In each year that ends in zero and at any other time of court ordered reapportionment, a commission shall be established to prepare a redistricting plan for congressional districts and a reapportionment plan for legislative districts. The commission shall consist of seven electors, none of whom may be an elected public official, party officer, registered lobbyist; or legislative employee, as such terms are defined by law. Any other person may serve on the commission. By March 1 of the same year, the chief justice of the supreme court shall appoint six members to serve on the commission. Five members shall be selected from recommendations made by the chief judge of each district court of appeal in this state. Each chief judge shall

recommend 3 individuals who otherwise meet the qualifications of this section and are domiciled in that district. Of the three recommendations made by each chief judge, the chief justice shall appoint at least one member of each racial or language minority group that comprises at least 10 percent of the population of this state as shown by the most recent federal decennial census. If the recommendations from the chief judges do not permit such appointments, the chief justice may disregard the recommendations to the extent necessary to make these required appointments. In making the remaining appointments, the chief justice shall endeavor to establish the membership of the commission to reflect the gender diversity of the state and to be geo graphically representative of the state.

(2) Within thirty days after the appointments have been made, the six commissioners shall select, by a vote of at least four commissioners, a seventh commissioner, who shall serve as chairperson. The chairperson will be responsible for the administrative duties of the commission, including supervision of commission staff. Staffing of the commission shall be as provided by law. Failure to select the seventh commissioner within the time prescribed shall constitute an impasse that shall automatically discharge the commission. A new commission shall then be appointed in the same manner as the original commission. Within twenty days after the new appointments have been made, the six commissioners shall select, by a vote of at least four commissioners, a seventh commissioner, who shall serve as chairperson.

(3) Should the number of appellate court districts in this state be increased or decreased by the legislature, the number of members on the commission shall increase or decrease accordingly, with the method of appointment remaining unchanged except as herein modified. The chairperson of the commission shall be selected by a two-thirds vote of the commissioners. The chief justice shall appoint an additional member to serve on the commission if the number of commissioners prior to the selection of the chairperson is an odd number.

(4) As a condition of appointment, each commissioner shall take an oath that such commissioner will agree not to seek public office in any of the newly redistricted legislative or congressional districts for a period of two years after the effective date thereof.

(5) Vacancies shall be filled by the chief justice based on the same criteria as the original appointment including domicile within a district of an appellate court within the state, except that the chairperson shall be selected in the manner set forth in paragraph (2).

(6) The legislature shall, by general appropriations, provide adequate funds to enable the commission to carry out its duties.

(7) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall adopt its plans by majority vote. No ex parte communication relative to the merits, threat, or offer of reward shall be made to a commissioner. A special election specifically authorized by law for that purpose: commissioner who receives an ex parte communication shall place on the communications received and all written responses to such communications, and all oral communications received and all oral responses made thereto. The ex parte prohibition shall not apply to commission staff except that such ex parte communications between commission staff and the following shall be prohibited: any interested party to any proposed plan; any lobbyist as defined in section 112.3148(2)(b), Florida Statutes, or section 112.3215(1)(a), Florida Statutes; and any officer or employee of a political party or its agent or designee. The provisions of section 24 of Article I of this constitution regarding access to public records and meetings shall apply to the commission. meetings shall apply to the commission.

(c) REAPPORTIONMENT STANDARDS.-

(1) Congressional districts and state legislative districts for each respective house shall be as nearly equal in population as is practicable, based on the population reported in the federal decennial census, taken in each year ending in zero. No congressional district shall have a population that varies by more than one percent from the average population of all congressional districts in the state. No legislative district shall have a population that varies by more than ten percent from the average population of all districts of the respective house. The average of the absolute values of the population deviations of all districts of the respective house shall not vary by more than five percent from the average population of all districts. Any population variance must be justifiable as necessary for compliance with the other standards in this section.

(2) Districts should be composed of convenient contiguous territory and, consistent with paragraph (1), should be drawn to coincide with the boundaries of local political subdivisions, as such terms are defined by general law.

(3) Districts should be compact in form.

(4) No district shall be drawn for the purpose of favoring any political party, incumbent legislator, representative to Congress, or other person. In preparing a

plan, the commission shall not take into account the addresses of incumbent legislators or representatives to Congress.

(5) A district shall not be drawn to dilute the voting strength of any racial or language minority group.

On applying the reapportionment standards prescribed in this subsection, the prohibition against drawing a district to dilute the voting strength of any racial or language minority groups shall be controlling over the standards prescribed in paragraphs (2) and (3).

(d) JUDICIAL REVIEW.-Within five days after completion of a plan of apportionment or redistricting, the commission shall file such plan with the secretary of state. Within fifteen days after the filing of an apportionment or redistricting plan by the commission, the attorney general shall petition the state supreme court for a declaratory judgment determining the validity of the plan, including its compliance with all criteria herein specified, applicable federal law, and the constitution of the United States. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within sixty days after the filing of the petition, shall enter its judgment. If the supreme court determines the apportionment or redistricting plan to be invalid in whole or in part, the commission shall forthwith reconvene and shall, within thirty days, adopt a revised plan that conforms to the judgment of the supreme court. The revised plan shall be subject to judicial review by the supreme court in the same manner as the original plan. Upon replacing existing provisions providing for legislative apportionment with new provisions that establish reapportionment standards and provide for the creation of a seven-member commission to prepare an apportionment plan for the state legislature and a redistricting plan for the congressional districts of the state.

(e) JUDICIAL REAPPORTIONMENT.-If the commission fails to adopt a plan or a revised plan by the end of each year that ends in one, the commission shall, within five days, notify the secretary of state in writing of its inability to adopt a plan. Within five days after the filing of such notice, the attorney general shall petition the supreme court to prepare a plan of apportionment or redistricting. The court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment or redistricting.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENTS
ARTICLE II, SECTION 10; ARTICLE III, SECTION 16

LEGISLATIVE APPORTIONMENT AND CONGRESSIONAL REDISTRICTING.-Proposing amendments to the State Constitution replacing existing provisions providing for legislative apportionment with new provisions that establish reapportionment standards and provide for the creation of a seven-member commission to prepare an apportionment plan for the state legislature and a redistricting plan for the congressional districts of the state.

APPENDIX 4.

1997-1998 Florida Constitution Revision Commission proposal for independent revision commission (failed ballot placement on revote after initially having been voted on the ballot)

Committee Substitute for Proposals No.172 & 162

By the Committee on Legislative and Commissioners Thompson and Evans-Jones

A proposal to repeal

ARTICLE III, s. 16, Fla. Const., relating to legislative apportionment and create ARTICLE II, s. 10, Fla. Const.; providing for a commission to establish legislative and congressional districts; providing for the appointment of members to the commission; requiring that the chief justice of the supreme court fill certain vacancies on the commission; 1requiring meetings and records of the commission to be open to the public; providing certain exceptions; requiring that the commission file its final report with the secretary of state within a specified period; requiring that the supreme court determine the validity of the plans; providing for the supreme court to establish the districts under specified circumstances; providing for the assignment of senatorial terms that are shortened as a result of apportionment; deleting requirements that the Legislature apportion the state into legislative districts.

It is proposed by the Florida Constitution Revision Commission that:

Section 1. Section 16 of Article III of the Florida Constitution is repealed and Section 10 is added to Article II to read:

ARTICLE II

GENERAL PROVISIONS

SECTION 10. Legislative apportionment and congressional districting.--

(a) REAPPORTIONMENT AND REDISTRICTING COMMISSION.—In the year following each decennial census or when required by law of the United States or by court order, a commission shall divide the state into 40 consecutively numbered senatorial districts, 120 consecutively numbered representative districts, and as many consecutively numbered congressional districts as there are representatives in congress apportioned to this state. The commission shall consist of 9 electors, none of whom may be an elected state official, member of congress, party officer, registered lobbyist, legislative or congressional employee, or relative of an elected state official or member of congress as provided by law. Each district shall be composed of contiguous territory and may not include territory of any other district of the same house.

Districts shall be established in accordance with the constitution of the state and of the United States, shall be as nearly equal in population as practical, and may not be drawn in a manner that dilutes the voting strength of any racial or language minority group. The commission shall consider creating districts that consist of compact territory.

(1) On or before June 1 in the year following each decennial census, or within 15 days after legislative apportionment or congressional redistricting is required by law or by court order, eight commissioners shall be certified by the respective appointing authorities to the secretary of state. The president of the senate and the speaker of the house of representatives each shall appoint two commissioners. Members of the senate who are not members of the same party as the president shall designate one from their number who shall appoint two commissioners. Members of the house of representatives who are not members of the same party as that of the speaker shall designate one from their number who shall appoint two commissioners. The appointing authorities shall consider the state's ethnic, racial, and gender diversity. Failure to achieve such diversity shall not be grounds for challenging the authority of the commission.

(2) Within 45 days after the eight commissioners are certified to the secretary of state, one additional commissioner, who shall be designated chair of the commission, shall be appointed by a vote of at least five commissioners and certified to the secretary of state.

(3) As a condition of appointment, each commissioner shall take an oath affirming that the commissioner will not seek election to the senate or house of representatives and will not lobby the legislature for a period of 2 years after concluding service as a commissioner.

(4) A vacancy on the commission shall be filled by the initial appointing authority and certified to the secretary of state within 15 days after the vacancy occurs.

(5) Any appointment that is not timely certified to the secretary of state shall be filled within 15 days by the chief justice of the supreme court of the state.

(6) The commission shall act by majority vote of its membership and shall establish its own rules and procedures. Public notice must be given prior to all meetings of the commission and the meetings shall be open to the public. The commission shall hold hearings to receive public testimony as it deems necessary. All data and documents received, created, or used by the commission shall be open and accessible to the public, except that any plan or draft proposal prepared by a commissioner or by the commission staff is exempt from disclosure until such document is provided to another commissioner or to any member of the public other than commission staff.

(7) Within 150 days after the chair is first certified to the secretary of state, the commission shall file with the secretary of state its final report, including all required plans.

(8) The legislature shall appropriate sufficient funds for the operation of the commission, as provided by law.

(9) After the supreme court determines that the required plans are valid, the commission shall be dissolved.

(b) FAILURE OF COMMISSION TO APPORTION; JUDICIAL APPORTIONMENT. --If the commission does not timely file its final report, including all required plans, with the secretary of state, the commission shall be dissolved, and the attorney general shall, within 5 days, petition the supreme court of the state to divide the state into legislative or congressional districts. Within 60 days after the filing of such petition, the supreme court shall file with the secretary of state an order dividing the state into legislative or congressional districts.

(c) JUDICIAL REVIEW OF APPORTIONMENT.--Within 15 days after the final report of the commission is filed with the secretary of state, the attorney general shall petition the supreme court of the state to determine the validity of the plans. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within 30 days after the filing of the petition, shall enter its judgment.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT.--A judgment of the supreme court of the state determining a plan to be valid is binding. If the supreme court determines that a plan adopted by the commission is invalid, the commission, within 20 days after the ruling, shall adopt and file with the secretary of state an amended plan that conforms to the judgment of the supreme court. Within 5 days after the filing of an amended plan, the attorney general shall petition the supreme court of the state to determine the validity of the plan, or, if the commission has failed to file a plan, report that fact to the court. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within 30 days after the filing of the petition, shall enter its judgment.

(e) JUDICIAL APPORTIONMENT.--If the commission fails to file an amended plan, or if the supreme court of the state determines that an amended plan is invalid, the commission shall be dissolved, and the supreme court shall, not later than 60 days after receiving the petition of the attorney general, file with the secretary of state an order dividing the state into legislative or congressional districts.

(f) SENATORIAL TERMS.--Any reelected senator whose prior term was shortened to 2 years as a result of apportionment shall, after apportionment, be assigned to serve a 4-year term. Any new senator or reelected senator whose prior term was not so shortened shall, after apportionment, be assigned to serve a 2-year term; however, if the number of senators assigned to serve a 2-year term exceeds 20, the number of such senators shall be reduced to 20 by random selection as provided by law.

APPENDIX 5.

2002 People Over Politics proposal 99-06

Full Text: Add a new subsection (*) to Article III, Section 16: "(*) STANDARDS

FOR REAPPORTIONMENT.

In apportioning the legislative and congressional districts, in addition to the population requirements provided in the constitutions of the United States and this state, the following standards shall be followed: "(1) All legislative and congressional districts shall be compact in form, and composed of contiguous territory. Where possible, division of counties and other political subdivisions shall be avoided. "(2) Districts shall not be drawn so as to dilute the voting strength of any group based upon race, religion or national origin. "(3) Districts shall not be drawn so as to favor or disfavor any incumbent, political party or other person.

2002 People Over Politics proposal 99-07

Full Text: Delete current Article III, Section 16, and insert the following:

Section 16. Legislative apportionment.—

(a)APPORTIONMENT AND DISTRICTING COMMISSION. In the year following each decennial census or when required by the United States or by court order, a commission shall divide the state into not less than 30 or more than 40 consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, not less than 80 or more than 120 consecutively numbered representative districts of either contiguous, overlapping or identical territory as

provided by this constitution or by general law and shall divide the State to create as many congressional districts as there are representatives in congress apportioned to this state. Districts shall be established in accordance with the constitution of this state and of the United States and shall be as nearly equal in population as practical.

(1)On or before June 1 in the year following each decennial census, or within 15 days after legislative apportionment or congressional districting is required by law or by court order, 16 commissioners shall be certified by the respective appointing authorities to the custodian of records. The president of the senate and the speaker of the house of representatives each shall select and certify four commissioners. Members of minority parties in the senate shall elect one from their number who shall select and certify four commissioners. Members of minority parties in the house of representatives shall elect one from their number who shall select and certify four commissioners. Within 21 days after the 16 members are certified to the custodian of records, the commissioners by affirmative vote of 11 members shall elect the 17th member, who shall be a registered voter who for the previous two years was not registered as an elector of any political party having a member holding office in the appointing legislature. If no selection is made, then the chief justice of the supreme court shall select the 17th member from a list of four persons, who shall be registered voters who for the previous two years were not registered as electors of any political party having a member holding office in the appointing legislature, two selected by the speaker's and president's commissioners, and two by the minority parties' commissioners.

(2) No commissioner shall have served during the two years prior to his or her certification as an elected state official, member of congress, party officer or employee, paid registered lobbyist, legislative or congressional employee, and no commissioner shall be a relative, as defined by law, or an employee of any of the above. "b. As a condition of appointment, each commissioner shall take an oath affirming that the commissioner will not receive compensation as a paid registered lobbyist, or seek elected office in any legislative or congressional district for a period of four years after concluding service as a commissioner.

(3) The commission shall elect one of its members to serve as chair and shall establish its own rules and procedures. All commission actions shall require 11 affirmative votes. Meetings and records of the commission shall be open to the public and public notice of all meetings shall be given.

(4) Within 180 days after the commission is certified to the custodian of records, the commission shall file with the custodian of records its final report, including all required plans.

(5) After the supreme court determines that the required plans are valid, the commission shall be dissolved.

(b) FAILURE OF COMMISSION TO APPORTION; JUDICIAL APPORTIONMENT. If the commission does not timely file its final report including all required plans with the custodian of records, the commission shall be dissolved, and the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the custodian of records an order making such apportionment.

(c) JUDICIAL REVIEW OF APPORTIONMENT. Within 15 days after the final report of the commission is filed with the custodian of records, the attorney general shall petition the supreme court to review and determine the validity of the apportionment.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT. A judgment of the supreme court determining the apportionment to be valid or ordering judicial apportionment shall be binding upon all citizens of the state. Should the supreme court determine that the apportionment made by the commission is invalid, the commission, within 20 days after the ruling, shall adopt and file with the custodian of records an amended plan that conforms to the judgment of the supreme court. Within five days after the filing of an amended plan, the attorney general shall petition the supreme court of the state to determine the validity of the amended plan, or if the commission has failed to file an amended plan, report that fact to the court.

(e) JUDICIAL APPORTIONMENT. Should the commission fail to file an amended plan or should the supreme court determine the amended plan is invalid, the commission shall be dissolved, and the supreme court shall, not later than 60 days after receiving the petition of the attorney general, file with the custodian of records an order making such apportionment.

APPENDIX 6.

Year	Partisan / Incumbent	Minority	Contiguous	Compact	Equal in Population	Use existing boundaries	Redistricting Commission
1978 CRC	x[98]	X	X	X	X	X	X
1980 initiative	x[99]	X	X	X	X	X	X
1993 Senate	X	X[100]	X	X	X	X	X
Initiative 99-06 (2002)	X	X[101]	X	X		X	
Initiative 99-07 (2002)			X		X		X
Initiative 05-14 (2006)				X			X
2008 Fair Districts	X	X	X	X	X	X	

[98] Shall not use demographic information "for the purpose of" favoring incumbent or partisan group.
[99] Shall not use demographic information "for the purpose of" favoring incumbent or partisan group.
[100] Compactness, contiguous territory, and existing political boundaries subordinate to standard of not diluting the voting strength of racial or language minority groups.
[101] Adds religion as protected category.

APPENDIX 7.

	Contributors $50,000 and more	Amount	Percentage of total	Total $ Contributions $
1	NATIONAL EDUCATION ASSOCIATION	1,164,107	13%	9,162,456.60
2	FINDLATER CHRISTOPHER	896,020	10%	
3	FLORIDA EDUCATION ASSOCIATION	650,000	7%	
4	SEIU	625,000	7%	
5	FLORIDA WATCH BALLOT COMMITTEE	500,000	5%	
6	BRUNCKHORST FRANK	405,000	4%	
7	AMERICA VOTES	400,000	4%	
8	THE ATLANTIC ADVOCACY FUND, INC.	250,000	3%	
9	THE MICHAEL R. BLOOMBERG REVOCABLE TRUST	250,000	3%	
10	EYCHANER FRED	200,000	2%	
11	IDAHO DEVELOPMENT COMPANY OF FLORIDA, INC.	160,000	2%	
12	ROCKEFELLER FAMILY FUND, INC.	140,000	2%	
13	SEARCY DENNY SCAROLA BARNHART & SHIPLEY	120,000	1%	
14	RYAN VINCENT J.	100,000	1%	
15	HOGAN WAYNE	95,000	1%	
16	THE BRINK FOUNDATION	75,000	1%	
17	BALLOT INTIATIVE STRATEGY CENTER INC.	70,000	1%	
18	FRIEDKIN MONTE	65,000	1%	
19	SINGER MICHAEL A.	65,000	1%	
20	TERRELL HOGAN ELLIS YEGELWELL, P.A.	60,500	1%	
21	GROSSMAN ROTH, P.A.	60,000	1%	
22	MORSANI FRANK L.	55,000	1%	
23	SPOHRER & DODD	50,000	1%	
24	PUBLIC EDUCATION DEFENSE FUND, INC.	50,000	1%	
25	SPOHRER & DODD, PL	50,000	1%	
26	STRYKER JON	50,000	1%	
27	WILKES & MCHUGH, P.A	50,000	1%	
28	LEAGUE OF CONSERVATION VOTERS	50,000	1%	
	Total	6,705,627	73%	

APPENDIX 8.

Contributor Name	Sum of Amount	
REPUBLICAN PARTY OF FLORIDA	2,607,500	66%
FLA. ASSN. OF REALTORS ADVOCACY FUND	278,000	7%
ADELSON MIRIAM	200,000	5%
CENTER TO PROTECT PATIENT RIGHTS	100,000	
HUIZENGA H. WAYNE	100,000	
UNITED STATES SUGAR CORPORATION	100,000	3%
FLORIDA CRYSTALS CORP.	100,000	
FLORIDA CHAMBER OF COMMERCE, INC.	100,000	
DEVOS HELEN	50,000	
REPUBLICAN STATE LEADERSHIP COMMITTEE	50,000	
PROTECT OUR CONSTITUTION	50,000	
DEVOS RICHARD	50,000	
CSX TRANSPORTATION, INC.	25,000	
FLORIDA JOBS PAC CCE	25,000	
TECO ENERGY, INC.	25,000	
BRAMAN NORMAN	25,000	
HONEYWELL INTERNATIONAL PAC	25,000	
HOLDING COMPANY OF THE VILLAGES, INC.	10,000	
ECCLESTONE JR. E. L.	7,500	
CHOOSING RIGHT FOR FLORIDA'S ECONOMY	6,000	
Grand Total	**3,934,000**	

APPENDIX 9.

Listing of Legislative Hearings for HJR and Reapportionment

Legislative Hearings on HJR and SJR

Fla. S., recording of proceedings (Apr. 30,2010) (1 :29:12)

Fla. S., recording of proceedings (Apr. 28, 2010) (2:01:59)

Fla. H.R., recording of proceedings (Apr. 26, 2010) (1 :36:29)

Fla. H.R., recording of proceedings (Apr. 23,2010) (1 :01 :01)

Fla. H.R. Rules & Calendar Council, recording of proceedings (Apr. 19,2010) (1:27:35) Fla. S. Comm. on Reapp., recording of proceedings (Apr. 16, 2010) (1:52:31)

Fla. H.R. Select Policy Council on Strategic & Econ. Planning, recording of proceedings (Apr. 15,2010) (43:43)

Select Legislative Hearings on Reapportionment

August 31, 2011 Redistricting hearing in Naples

August 30, 2011 Redistricting hearing in Sarasota

May 6, 2011 Joint meeting on redistricting

February 7, 2011 Senate reappointment committee

January 25, 2011 Senate reappointment committee

December 9, 2010 Senate reappointment committee

April 16, 2010 Senate reappointment committee

April 12, 2010 Senate reappointment committee

April 12, 2010 House Ethics and Elections Committee

March 17, 2010 Senate Committee on Reappointment

March 15, 2010 Senate Committee on Reappointment

March 5, 2010 Senate Committee on reappointment

March 2, 2010 Senate Committee on Reappointment

February 17, 2010 Senate Committee on Reappointment

February 11, 2010 Joint Meeting (Ellen Freidin)

January 20, 2010 Senate Committee on Reappointment

January 13, 2010 Senate Committee on Reappointment

January 11, 2010 Joint Meeting (Brown and Diaz-Balart)

November 3, 2009 Senate Committee on Reappointment (1:03 start)