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Common Cause, et al.)
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v.) 4:22-cv-109
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Cord Byrd)
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TRANSCRIPTION OF VIDEO RECORDING
HOUSE CONGRESSIONAL REDISTRICTING SUBCOMMITTEE
FEBRUARY 18, 2022

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
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(202) 232-0646



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1 February 18, 2022

2 CHAIRMAN SIROIS: Good morning, Members.

3 The Congressional Redistricting Subcommittee will
4 come to order.

5 DJ, please call the roll.

6 THE SECRETARY: Chair Sirois?

7 CHAIRMAN SIROIS: Here.

8 THE SECRETARY: Vice-Chair Tuck?

9 VICE-CHAIR TUCK: Here.

10 THE SECRETARY: Ranking Member Skidmore?

11 Ranking Member Skidmore?

12 Representative Benjamin has been excused.
13 Brown?

14 REPRESENTATIVE BROWN: Here.

15 THE SECRETARY: Fabricio?

16 REPRESENTATIVE FABRICIO: Here.

17 THE SECRETARY: Fetterhoff?

18 REPRESENTATIVE FETTERHOFF: Here.

19 THE SECRETARY: Giallombardo?

20 REPRESENTATIVE GIALLOMBARDO: Here.

21 THE SECRETARY: Harding?

22 REPRESENTATIVE HARDING: Here.

23 THE SECRETARY: Hunschofky? Hunschofky?

24 Joseph?

25 REPRESENTATIVE JOSEPH: Here.

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1 THE SECRETARY: Maggard?
2 REPRESENTATIVE MAGGARD: Here.
3 THE SECRETARY: Massullo has been excused.
4 McClure?
5 REPRESENTATIVE MCCLURE: Here.
6 THE SECRETARY: Morales?
7 REPRESENTATIVE MORALES: Present.
8 THE SECRETARY: Perez?
9 REPRESENTATIVE PEREZ: Here.
10 THE SECRETARY: Plakon?
11 REPRESENTATIVE PLAKON: Here.
12 THE SECRETARY: Silvers? Silvers? Toledo?
13 REPRESENTATIVE TOLEDO: Here.
14 THE SECRETARY: Trabulsy?
15 REPRESENTATIVE TRABULSY: Here.
16 THE SECRETARY: Williamson?
17 REPRESENTATIVE WILLIAMSON: Here.
18 THE SECRETARY: Ex-officio Clemons?
19 EX-OFFICIO CLEMENS: Here.
20 THE SECRETARY: Ex-officio Davis?
21 UNIDENTIFIED FEMALE: On the way.
22 THE SECRETARY: Members present, Mr. Chair.
23 CHAIRMAN SIROIS: Thank you, DJ.
24 Members, a few reminders before we begin.
25 Please silence all electronic devices, and if you're

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1 here today to give public testimony, please take
2 time now to fill out a speaker appearance form, and
3 turn it into the sergeant staff. Also, Members, if
4 you wish to speak, please make sure that you turn
5 your microphone on.

6 On a personal note, I would ask the members
7 to bear with me. My voice has been faltering all
8 week, one of the occupational hazards of being a
9 legislator.

10 Representative Fetterhoff, I would like to
11 recognise you for an introduction.

12 REPRESENTATIVE FETTERHOFF: Thank you,
13 Chair. Good morning. I just wanted to introduce
14 our doctor of the today. Doctor Steven Golden has
15 travelled up from Charlotte County to visit with us
16 today, so if we have need of him today during
17 Committee, he is here to help. Thank you so much
18 for being here today, sir.

19 CHAIRMAN SIROIS: Thank you, Doctor. We're
20 glad to have you with us.

21 Thank you, Representative Fetterhoff.

22 Members, welcome back to our Congressional
23 Subcommittee. I'm glad to see all of us together
24 again. For those following along at home, a quick
25 recap of the last few weeks. After we began

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1 session, the Governor requested an advisory opinion
2 from the Florida Supreme Court centered around
3 Congressional District 5 in North Florida. The
4 House paused the congressional redistricting process
5 once this request was issued. Throughout this
6 process we've stated that we will follow the law.
7 And we knew if the Florida Supreme Court issued new
8 guidance, we would have to take that into account.

9 Last week the Supreme Court issued their
10 ruling, that they would decline to issue an advisory
11 opinion. And with that notice being issued and no
12 additional guidance being provided, we have now
13 resumed our process. The pause in our process was
14 the right thing to do to ensure that we continue to
15 follow all appropriate guardrails. And again, I'm
16 glad to be back here with all of you today.

17 Today we will present and consider the PCB
18 for our state's proposed congressional districts. I
19 want to refocus this Committee on the task at hand.
20 There's been noise outside of our process dealing
21 with the congressional map. I would encourage all
22 members to put that noise aside. Those external
23 influences need to stay external, and our personal
24 preferences cannot override our constitutional
25 responsibility to follow the law.

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1 This Committee has undertaken several
2 months of education in order to understand the
3 redistricting process and uphold the high bar that
4 was set for this chamber last decade. The Proposed
5 Committee Bill, CRS22-01, establishes congressional
6 districts that will be used in election cycles
7 beginning in 2022. This PCB has been drafted by
8 Committee staff with the advice of legal counsel
9 based on data from the 2020 census and to be in
10 alignment with the Florida constitution, state and
11 federal law, and court president. This map can also
12 be found on floridaredistricting.gov under the
13 planned name H000C8011.

14 You may have noticed the lengthy bill test
15 -- the bill text for the congressional map was not
16 included in the meeting materials for today's
17 meeting. The bill text reflects the technical
18 census block, block group, and track numbers that
19 comprise each district. These are the exact same
20 districts that are depicted in the printed map
21 before you. However, to save all of our printers,
22 and 150 pages of paper, we have printed a copy of
23 the full bill text for the community's viewing, and
24 that can be found right here in front of DJ.

25 Now, it is my pleasure to hand the gavel

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1 over to Vice-Chair Tuck.

2 VICE-CHAIR TUCK: Thank you, Mr. Chair.

3 Members, up for consideration today is PCB
4 CRS22-01, establishing the congressional districts
5 of the state. As a reminder we are holding
6 questions until the end of the PCB presentation to
7 ensure we have time to get through an explanation of
8 the entire state and no one region is rushed.

9 Chair Sirois, you're recognised to present
10 the PCB.

11 CHAIRMAN SIROIS: Thank you, Vice-Chair
12 Tuck.

13 The Florida Legislature is directed to
14 redistrict every ten years, following the decennial
15 census, to account for growing and shifting
16 population across Florida. A decade ago, the
17 Florida Houses process and methodology for drawing
18 maps was lauded by the Florida Supreme Court, and
19 I'd like to read a quote from the 2012 ruling.

20 "A review of the House plan, and the record
21 reveals that the House engage in a consistent and
22 reasoned approach, balancing the two tier standards
23 by endeavouring to make districts compact and as
24 nearly equal in population as possible in utilising
25 political and geographical boundaries where feasible

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1 by endeavouring to keep counties and cities together
2 where possible. In addition, the House approached
3 the minority voting protection provisions by
4 properly undertaking a functional analysis of voting
5 strength in minority districts."

6 As I mentioned earlier, this Committee has
7 undertaken several months of education in order to
8 understand the redistricting process and uphold the
9 high bar that was set for this chamber last decade.
10 Last week we released Proposed Committee Bill CRS22-
11 01, which proposes congressional districts that will
12 be used in election cycles starting in 2022. As I
13 mentioned earlier this map, H000C8011, has been
14 drafted exclusively by Committee staff with the
15 advice of legal counsel based on data from the 2020
16 census, and to be in alignment with the Florida
17 constitution, state, and federal law, as well as
18 court president.

19 Members, I want to make sure that each of
20 you has a packet in front of you. This contains a
21 printout of the proposed map itself, the state-wide
22 snapshot of statistics, the functional analysis data
23 used for protected minority districts, a list of
24 county shares of population, a list of city splits,
25 and finally the boundary analysis report. These

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1 items will be referenced throughout the presentation
2 today, so please feel free to refer to your packet
3 as needed. This packet is also available under our
4 Subcommittee's webpage on myfloridahouse.gov.

5 Now, let's dive in, Members. Excuse me.
6 Let's first take a look at the map as a whole. When
7 compared to the benchmark congressional map, the new
8 proposed Congressional Districts have several points
9 of improvement throughout our Tier 2 standards.

10 When looking at a state-wide average of
11 each district's compactness score, we have been able
12 to recreate compact districts similar to our
13 benchmark metrics, even after the addition of a new
14 congressional district. The proposed map state-wide
15 average compactness scores are a Reock score of
16 0.43, a Convex Hull score of 0.79, and a Polsby-
17 Popper score of 0.37. Where feasible, we also work
18 to improve visual compactness of districts, or the
19 eyeball test, such as being able to keep Polk County
20 wholly within a single congressional district.

21 When looking at the number of county
22 splits, we've kept similar to the benchmark map with
23 18 counties split last decade and only 20 counties
24 split this decade. The ideal population for this
25 decade's congressional districts after adding a

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1 district to go from 27 districts to 28 is 769,211
2 people. The overall deviation range is the same as
3 it was last decade with 27 districts being the exact
4 ideal population and one district having a single
5 person less than the ideal population. We are also
6 proudly able to improve the number of city splits in
7 our proposed map. In the benchmark map, there were
8 39 cities split, and in the proposed new
9 configurations, we've been able to decrease that to
10 just 27 cities split.

11 This proposed congressional map also allows
12 a district to be placed wholly within each of
13 Florida's top five largest counties: Miami-Dade,
14 Broward, Palm Beach, Hillsborough, and Orange
15 respectively. The proposed congressional districts
16 are also drawn in compliance with Tier 1 of the
17 Florida constitution. The proposed map is inclusive
18 of three protected black districts and three
19 protected Hispanic districts. This is the same
20 number of protected districts as are found in the
21 benchmark map. In each district, the minority
22 group's voting age population are similar when
23 compared to the benchmark districts, with slight
24 increases or decreases as permitted by the Florida
25 Supreme Court president, which states, "slight

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1 changes in a minority group's voting age population
2 are acceptable so long as a functional analysis is
3 conducted to ensure the voting strength of the
4 minority group in both general and primary elections
5 is at a comparable level that existed in the
6 benchmark district." These districts are also drawn
7 in a consistent manner with respect to Florida
8 Supreme Court president to maintain existing
9 majority-minority districts.

10 All six of these protected minority
11 districts have had an individual functional analysis
12 conducted on them to ensure the new district
13 figuration does not deny or abridge the equal
14 opportunity of racial or language minorities to
15 participate in the political process or to diminish
16 their ability to elect representatives of their
17 choice. And as we move throughout the map, I will
18 highlight these districts as well.

19 All of our districts consist of contiguous
20 territory. And as I'm sure you are aware, the
21 Committee has also implemented safe guards in order
22 to ensure that we do not draw districts with the
23 intent to favour or disfavour a political party or
24 in incumbent.

25 Members, as we move through the

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1 presentation today, you will see an analysis tool
2 reference called boundary analysis. This is a
3 report that is available in our map drawing
4 application and helps to quantify the percentage of
5 Tier 2 compliant boundaries that are used for each
6 district. Similar to compactness scores, this tool
7 is to be viewed in context with other Tier 2 metrics
8 of districts and surrounding regions. There is no
9 golden threshold to which we look when evaluating
10 each district, but it serves as another way to
11 understand the compliance of what is in front of us.

12 Members, now that we've looked at the
13 state-wide overview, let's begin to review each
14 region of the state, starting with Congressional
15 Districts 1 through 4. Beginning in the panhandle,
16 Congressional District 1 has the entirety of
17 Escambia, Santa Rosa, and Okaloosa County. Walton
18 County is then split as Congressional District 1
19 achieves the equal population threshold here.

20 Again, Members, for congressional maps,
21 equal population for each district is plus or minus
22 one person. And for this purpose, the boundary
23 between District 1 and 2 primarily uses State Road
24 83 for the majority of its length, except where it
25 deviates to ensure that the municipalities of

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1 Freeport and Defuniak Springs are kept whole, with
2 Freeport within Congressional District 1, and
3 Defuniak Springs Congressional District 2. The
4 shape of Congressional District 2 and 4 are largely
5 impacted by Congressional District 3 in this region,
6 so let's jump ahead to that district first.

7 Congressional District 3 has four whole
8 counties within it: Gadsden, Madison, Hamilton, and
9 Baker counties. It also contains parts of four
10 others in Leon, Duval, Jefferson, and Colombia
11 counties. It is also a performing black district
12 that was recreated similarly to the benchmark
13 district. As noted before, the functional analysis
14 on this district that was conducted by staff ensures
15 the minority group's ability to elect is not
16 diminished.

17 Segueing back to Congressional District 2,
18 this district is made up mostly of whole counties.
19 It contains 15 whole counties along with the
20 remaining portion of Walton County not contained
21 within Congressional District 1 and the parts of
22 Leon, Jefferson, and Colombia Counties that are not
23 in Congressional District 3. Its eastern boundary
24 is the county lines of Levy, Gilchrist, and Colombia
25 Counties. This district achieves equal population

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1 in Leon County, which it shares with Congressional
2 District 3 rather than having to split an additional
3 county. Excuse me.

4 Congressional District 4 has all of Nassau
5 County, along with the remaining part of Duval
6 County that is not included in Congressional
7 District 3. This leaves the district approximately
8 213,000 people short of the population needed for a
9 congressional district. So the district must
10 continue south into St. Johns County for population
11 equality. In doing so, it is able to keep all of
12 St. Augustine within the district, and all other
13 municipalities in St. Johns County remain whole.
14 The district configuration is similar to the current
15 district, and conversely, if Congressional District
16 4 instead went into Clay County instead of St. Johns
17 County, it would have created an irregular shaped
18 district that wraps around Congressional District 3.
19 This would have created a much more visually non-
20 compact district shape.

21 Moving on to Congressional Districts 5
22 through 7. In this region we are able to keep seven
23 counties whole between three districts.
24 Congressional District 5 contains all of Union,
25 Bradford, Clay, Putnam, and Flagler counties, as

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1 well as the remainder of St. Johns County that is
2 not a part of Congressional District 4, using major
3 roadways in the St. Augustine Municipal line as a
4 boundary line in St. Johns County. In order for
5 this district to have equal population, it splits
6 Alachua County along mostly State Roads 20 and 24
7 and also includes a small part of Volusia County.
8 Congressional District 6 keeps Marion County whole
9 and finds the remainder of its population from the
10 remaining population in Alachua County and includes
11 both flags of Lake and Volusia County.

12 Congressional District 7 includes all of
13 Seminole County and a large part of Volusia County.
14 Its boundary lines going through Volusia County
15 follow along State Roads 11, 40, I-95 and includes
16 an area through the Tomoka Wildlife Management Area,
17 which separates population centers of Volusia
18 County.

19 Congressional Districts 8 through 11 and
20 16. Congressional District 8 includes all of
21 Brevard and Indian River counties, which leaves the
22 district about 2,800 people short of the population
23 needed for a district. In order to achieve
24 population equality required for congressional
25 districts, the remaining population is added to

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1 Congressional District 8 by going north in the
2 Volusia County along I-95 and then includes the
3 entire municipality of Oak Hill and its 1,986
4 people, keeping it whole.

5 Congressional District 9 contains the
6 entirely of Osceola County, which was the fastest
7 growing county in the state this past decade. The
8 district includes part of Orange County following I-
9 4 to go north, as well as using other primary
10 roadways such as Curried Ford Road, before using the
11 Econlockhatchee River, locally known as the Econ
12 River to go all the way to northern Orange County
13 boundary line. This compact Tier 2 compliant
14 district also happens to be a new majority-minority
15 Hispanic district reflective of the Hispanic growth
16 in this region.

17 Congressional District 10 is kept wholly
18 within Orange County, similar to the benchmark map
19 where a district is kept wholly within the county.
20 This district is able to keep the municipalities of
21 Edgewood, Eatonville, Maitland, and Winter Park
22 whole within the district and has similar
23 demographic characteristics to the benchmark
24 district wholly within Orange County.

25 Congressional District 11 adds the

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1 remaining population in Orange County, which is
2 about 280,000 people and goes west to include the
3 majority of Lake County, all of Sumter County, and
4 part of Citrus County, where it achieves equal
5 population.

6 Congressional District 16 keeps Polk County
7 whole in this map. This is an improvement from the
8 benchmark map where Polk County was divided between
9 three districts. Population growth this decade made
10 this possible and is approximately 44,000 people shy
11 of the ideal population of a congressional district.
12 Pairing Polk County with a small part of eastern
13 Hillsborough achieves the necessary population
14 needed for the population of a congressional
15 district while creating a very compactly shaped
16 district.

17 Moving on to Congressional Districts 12
18 through 15. Now, looking at Congressional Districts
19 13 in the Tampa Bay area, which is kept wholly
20 within Pinellas County, its northern boundary
21 follows the municipal lines of the cities of
22 Dunnellon, Clearwater, and Safety Harbor to enable
23 every city within Pinellas County to remain whole.
24 Because Pinellas County has more people than it can
25 fit into a single congressional district, this

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1 configuration of Congressional District 13 enables
2 connecting the remaining portions of the county over
3 land to another county rather than over water.

4 Congressional District 12 is the entirety
5 of Hernando County, the remainder of Citrus County,
6 part of Pasco County, which is divided primarily
7 along U.S Highway 41, State Road 54, and the
8 Suncoast parkway, as well as the portion of northern
9 Pinellas County not already included in
10 Congressional District 13.

11 Congressional District 14 is located wholly
12 within Hillsborough County. Its boundary follows
13 the primary roads of Hillsborough avenue, Bush
14 Boulevard, and I-4 for its northern border, State
15 and County Road 39 on the east side, and County Road
16 672, Palm Road and Big Bend road on the southern
17 side.

18 Finishing at the Tampa Bay area,
19 Congressional District 15 then connects the
20 remaining part of Pasco County with the appropriate
21 amount of population from Hillsborough County to
22 complete the district's population.

23 Moving on to Congressional District 17
24 through 19. Congressional district 17 is the last
25 of the four districts that have part of Hillsborough

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1 County. This district actually has the exact amount
2 of people on Hillsborough County: 112,723 people.
3 So that exactly 12 districts make up all of the
4 remaining population in the counties to the south of
5 the Polk, Osceola, and Indian River County line.
6 This ensures that no other district has to cross
7 these county lines and keeps the counties to the
8 east whole. Congressional district 17 then
9 incorporates Manatee County and approximately
10 250,000 people in Sarasota County to complete its
11 population. Every city in Sarasota County is kept
12 whole with Congressional District 17 utilising the
13 Venice Municipal line for part of its southern
14 border.

15 The remaining part of Sarasota County,
16 along with seven entire counties, Hardee, Desoto,
17 Charlotte, Highlands, Okeechobee, Glades, and Hendry
18 counties make up the majority of Congressional
19 District 18. This leaves the district about 150,000
20 short of the ideal population, allowing it to cross
21 into Lee County to acquire this remaining
22 population, using primarily the Able Canal, the
23 Caloosahatchee river, and the Hancock Bridge
24 Parkway, Pine Island road and County Road 765 to do
25 so.

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1 Congressional district 19 connects the rest
2 of Lee County with Collier County, using primarily
3 I-75, U.S. 41 and Collier Boulevard, except where
4 it achieves equal population. With the exception of
5 Cape Coral, all other municipalities are kept whole
6 in this region between these three districts.

7 Moving on to Congressional Districts 20
8 through 23, and 25. Congressional District 20 is a
9 performing majority-minority black district that was
10 recreated similarly to the benchmark district that
11 connects population in Palm Beach County to
12 population in Broward County. As noted before, the
13 functional analysis on this district conducted by
14 staff ensures the minority group's ability to elect
15 is not diminished. This decade we were able to
16 create this district in such a way that respects
17 more major roadways in the area, such as U.S. 441,
18 I-95, and the Florida Turnpike. And it keeps more
19 cities whole, keeping the cities of Lake Park,
20 Margate, Tamarac, and others wholly within it, which
21 were split a decade ago.

22 Congressional District 21 includes all of
23 St. Lucie and Martin counties and includes just over
24 280,000 people in Palm Beach County in order to
25 achieve equal population for this district. The

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1 district boundary follows a railway in the northern
2 Palm Beach County to Okeechobee Boulevard where it
3 borders Congressional District 20 before going out
4 to the coast using Palm Beach inlet to complete its
5 southern border.

6 Congressional District 22 is kept wholly
7 within Palm Beach County. Its boundary extends
8 north to Palm Beach Inlet to meet Congressional
9 District 21 before heading west to include the
10 entire city of Wellington, creating the rounded
11 point on the western side of the districts. It then
12 uses the Loxahatchee National Wildlife Refuge to
13 continue south until it gets its population
14 necessary for a district without splitting other
15 cities in Palm Beach County. It uses Boca Raton and
16 Highland Beach City Municipal line for much of its
17 boundary in this area. This leaves approximately
18 200,000 people in south east Palm Beach County that
19 is then included in Congressional District 23. This
20 district then connects this population with Broward
21 County, utilising many municipal lines in this area
22 for the boundary line, keeping the cities of Coral
23 Springs, Coconut Creek, and many others whole within
24 Broward County. The district then travels down to
25 the Broward County line along the coast using

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1 primarily Route 1 as its western border.

2 Congressional District 25 is kept wholly in
3 Broward County, giving Broward County a
4 congressional district wholly within the county for
5 the first time since the 1980 redistricting cycle.

6 The district utilises as many major roadways as
7 possible, such as I-75, the Sawgrass Expressway, the
8 Florida Turnpike, I-95, Davie Boulevard, Sunrise
9 Boulevard, among others. It also uses the municipal
10 lines of Weston, Southwest Ranches, Pembroke Pines,
11 Miramar to the west, and the Broward Miami-Dade
12 County line on the southern side of the district.

13 Moving on to Congressional Districts 24,
14 and then 26 through 28. Congressional District 24
15 is a performing black district. As noted earlier,
16 the functional analysis on this district conducted
17 by staff ensures the minority group's ability to
18 elect is not diminished. This is the only district
19 that crosses the Miami-Dade Broward County line,
20 which is an improvement over the benchmark map that
21 had two such districts. This district also includes
22 many whole cities within the Miami-Dade County,
23 including Aventura, North Miami, Biscayne Park,
24 Miami Shores, Opa-locka, and others, and uses as
25 many major recognizable roadways in the area as

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1 possible, including I-195, 27th Avenue, 47th Avenue
2 and others.

3 We're almost there, Members.

4 Congressional districts 26, 27, and 28 are all
5 performing majority-minority Hispanic districts,
6 where the functional analysis on each district
7 individually was conducted by staff to ensure that
8 minority groups' ability to elect is not
9 diminished.

10 Congressional District 26, similar in
11 shape to the benchmark map, connects the part of
12 Collier County not included in Congressional
13 District 19, with population in Miami-Dade County,
14 using Collier, Broward, and Miami-Dade County
15 Lines, as well as I-75, US-41, the Tamiami Trail
16 and the Dolphin Expressway. It additionally
17 shares a boundary with Congressional District 24
18 line eastern side of the district. This district
19 includes the municipalities of Hialeah, Hialeah
20 Gardens, Medley, Doral, and Miami Lakes in their
21 entirety.

22 Congressional District 27 uses the
23 Dolphin Expressway and the Florida Turnpike for
24 the vast majority of its boundary lines on the
25 northern and western sides, while using the

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1 Palmetto Bay Municipal boundaries along its
2 southern border, creating a very compact district
3 wholly within Miami-Dade County.

4 Congressional District 28 includes all of
5 Monroe County and then connects with the remaining
6 population in southern Miami-Dade County, using
7 US-41 and the Florida Turnpike as its primary
8 boundary lines in Miami-Dade County. The
9 municipalities of Color Bay, Florida City, and
10 Homestead are wholly within the district.

11 Madam Chair, that is the Proposed
12 Committee Bill.

13 VICE-CHAIR TUCK: Thank you, Mr. Chair.

14 Members, we are in debate and questions
15 on the PCB.

16 Representative Brown, you're recognized.

17 REPRESENTATIVE BROWN: Thank you, Madam
18 Chair.

19 I just have a few questions relating to
20 CD 10, and I want to sort of start with -- I know
21 it's in the meeting packet. I know we previously,
22 I believe, did not mention it, but we --

23 CHAIRMAN SIROIS: I'm sorry. Excuse me.
24 I'm having difficulty hearing if -- thank you very
25 much. If you won't mind starting and referencing.

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1 I apologize, Madam Chair. I'll go
2 through you next time.

3 REPRESENTATIVE BROWN: Thank you,
4 Mr. Chair. So as I was mentioning, I have a few
5 questions about CD 10. And so at a starting
6 point, I know it's in the packet and I believe it
7 was mentioned or not mentioned earlier, but wanted
8 to just confirm. CD 10 here, we're saying with
9 this map, it's not a district we consider
10 protected from aggression under Tier 1. Is that
11 correct?

12 VICE-CHAIR TUCK: Chair Sirois?

13 CHAIRMAN SIROIS: Thank you, Madam Chair.

14 According to our analysis, Congressional
15 District 10 is not a black-performing district,
16 and that's according to our functional analysis.
17 I can tell you just kind of at a high-level review
18 of the Senate's proposal, they have a different
19 take on Congressional District 10. They have
20 identified it according to their analysis as a
21 protected district. So I expect, moving forward,
22 that is something that will be reconciled with the
23 Senate. But, again, according to our analysis,
24 that has not been recognized as a protected
25 district.

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1 VICE-CHAIR TUCK: Representative Brown?

2 REPRESENTATIVE BROWN: Thank you, Madam
3 Chair.

4 Is there sort of an explanation as to why
5 with our maps, as you mentioned, with the Senate,
6 they saw it as their -- and it's on record that
7 they saw it as one that was protected. But is
8 there a reason why we didn't really come up with
9 that same sort of conclusion in our maps?

10 VICE-CHAIR TUCK: Ms. Kelly, you're
11 recognized.

12 MS. KELLY: Thank you, Madam Chair, and
13 thank you Representative for that question. So
14 again I can't speak to the Senate analysis and,
15 you know, they are running a parallel process to
16 us, so I don't want to speak on their behalf. But
17 as far as the Houses, whenever we run our
18 functional analysis, just to recap, you've
19 probably heard me say this before, but there's
20 four components that we look at.

21 So the first component that you start
22 with is your population data. So this is what's
23 provided by the Census Bureau and specifically,
24 your voting age population data. From there, we
25 continue on to analyze registered voters in the

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1 respective region we're looking at. We
2 additionally look at voter turnout and the
3 statewide election results, and that's for
4 election cycles from 2012 through 2020, both
5 primary and general election cycles.

6 So when looking at Orange County
7 specifically -- and, Representative Brown, you
8 mentioned CD 10 -- in Orange County, over the
9 decade, the black population is essentially
10 stagnant. There's some slight variations, but
11 it's essentially stagnant, which is the first
12 point, again, going back to our population as our
13 starting analysis point. From there whenever you
14 start to look at registered voters, voter turnout,
15 you can see a consistent decrease over the decade,
16 about 10 percentage points between where it
17 started in the beginning of the decade to where it
18 is now, ultimately resulting in levels that we do
19 not believe that the black population would be
20 able to control their shares of the primary or the
21 general election, therefore not allowing them to
22 elect a candidate -- the ability to elect a
23 candidate of their choice.

24 I'd also like to put on record, you know,
25 going back through last decades of materials and

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1 meetings, whenever this was recreated as part of
2 the remedial redistricting cycles, this district
3 wasn't created to be a black-performing district
4 either. It was a result of some other changes
5 that happen in the congressional map.

6 So that, Madam Chair, concludes my
7 explanation. Thank you.

8 VICE-CHAIR TUCK: Thank you, Ms. Kelly.
9 Representative Brown?

10 REPRESENTATIVE BROWN: Thank you, Madam
11 Chair.

12 So looking at the demographics of recent
13 Democratic primaries and benchmark CD 10, the
14 primary elect, they we're just plurality, and even
15 majority black. So when we look at, in 2020,
16 we've seen 43 percent; in 2018, it was 47 percent;
17 2016, 51 percent; 53 percent in '14. And, you
18 know, if we look even in 2012, 54 percent. So it
19 seems as though the benchmark in CD 10 is a
20 district where a cohesive black electorate has an
21 ability to nominate a candidate of their choice in
22 a primary and elect that candidate of choice as
23 well in the general election, since Democratic
24 candidates prevail in general.

25 In the general, is that wrong?

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1 VICE-CHAIR TUCK: Ms. Kelly, you're
2 recognized.

3 MS. KELLY: Thank you, Madam Chair.

4 Thank you, Representative. So I guess my
5 first question is: can you re-reference which
6 exact data points that you're asking about? And
7 the reason why I ask that is there's no one data
8 point within a functional analysis that
9 necessarily dictates whether a candidate can
10 prevail in the primary or in the general. So
11 picking out and spot-checking specific data points
12 wouldn't be a holistic way to look at it. But for
13 clarity, would you mind re-referencing which
14 categorical points you were referencing in your
15 questions?

16 REPRESENTATIVE BROWN: The primary
17 electorate. So within the primary in 2020, it was
18 43 percent. In 2018, it was 47 percent. And so
19 we're speaking directly to the black electorate.

20 VICE-CHAIR TUCK: Ms. Kelly, you're
21 recognized.

22 MS. KELLY: Thank you.

23 Representative, can I respond now, or did
24 you have additional --

25 REPRESENTATIVE BROWN: No. No, no, no.

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1 MS. KELLY: Okay. Just making sure. So
2 yes. As you go through those data points -- and,
3 again, I want to emphasize there's not one
4 specific column or data point that indicates
5 whether something is performing. But speaking
6 specifically to the ones that you mentioned in the
7 primary election, actually, what you described
8 demonstrated what I said previously is as we go
9 back throughout the decade, you know, in reverse
10 chronological order, we start the decade -- I
11 believe you mentioned it was at 43 percent. And
12 as we go back throughout the decade, it actually
13 increased, which, as I explained, shows that over
14 the decade, that specific data point has continued
15 to have a consistent decrease in the black share
16 of the primary. Whenever you look at the black
17 population's ability to elect a candidate of their
18 choice, specifically in the primary, you know, at
19 43 percent, there's still additional population
20 out there that wouldn't be able to necessarily get
21 them over, you know, that 50 percent marker that
22 would identify them as being able to elect a
23 candidate of their choice.

24 So I hope that provides some additional
25 context. Thank you.

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1 REPRESENTATIVE BROWN: Thank you.

2 VICE-CHAIR TUCK: Representative Brown?

3 REPRESENTATIVE BROWN: Thank you, Madam
4 Chair.

5 So comparing the benchmarks of CD 10 and
6 also looking just with the HD 20, which was in
7 Ocala, Gainesville, HD 20 had similar statistics
8 as we see with CD 10. So for example, the
9 Democratic primary in HD 20 had between 43 and
10 46.7 percent black in the past eight years. It's
11 been 43 or 44 percent in the past two elections,
12 which is actually lower than CD 10, and both are
13 solidly Democratic in the general election. The
14 (indiscernible) is similar too with 29 percent in
15 HD 20 and 27 percent in CD 10. The black share of
16 registered voters as well is similar.

17 So benchmark HD 20 looks really similar,
18 but we consider HD 20 to be Tier 1 protected
19 against diminishing black voters' ability. And we
20 went out of our way to sort of maintain HD 20 in
21 Gainesville and Ocala, even splitting both cities
22 to do so.

23 So can we explain why in HD 20, it's Tier
24 1 protected, but in CD 10, it's not?

25 VICE-CHAIR TUCK: Chair Sirois?

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1 CHAIRMAN SIROIS: Thank you, Madam Chair.

2 You know, I would, I think, revisit

3 Ms. Kelly's remarks when we started this line of

4 questions. Functional analysis is a holistic

5 analysis of a district. So I don't know that

6 necessarily picking and choosing out which metrics

7 or criteria you want to look at and then applying

8 them provides an accurate depiction of the

9 district. The functional analysis has to be a

10 holistic review of all the datapoints in terms of

11 making that determination.

12 Madam Chair, I would request that

13 Ms. Kelly perhaps might have something to add.

14 VICE-CHAIR TUCK: Ms. Kelly, you're

15 recognized.

16 MS. KELLY: Thank you, Madam Chair, and

17 thank you, Chair Sirois.

18 Representative, additionally, I just

19 wanted to clarify. You're referencing House

20 District 20 and Congressional District 10,

21 correct?

22 REPRESENTATIVE BROWN: Thank you. Yes,

23 that's correct.

24 MS. KELLY: Okay. I just wanted to make

25 sure that that was accurate. So again, and I

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1 won't repeat what the Chair just said because that
2 was one of my things that I wanted to make sure
3 was clear. I think, additionally, something to
4 think about, holistically, the Congressional
5 District 10 and its current configuration has only
6 existed since 2016 as part of the remedial process
7 when that area was reconfigured. So again, as a
8 component of the functional analysis that you have
9 to look at -- that last component I talked about
10 was the election results -- House District 20 has
11 a very long timeline and proven record of
12 electing, you know, a black population's candidate
13 of choice. CD 10 doesn't have some of those
14 additional trends that support that elongated data
15 patterns. So that's one additional data point I'd
16 like to put out. Thank you.

17 VICE-CHAIR TUCK: Representative Brown?

18 REPRESENTATIVE BROWN: Thank you, Madam
19 Chair.

20 So part of why I'm asking this is because
21 in the previous draft we had, which was I believe
22 the workshop map of 8001, we actually maintained
23 CD 10 basically, comparable to the benchmark and
24 what sort of the Senate did in their maps. So
25 regardless of whether it's sort of Tier 1

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1 protected or not, it seems to me we can kind of
2 choose the configuration of 8001 for Central
3 Florida. Am I wrong with that?

4 VICE-CHAIR TUCK: Chair Sirois?

5 CHAIRMAN SIROIS: Thank you, Vice-Chair.

6 And I'm sorry I missed the tail end of
7 that question. If you could repeat for me a
8 little louder? Thank you, Madam.

9 REPRESENTATIVE BROWN: My apologies,
10 Mr. Chair. So I was saying the reason I asked --
11 and I kind of referred to our draft plan in 8001.
12 We sort of maintain CD 10 comparable to those
13 benchmarks. So I was saying regardless of whether
14 we're saying that CD 10 is protected by Tier 1 or
15 not, it seems that based off of just the ones
16 we've workshop, we could sort of choose to
17 configure it, comparable to 8001. Is that
18 correct?

19 VICE-CHAIR TUCK: Chair Sirois?

20 CHAIRMAN SIROIS: Thank you, Madam Chair.

21 So the difference that you would see, or
22 what I would characterize as improvement, you see
23 in the map that we have, overall, more alignment
24 with our methodology. We have districts that we
25 improve where they are within the five biggest

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1 counties. For example, Congressional District 20
2 in the map is more compact, and we have one less
3 split in Hillsborough County. So initially, the
4 workshop maps were presented to this Committee as
5 pieces to demonstrate the real-world application
6 of our constitutional tiers. And throughout that
7 process, subsequent discussions, follow-up,
8 feedback from Members, we were able to build and
9 improve upon the map to the product that you see
10 before you today.

11 VICE-CHAIR TUCK: Members, any additional
12 questions?

13 Representative Joseph?

14 REPRESENTATIVE JOSEPH: Thank you, Madam
15 Chair.

16 I wanted to follow up on a couple of
17 Representative Brown's questions with respect to
18 CD 10. I understand that based on the review that
19 was presented, an evaluation of the criteria,
20 there's an expectation that the black-performing
21 district would just decrease in its performance
22 overtime. That seems to be the underlying
23 assumption. Even assuming without agreeing that
24 that assumption will play out correct, are we
25 prevented from keeping CD 10 closer to its

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1 benchmark form under -- using just the Tier 2
2 criteria, which we're at liberty to do because it
3 does respect several of the geographical
4 boundaries if we kept it that way as opposed to
5 how we are. I know we're still working through
6 our map, and this is the first iteration. But I'm
7 just wondering about that.

8 VICE-CHAIR TUCK: Chair Sirois?

9 CHAIRMAN SIROIS: Thank you, Madam Chair.

10 Thank you, Representative Joseph, for the
11 question, and I think my answer would also provide
12 some further insight into Representative Brown's
13 line of question as well. You know, I think it's,
14 really important for all of the Committee members
15 to understand that the PCB that we're looking at
16 today is at its first Committee stop. And as we
17 move through the legislative process, the next
18 stop for this bill, if it's passed out of our
19 Committee today, of course, is the Full
20 Redistricting Committee.

21 I can assure Committee members that Chair
22 Leek and I remain committed, as we have been since
23 day one, to being open to your feedback,
24 accessible regarding questions that you may have,
25 suggestions that you can offer within the context

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1 of our two tiers that make it a better map. And I
2 know that both of us continue to be open to
3 receiving that feedback. The final point that I
4 would add of course is even after the House
5 process unfolds, we still have a reconciliation
6 with the Senate as well, where I think, you know,
7 additional issues will be brought up as well.

8 Thank you, Madam Chair.

9 VICE-CHAIR TUCK: Follow-up?

10 REPRESENTATIVE JOSEPH: Thank you, Madam
11 Chair.

12 And thank you, Mr. Chair, for the
13 explanation, and I look forward to that. Like,
14 we've had good working relationships in the past
15 in my entire time in the Legislature, so I fully
16 anticipate that we'll be able to address that. So
17 I think part of where I'm going to go with my
18 questions today is to do exactly that: to
19 highlight some of the issues that we have in
20 anticipation that ultimately, maybe not today, but
21 ultimately, we as the legislative body can stand
22 in unison behind some maps that we can actually be
23 proud of. So I think we're ready to roll up our
24 sleeves with you.

25 So following up on CD 10 real quick,

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1 looking at the data, I understand -- I mean, there
2 are a number of factors that may have contributed
3 to that decrease of performance, but I think we
4 can still use the Tier 2 factors to give that
5 district a fighting chance. There's no reason we
6 need to take it away right away. I think that as
7 a policy decision, we can look at, maybe, seeing
8 if it might perform and preserving it this round.
9 So that was one thing.

10 Let me move on to CD 26. So looking at
11 CD 26, was that impacted by the fact that it's a
12 Tier 1-protected district for Latino voters or
13 Hispanic voters?

14 VICE-CHAIR TUCK: Chair Sirois?

15 CHAIRMAN SIROIS: Thank you, Madam Chair.
16 Yes.

17 REPRESENTATIVE JOSEPH: Okay. So looking
18 at kind of the image of it, it's kind of like an
19 extruded stair-step shape, stretching up from the
20 Gulf of Mexico all the way over to a little finger
21 that points just 700 yards short of Biscayne Bay
22 in Miami. Was that shape necessary to comply with
23 Tier 1? Or were there other factors that went
24 into just how it ends up looking there?

25 VICE-CHAIR TUCK: Chair Sirois?

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1 CHAIRMAN SIROIS: Thank you, Madam Chair.

2 I'd like to ask Mr. Poreda to weigh in.

3 VICE-CHAIR TUCK: Mr. Poreda, you're
4 recognized.

5 MR. POREDA: Thank you, Madam Chair.

6 Yes. The shape of District 26 was
7 largely because not only it was a Tier 1-protected
8 district, but the other three districts in Miami-
9 Dade County - District 24 are protected black
10 district. And District 27 and 28 are also
11 protected districts. So trying to balance all the
12 Tier 2 issues that are there in addition to,
13 first, protecting all three of those districts and
14 their ability to elect, that largely impacted the
15 shapes of all four of those districts.

16 VICE-CHAIR TUCK: Follow-up?

17 REPRESENTATIVE JOSEPH: Thank you, Madam
18 Chair.

19 And thank you for that response. Yeah,
20 when you get to Miami-Dade, we got a lot of
21 protective folks. So -- now, still sticking with
22 CD 26, I see that it crosses the large unpopulated
23 stretch of the Everglades between --it looks like
24 Miami-Dade County and Collier. Would we consider
25 the Everglades in this area a major geographic

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1 boundary?

2 VICE-CHAIR TUCK: Chair Sirois?

3 CHAIRMAN SIROIS: Thank you, Madam Chair,
4 and I'm going to ask Mr. Poreda to weigh in.

5 But I would add first that, you know,
6 there are still census block data available within
7 that territory. And I think if you recall from
8 earlier presentations when we showed slides that
9 contained the population of our census blocks,
10 there were several areas within the state where
11 maybe just a few people lived. You could count on
12 one hand the number of people identified in that
13 census block, but that doesn't change the fact
14 that they still have accounted for within our
15 congressional districts.

16 So you will see areas on the map -- the
17 Everglades is an example. I think closer to
18 Miami, you have the Miami International Airport,
19 again, huge tract of land that you're talking
20 about there. Along the East Coast, we have
21 wildlife refuges, military insulations, Kennedy
22 Space Center. You see other large tracts of land
23 that are included in the census block data as
24 well. So that's why you may see some variation
25 there.

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1 But, Mr. Poreda, do you have anything
2 that you'd like to add?

3 VICE-CHAIR TUCK: Mr. Poreda, you're
4 recognized.

5 MR. POREDA: Thank you, Madam Chair.

6 Yeah. I will echo what the Chair said
7 about all of the unpopulated census blocks but
8 also add that District 26, primarily along its
9 entire length, uses the Collier County and the
10 Miami-Dade Broward County line, in addition to US-
11 41, which is the Tamiami Trail to create that
12 extension. And if you look at actually the
13 boundary analysis for District 26, it's only 5
14 percent of its boundaries that do not follow one
15 of the designated political or geographical
16 boundaries. So it uses a lot of municipal lines,
17 actually, in that area that may look a little bit
18 more jagged against District 24. I believe it
19 uses the Hialeah Municipal line along with some of
20 the others there, in addition to using county
21 lines and the Tamiami Trail for almost its entire
22 extension until it gets over into Collier County
23 where it achieves all equal population.

24 VICE-CHAIR TUCK: Follow-up?

25 REPRESENTATIVE JOSEPH: Thank you, Madam

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1 Chair.

2 Thank you for that explanation. I try to
3 play around in the system. I try to be a geek,
4 but sometimes I can't hang. So this is one of
5 these instances, so forgive me if my question is a
6 little weird. So the Esri Mapping program, so it
7 includes the rivers as one of the options of the
8 boundaries, right? But the Everglades is
9 literally a river of grass. So it covers more
10 than like 4300 square miles? And it's 100 miles
11 long, and it's up like 60 miles wide? And did you
12 consider that a major geographic boundary?

13 VICE-CHAIR TUCK: Chair Sirois?

14 CHAIRMAN SIROIS: I would defer to Mr.
15 Poreda.

16 VICE-CHAIR TUCK: Mr. Poreda, you're
17 recognized.

18 MR. POREDA: The Everglades by itself,
19 no. But that's why, through that area, we're
20 actually using US-41 and the county lines of
21 Collier and Miami-Dade County. So those are the
22 geographical or really political boundaries that
23 we're using to get through that area.

24 REPRESENTATIVE JOSEPH: All right.

25 MR. POREDA: Because we have to include

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1 all the census blocks. Even those census blocks
2 in the Everglades, as the chair mentioned earlier,
3 that had very little population, they all have to
4 be accounted for.

5 VICE-CHAIR TUCK: Follow-up?

6 REPRESENTATIVE JOSEPH: Thank you, Madam
7 Chair.

8 And thank you for the response. So I
9 agree about the county boundaries as an
10 alternative way to look at it. I guess it's
11 because it also coincides -- if I'm not mistaken,
12 the Everglades boundary coincides with the
13 political boundary where the Dade-Collier County
14 boundary is. So with that in mind, looking at the
15 Tier 2 factors with CD 6, like this stairway to a
16 mockley shape, it crosses those county lines. It
17 splits Collier, which is smaller than the ideal
18 district size. It splits the city of Miami in
19 three ways, and Miami is smaller than ideal
20 district size too. All of those Tier 2 -- I don't
21 want to say deficiencies, but infirmities, if we
22 can call it that, were those necessary to maintain
23 Tier 1 compliance?

24 VICE-CHAIR TUCK: Mr. Poreda.

25 Chair Sirois.

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1 CHAIRMAN SIROIS: Thank you very much,
2 Madam Chair.

3 Representative Joseph, I think that's an
4 excellent example of a different approach, a concept
5 that can be brought to Chair Leek, for further
6 examination at the next Committee stop.

7 Madam Chair, I'd ask if Mr. Poreda has
8 anything more technical to add.

9 VICE-CHAIR TUCK: Mr. Poreda.

10 MR. POREDA: As I mentioned earlier, that
11 is primarily due to Tier 1 considerations In
12 addition to the equal population standard because
13 the boundaries within Collier County, for example --
14 even though, Collier County, there's lots of
15 counties throughout the map. Walton County is
16 another example; Citrus County, where counties have
17 to be split in a congressional map because of the
18 equal population standard.

19 VICE-CHAIR TUCK: And, Representative, if
20 you don't mind, I'm going to move on to a couple
21 other members and come back to you unless you have a
22 follow-up.

23 REPRESENTATIVE JOSEPH: Sure, that's fine.
24 Thank you.

25 VICE-CHAIR TUCK: Representative Fabricio.

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1 REPRESENTATIVE FABRICIO: Thank you, Madam
2 Chair and --

3 VICE-CHAIR TUCK: Representative, one
4 second. I'm sorry.
5 Chair.

6 CHAIRMAN SIROIS: Thank you, Madam Chair.
7 Representative Brown's request -- her good
8 request, we're going to put the maps back up on the
9 screen when we're discussing specific areas just to
10 make it a little bit easier for everybody to follow
11 along. Thank you, Madam Chair.

12 VICE-CHAIR TUCK: Thank you.
13 Representative.

14 REPRESENTATIVE FABRICIO: Thank you, Madam
15 Chair.

16 And I'm going to preface my question with
17 an apology for its rudimentary nature. But in
18 looking at the CD 26 District and discussing Tier 1
19 requirements and Tier 2 requirements, how does the
20 factor of compactness scores factor into determining
21 the viability of a CD in light of the Tier 1
22 requirements?

23 VICE-CHAIR TUCK: Chair Sirois.

24 CHAIRMAN SIROIS: Thank you very much,
25 Representative, for the good question.

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1 As you know and as we've discussed since
2 we've started, the Tier 1 standards take precedent,
3 in terms of looking at the districts. And when
4 compactness becomes a factor -- you know, I don't
5 know that it's fair to say that compactness can be
6 viewed in the context of a single district in this
7 sense, that the other districts that surround the
8 district that you're referring to also have
9 different issues at play. Whether it's following a
10 political boundary, keeping a city whole, for
11 example, that may affect the ability to keep
12 surrounding districts as compact as we would like
13 them to be.

14 The map is very much -- the districts are
15 very much tied into one another. When you change or
16 try to pursue, perhaps, one outcome with one
17 district boundary, it has impact on the surrounding
18 districts.

19 And, Madam Chair, Mr. Poreda has something
20 that he'd like to add.

21 VICE-CHAIR TUCK: Mr. Poreda.

22 MR. POREDA: I'll just echo what the chair
23 said.

24 VICE-CHAIR TUCK: Follow-up?

25 REPRESENTATIVE FABRICIO: Thank you, Madam

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1 Chair.

2 And thank you, Chair Sirois, for that
3 explanation. I appreciate it. It clarifies quite a
4 bit. Because I'd like to consider the compactness
5 scores of District 26 vis-à-vis the compactness
6 scores of, say, District 3, where the Reock scores
7 in District 23 -- I'm sorry, District 26 are .3.
8 Whereas we look at CD 3 and we see a Reock score of
9 .11 and a Polsby-Popper score of .1 vis-à-vis CD 26.
10 And we see a Polsby-Popper score of .3, both low,
11 but CD 3 seems to be very low.

12 VICE-CHAIR TUCK: Chair Sirois.

13 CHAIRMAN SIROIS: Thank you, Madam Chair.

14 Ms. Kelly, if you'd like to jump in.

15 VICE-CHAIR TUCK: Ms. Kelly, you're
16 recognized.

17 MS. KELLY: Thank you, Madam Chair.

18 Thank you, Chair Sirois.

19 Thank you, Representative, for that
20 question. So I'm going to go back to something I
21 referenced earlier, but this is a really important
22 concept to hone in because it applies to several
23 factors in the map. So first of all, compactness is
24 secondary to our Tier 1 requirement to ensure that a
25 minority population has an ability to elect a

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1 candidate of their choice. So both of the districts
2 that you reference, Congressional District 3 in
3 North Florida and then Congressional District 26 in
4 South Florida are both Tier 1 protected districts.

5 The first item I'd like to point out is
6 that Tier 3 is a protected black district. District
7 26 is a protected Hispanic district. So again,
8 whenever we're going through that process of
9 functional analysis, those minority populations
10 interact differently with one another. So comparing
11 their functional analysis postures would not
12 necessarily be a one-to-one comparison. Not only
13 are they in different regions of the state, those
14 voters may perform differently or interact
15 differently, but they're also in different
16 geographical locations of the state.

17 So in North Florida, you have a lot of
18 rural counties, where you have less population. So
19 you have to account for that, as you're not only
20 drawing down to plus or minus one person, but also
21 still ensuring that Tier 1 requirement, that they
22 have the ability to elect. Similarly, in South
23 Florida, as other representatives have pointed out
24 as well, you have a lot of Everglades population.
25 And I guess I say that ironically because there's

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1 not a lot of people that live in the Everglades, but
2 there is a lot of census blocks that we still have
3 to account for. So even though they have a
4 different compactness scores, it also has to be done
5 in context of the geographical constraints of the
6 region, the Tier 1 constraints of the region, as
7 well as population of the region. And I believe
8 that was all the points I wanted to make. Thank
9 you.

10 VICE-CHAIR TUCK: Follow-up?

11 REPRESENTATIVE FABRICIO: Last follow-up,
12 and I appreciate your explanation. Could you tell
13 me which congressional district has the lowest
14 overall compactness score?

15 VICE-CHAIR TUCK: Ms. Kelly.

16 MS. KELLY: I'm going to ask for a
17 clarification. Do you mean a state-wide average or
18 an individual compactness score?

19 REPRESENTATIVE FABRICIO: Thank you.

20 Which congressional district has the lowest
21 compactness score if you rank compactness scores
22 from top to bottom?

23 VICE-CHAIR TUCK: Ms. Kelly.

24 MS. KELLY: So it'll take me a second to go
25 through my list. I will answer your question. I

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1 would like to say though, there's not one
2 compactness score that is superior to another, and
3 they're to be viewed in context of one another. And
4 I'll further elaborate on that. Each compactness
5 score, you can think of it as measuring a slightly
6 different component of the district. So for
7 instance, if you remember back to some of the
8 presentations we did during the Interim Committee
9 weeks, the Reock score measures, you know, the more
10 circular a district is, the higher your Reock score
11 will be. For Convex Hull score, you can think of it
12 as, perhaps, putting a rubber band around that
13 district. And the more it's filled out, the higher
14 that score will be.

15 And the Polsby-Popper score oftentimes
16 measures a lot of the indentations in the overall
17 perimeter of the district. So I do need a minute to
18 get that answer for you, and I will get that answer
19 for you, but I want to elaborate that whenever we're
20 ranking compactness scores, it's more just, I think,
21 as a data point and a much bigger plane of analysis.
22 But we'll get that answer for you right now.

23 REPRESENTATIVE FABRICIO: Thank you.

24 VICE-CHAIR TUCK: Members, additional
25 questions?

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1 Thank you, Member Skidmore.

2 REPRESENTATIVE SKIDMORE: Thank you, Madam
3 Chair.

4 I think we're very interested in CD 26
5 today. A few weeks ago, when we took up the House
6 maps on the floor, Rep Joseph had a series of
7 questions, and I kind of want to revert back to some
8 of them. I remember Chair Leek called the -- he
9 didn't want to go into a deep rabbit hole, but these
10 questions are not typical.

11 So Rep Joseph asked if the House analysis
12 involved ecological regression or inference analysis
13 to determine the level of minority cohesion and
14 white block voting, racially polarized voting.
15 Chair Leek said yes. But he didn't say what the
16 outcome of those analyses were. So as applied to
17 the congressional map, specifically, in South
18 Florida, does the House have an analysis of minority
19 cohesion, white block voting, and racially polarized
20 voting in the benchmark Latino majority districts of
21 South Florida or in the Miami-Dade area, just
22 generally speaking?

23 VICE-CHAIR TUCK: Chair Sirois.

24 CHAIRMAN SIROIS: Thank you, Madam Chair.
25 If I could just have a moment.

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1 Represent Skidmore, could you -- I'm sorry,
2 Madam Chair.

3 VICE-CHAIR TUCK: Representative Skidmore,
4 can you repeat your question?

5 CHAIRMAN SIROIS: Thank you.

6 REPRESENTATIVE SKIDMORE: Sure. I won't go
7 through the whole setup, but the specific question
8 is, as applied to the congressional map in South
9 Florida, does the House have an analysis of minority
10 cohesion, white block voting, and racially polarized
11 voting in the benchmark Latino minority-majority
12 districts in South Florida or in Miami-Dade?
13 Generally speaking.

14 VICE-CHAIR TUCK: Chair Sirois.

15 CHAIRMAN SIROIS: Thank you very much,
16 Madam Chair.

17 You know, I want to begin by answering that
18 the Florida Supreme Court has recognized that the
19 only performance measure is the functional analysis
20 test. The data that you're referring to, that Chair
21 Leek spoke to on the floor, is some of the advanced
22 statistical analysis that legal counsel has assisted
23 the House with conducting.

24 I would ask Madam Chair that Ms. Kelly may
25 have something to add on that subject. Okay. We're

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1 good. Thank you, Madam Chair.

2 VICE-CHAIR TUCK: Follow-up?

3 REPRESENTATIVE SKIDMORE: Thank you, Madam
4 Chair.

5 So the data exists, but we're just not
6 privy to it?

7 VICE-CHAIR TUCK: Chair Sirois.

8 CHAIRMAN SIROIS: Thank you, Madam Chair.

9 That data is an advanced statistical
10 analysis that was performed -- expert analysis that
11 was performed at the request of the legal counsel
12 that is advising the House on the redistricting
13 process. So the information that is a part of that
14 relationship as a part of that contract is retained
15 by outside counsel.

16 VICE-CHAIR TUCK: Follow-up?

17 CHAIRMAN SIROIS: I would just add -- I'm
18 sorry -- that information is not retained with the
19 House of Representatives.

20 VICE-CHAIR TUCK: Follow-up?

21 REPRESENTATIVE SKIDMORE: Thank you, Madam
22 Chair.

23 So is there any cohesion of voting data
24 that is available to us?

25 VICE-CHAIR TUCK: Chair Sirois.

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1 CHAIRMAN SIROIS: The functional analysis
2 performs exactly the kind of feedback that you're
3 referring to. That's the analysis that the Court
4 requires to be performed is the functional analysis.
5 So beyond that, you know, I'm not able to answer
6 your question.

7 VICE-CHAIR TUCK: Follow-up?

8 REPRESENTATIVE SKIDMORE: Thank you, Madam
9 Chair.

10 Are there any reports, conclusions, or
11 analysis regarding cohesion that have been conducted
12 that would be able to be shared with us? I know
13 Chair Leek said that it's not -- you know, the
14 average person isn't going to want to go through
15 this, but is there anything that has been reported
16 that -- or, you know, memos or anything that would
17 help us understand cohesion?

18 VICE-CHAIR TUCK: Chair Sirois.

19 CHAIRMAN SIROIS: There are no formal
20 reports that exist at this stage of the game in
21 anticipation of litigation. What I would add is
22 that the Florida Supreme Court requires the
23 completion of a functional analysis. We have done
24 that, and that information is contained in your
25 packet.

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1 REPRESENTATIVE SKIDMORE: Thank you.

2 VICE-CHAIR TUCK: Additional questions,

3 Members?

4 Representative Fabricio.

5 REPRESENTATIVE FABRICIO: Just following up

6 to see if the data that I requested was available.

7 VICE-CHAIR TUCK: Ms. Kelly, if it's okay,

8 we'll go and take Representative Joseph's questions.

9 We can come back?

10 MS. KELLY: Yes, absolutely.

11 VICE-CHAIR TUCK: Representative Joseph.

12 REPRESENTATIVE JOSEPH: Thank you, Madam

13 Chair.

14 I guess it's more of like a request. We
15 can work on it later as we work through the map's
16 thing. But I'd like to see how we can -- actually,
17 let me back up. It seems that the House took away a
18 benchmark Hispanic district that or the new map
19 proposed, that crossed the Everglades from Dade to
20 Collier. And I'd really like to see how we could
21 avoid crossing the Everglades because it's been a
22 practice of doing that since the 2016 court-ordered
23 Senate map. And as we continue working on the maps,
24 I'd like to see how we can preserve that because I
25 actually think it would make it more Tier 2

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1 compliant. So that's more of a request than a
2 question. So there you go.

3 VICE-CHAIR TUCK: Chair Sirois.

4 CHAIRMAN SIROIS: Thank you, Madam Chair.

5 Congressional District 26 remains a
6 protected Hispanic district, so I'm not sure what it
7 is that you're referring to.

8 REPRESENTATIVE JOSEPH: My apologies.
9 Thank you. I described it wrong. So when I say
10 that, I'm talking about the benchmark district that
11 crossed from the Everglades to Dade to Collier. So
12 not that it eliminated, I totally misspoke on that.
13 I don't believe it eliminates the Hispanic district,
14 but I thought that something was moved, like there
15 was a Hispanic district that, maybe I'm mixing them
16 up. There was a Hispanic district down south that
17 was moved somewhere else in Florida.

18 VICE-CHAIR TUCK: Chair Sirois.

19 CHAIRMAN SIROIS: Thank you very much,
20 Madam Chair.

21 And, I think that the district that you
22 were referring to was in the House map for State
23 Legislative Districts.

24 REPRESENTATIVE JOSEPH: Just kidding. All
25 right.

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1 CHAIRMAN SIROIS: No, don't apologize.

2 Believe me when I tell you that I understand, you

3 know, all this stuff starts to run together after a

4 while. So I appreciate where you come from.

5 REPRESENTATIVE JOSEPH: So thank you.

6 VICE-CHAIR TUCK: Follow-up?

7 REPRESENTATIVE JOSEPH: What I'm really

8 trying to say, forget the House map and that

9 district moving, is preserving the lines and trying

10 to uphold or maximize the Tier 2 criteria. I think

11 in doing so for there -- and I see staff shaking

12 their head -- I think we might be able to achieve a

13 map that does that in a way that protects that area

14 and does not have a negative impact on Tier 1 and

15 all of that good stuff. So there you go. Thank

16 you.

17 VICE-CHAIR TUCK: Chair Sirois.

18 CHAIRMAN SIROIS: Thank you very much,

19 Madam Chair.

20 I would welcome that conversation with

21 myself, staff, Chair Leek, and I think that's

22 something that, you know, we can look at as we move

23 forward through the Committee process.

24 VICE-CHAIR TUCK: And, Ms. Kelly, you're

25 recognized to answer Representative Fabricio's

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1 question.

2 MS. KELLY: Thank you, Madam Chair, and
3 thank you for giving us time to pull that data.

4 So I'd like to go through each compactness
5 score. We were able to identify the district that
6 has the lowest compactness scores and give it in
7 context of that region as a whole. So whenever
8 we're looking at the lowest Reock score, we're
9 looking at CD 3, and it has a .11. Its Polsby-
10 Popper score is .10, but I'd also like to point out
11 that its Convex Hull score is .63, which is right
12 around the average for the state.

13 Moving into the Convex Hull score, that
14 one's lowest rate is on CD 28 with a .56. Again,
15 making sure I provide it in context, the Reock score
16 on that is .21 and then .24 for Polsby-Popper.
17 Going back to the Polsby-Popper score, again, CD 3
18 is there at .10. And again, just to remind everyone
19 in context, its Convex Hull score is up near the
20 average of the rest of the state as well. Thank
21 you. Hopefully that answers your question.

22 VICE-CHAIR TUCK: Members, additional
23 questions?

24 Ex officio, Davis.

25 REPRESENTATIVE DAVIS: Thank you, Chair.

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1 And thank you, Committee, for allowing me to be here
2 this morning.

3 Just a question, you may have answered it
4 along the way, but we are talking to the general
5 public. So could you be clear in the sense of the
6 difference between the functional analysis and the
7 performance analysis for me, please?

8 VICE-CHAIR TUCK: Chair Sirois.

9 CHAIRMAN SIROIS: Thank you very much,
10 Madam Chair.

11 Representative, thank you for the question.
12 And I think it's important, you know, words do
13 matter because what we're talking about here is the
14 functional analysis. And the functional analysis
15 provides information related to performance, and
16 that helps us understand as to whether or not our
17 obligation to identify and to protect -- protected
18 district's remains in effect. So, you know, I'm
19 happy -- if you want some more detail on the
20 functional analysis process, I'm happy to provide
21 that. But I think that answers your question.

22 VICE-CHAIR TUCK: Follow-up?

23 REPRESENTATIVE DAVIS: Somewhat. I asked
24 for the difference between the functional analysis
25 and the performance analysis of a district. So you

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1 did answer the functional analysis, but the
2 performance analysis is what I'm waiting for now.

3 CHAIRMAN SIROIS: Chair Sirois.

4 CHAIRMAN SIROIS: Thank you, Madam Chair.

5 Thank you, Representative Davis. It's the
6 same thing.

7 If I could, Madam Chair, ask Ms. Kelly to
8 elaborate.

9 VICE-CHAIR TUCK: Ms. Kelly, you're
10 recognized.

11 MS. KELLY: Thank you, Madam Chair.

12 Thank you, Chair Sirois.

13 Thank you, Representative. Sometimes I
14 feel like those terms may be used interchangeably,
15 because the functional analysis alludes to the
16 performance ability of a minority group to elect a
17 candidate of its choice. So Chair Sirois, just
18 piggybacking off of what you said, I believe what
19 you're asking about is, in fact, the same analysis,
20 the same data set. It just may be commonly referred
21 to, differently.

22 REPRESENTATIVE DAVIS: Thank you. That
23 cleared it up. Interchangeable terms, I appreciate
24 that. So with that and we were talking about the
25 cohesiveness of the districts. How did you apply

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1 the non-vote dilution standard when drafting these
2 maps?

3 VICE-CHAIR TUCK: Chair Sirois.

4 CHAIRMAN SIROIS: I would ask Ms. Kelly.

5 VICE-CHAIR TUCK: Ms. Kelly, you're
6 recognized.

7 MS. KELLY

: So the provision that you're
8 alluding to is a provision that's in our Tier 1 of
9 requirements. It says you cannot deny or diminish
10 the ability of a racial or language minority group
11 to elect a candidate of their choice. So when doing
12 the functional analysis, you know, one of the
13 components of that is ensuring that that protected
14 district doesn't have a diluted ability to elect a
15 candidate of their choice. Which is why, as we've
16 recreated these districts, we've recreated them at
17 several similar levels to where the benchmark
18 districts are. The courts have said a lot over the
19 years as far as being able to drop different data
20 points too low or perhaps too high, and so we've
21 made an effort to make sure that those minority
22 populations don't have a diluted ability or
23 diminished ability to elect a candidate of their
24 choice, in complying with our Tier 1 standards.

25 Ms. Chair: Follow-up?

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1 REPRESENTATIVE DAVIS: Just kind of a
2 variety of questions.

3 So with another process, what did you --
4 how did you identify the process by way of your
5 Voting Rights Act and Tier 1 protected districts in
6 the benchmark map? And did you run that process on
7 all 28 Districts?

8 VICE-CHAIR TUCK: Chair Sirois.

9 CHAIRMAN SIROIS: Thank you, Madam Chair.
10 You know, Representative, I may ask you to
11 be more specific, but I will tell you that the PCB
12 that is presented before you today is in full
13 compliance with our state constitution, state and
14 federal law, judicial president ruling by the Court,
15 and that would include the Voting Rights Act.

16 VICE-CHAIR TUCK: Follow-up?

17 REPRESENTATIVE DAVIS: Thank you for that
18 answer, Chair. And the question I was asking was
19 the process as to how we identified by way of the
20 using the Voting Rights Act and the Tier 1
21 protections to get to that. I think you've answered
22 it, and I appreciate that, saying that you feel like
23 these maps are completely legal and compliant with
24 constitutional standards. So thank you for that
25 answer.

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1 VICE-CHAIR TUCK: Seeing no additional
2 question -- Representative Joseph?

3 REPRESENTATIVE JOSEPH: Thank you, Madam
4 Chair.

5 For CD 24, I see that it's shifted all the
6 way east where it wasn't that way before. Can you
7 walk us through, kind of, what went into that? I
8 know it had to do with making sure that CD 27 was
9 okay in terms of meeting the Tier 1 criteria, but
10 talk to us a little bit more about what happened
11 there.

12 VICE-CHAIR TUCK: Chair Sirois.

13 CHAIRMAN SIROIS: Thank you, Madam Chair.
14 Thank you, Representative for the question.
15 I would ask Mr. Poreda to provide an explanation.

16 VICE-CHAIR TUCK: Mr. Poreda, you're
17 recognized.

18 MR. POREDA: Thank you, Madam Chair.

19 That district is a protected black
20 district. Its black voting Age population in the
21 benchmark was about 43 percent. And the district
22 you see before you, it's about 42 and a half percent
23 -- 42, I think, .2 percent. It was brought over to
24 that population, so it wouldn't impact Districts 26,
25 27, or 28, which are all protected districts, in

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1 addition to adding population to all three districts
2 to achieve our new ideal population for a
3 Congressional District.

4 So that was simply where the population
5 was. In an effort to also, where we could, take
6 those Tier 1 districts and make them a little bit
7 more Tier 2 compliant and create a more compact
8 shape.

9 VICE-CHAIR TUCK: Seeing no more questions?
10 We are in amendments.

11 Are there any amendments?

12 Representative.

13 REPRESENTATIVE FABRICIO: Thank you. And I
14 apologize for jumping in late there. In determining
15 the importance of the compactness scores, we have
16 Reock, Convex Hull, and the Polsby-Popper. Does any
17 one of those three different compactness components
18 have any different kind of weight over another, or
19 are they looked at in the aggregate?

20 VICE-CHAIR TUCK: Chair Sirois.

21 CHAIRMAN SIROIS: Thank you,
22 Representative. The answer to your question is no.
23 And that's why they have to be used in context and
24 looked at across the board.

25 VICE-CHAIR TUCK: Follow-up?

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1 REPRESENTATIVE FABRICIO: So if you have a
2 particular congressional district that has two
3 compact scores that are exceedingly low and one that
4 happens to be about average, how would that analysis
5 weigh out?

6 VICE-CHAIR TUCK: Chair Sirois.

7 CHAIRMAN SIROIS: Thank you, Madam Chair.

8 You know, you have to look at in the
9 context of the entire map. Yes.

10 And, Ms. Kelly, would you like to add
11 something?

12 VICE-CHAIR TUCK: Ms. Kelly, you're
13 recognized?

14 MS. KELLY: Thank you. And I agree with
15 what Chair Sirois said. I'd also like to add,
16 compactness is one of our Tier 2 standards, but it's
17 not the only Tier 2 standard. So within that as
18 well, you have to balance political and geographical
19 boundaries. So we're looking at riverways,
20 waterways, county lines, and corporate and
21 municipality lines. So it's not just, again,
22 compactness scores as a sole analysis. It's within
23 the context of our Tier 2 standards as well as the
24 consideration that that is secondary in nature
25 always to our Tier 1 standards.

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1 VICE-CHAIR TUCK: Follow-up?

2 REPRESENTATIVE FABRICIO: And in that group
3 of additional Tier 2 standards, would one of the
4 other considerations be unnecessary appendages?

5 VICE-CHAIR TUCK: Chair Sirois.

6 CHAIRMAN SIROIS: Thank you, Madam Chair.
7 I think it's -- you know, I would ask you to explain
8 what you view as being an unnecessary appendage
9 because, oftentimes, when you see those in the
10 context of a congressional district, it may be a
11 municipal boundary or some kind of other feature
12 which requires us to incorporate into the district
13 boundary.

14 VICE-CHAIR TUCK: Follow-up?

15 REPRESENTATIVE FABRICIO: For example,
16 Gadsden County in the western edge of CD 3.

17 CHAIRMAN SIROIS: I'm sorry, Representative
18 -- Madam Chair?

19 VICE-CHAIR TUCK: You're recognized.

20 CHAIRMAN SIROIS: Could you repeat that?

21 REPRESENTATIVE FABRICIO: For example,
22 Gadsden County on the western edge of CD 3.

23 VICE-CHAIR TUCK: Chair Sirois, you're
24 recognized.

25 CHAIRMAN SIROIS: Thank you very much,

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1 Representative. Gadsden County is a part of a
2 majority-minority protected district. So I don't
3 understand -- in an effort to protect that district,
4 I don't understand how you view that as an
5 appendage. Maybe you could elaborate.

6 REPRESENTATIVE FABRICIO: I understand. It
7 just seems that it's linked up through a very slim
8 sliver of land there.

9 CHAIRMAN SIROIS: I'm sorry,
10 Representative. Could you repeat that into the
11 microphone?

12 REPRESENTATIVE FABRICIO: I'm sorry. Can
13 you hear me now?

14 CHAIRMAN SIROIS: Yes.

15 REPRESENTATIVE FABRICIO: It seems to be
16 linked to the rest of CD 3 through a very slim
17 sliver of land.

18 VICE-CHAIR TUCK: Representative, was there
19 a question in there?

20 REPRESENTATIVE FABRICIO: I believe the
21 Chair asked me to elaborate why I considered the
22 Gadsden County portion of CD 3 to be a appendage.

23 VICE-CHAIR TUCK: Chairs Sirois.

24 CHAIRMAN SIROIS: Ms. Leda, would you like
25 to weigh in?

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1 MS. KELLY: Yes. Thank you, Chair.

2 Thank you, Chair.

3 So as far as an appendage goes, whenever
4 you look at the Gadsden County connected to
5 Congressional District 3, Gadsden County in its
6 entirety is connected to Congressional District 3.

7 So usually, whenever you, in the context of
8 redistricting, talk about appendages, or, I believe,
9 the courts have used the frayed tortured shapes,
10 things that would be abnormal to the visual eyeball
11 test of compactness, a whole county being included
12 in a district is very in-line with the rest of the
13 methodology that we've applied across the map.
14 There's several districts that include the whole
15 counties.

16 And again, I'll reiterate. District 3 has
17 Tier 1 protections. Gadsden County is Florida's
18 only majority-minority black county in the entire
19 state, which goes into part of that Tier 1
20 consideration, which, again, outranks compactness as
21 a Tier 2 requirement. Thank you.

22 VICE-CHAIR TUCK: All right. Seeing no
23 more questions, we are in amendments.

24 Are there any amendments on the PCB?

25 Representative Hunschofsky, any questions.

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1 REPRESENTATIVE HUNSCHOFSKY: Thank you very
2 much. Going back to the section that my colleague
3 is so concerned about, Congressional District 3,
4 could you go again through how many counties were
5 kept whole and cities were kept whole in that
6 district, because those are also Tier 2, and I
7 wasn't sure how many were kept whole in that area?

8 VICE-CHAIR TUCK: Mr. Poreda, you're
9 recognized.

10 MR. POREDA: Thank you, Madam Chair. That
11 district contains four whole counties. Those are
12 the counties of Gadsden, Madison, Hamilton, and
13 Baker Counties. In addition to that, it has
14 portions of Leon County, Jefferson County, Columbia
15 County, and then Duval County. That district has
16 all of these municipalities that would be in those
17 whole counties. It then also splits the city of
18 Tallahassee, the city of Lake City, and the city of
19 Jacksonville.

20 VICE-CHAIR TUCK: Follow-up?

21 REPRESENTATIVE HUNSCHOFSKY: And when we
22 were going through the Tier 1 and Tier 2, in the
23 Tier 1, I just want to confirm, is it true that Tier
24 1, they're all held equally, or we have to
25 prioritize one of the Tier 1 over another?

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1 VICE-CHAIR TUCK: Chair Sirois.

2 CHAIRMAN SIROIS: Thank you, Representative
3 Hunschofsky. They are equal within the tier.

4 VICE-CHAIR TUCK: Follow-up?

5 REPRESENTATIVE HUNSCHOFSKY: And the Tier 1
6 always comes before the Tier 2 when we are weighing
7 this, correct?

8 VICE-CHAIR TUCK: Chair Sirois.

9 CHAIRMAN SIROIS: Thank you very much,
10 Representative Hunschofsky. Yes.

11 REPRESENTATIVE HUNSCHOFSKY: Yeah, I was
12 paying attention to it. And then lastly, I have
13 brought up several times ad nauseam on this
14 Committee, how important I think it is to keep
15 cities and counties as whole as possible having come
16 from municipal office. So but is it true that when
17 we're looking at those Tier 2 standards, we can also
18 choose -- when looking at the totality of it and
19 what we're trying to accomplish, and that there's a
20 good representation in each of these districts, that
21 we can choose, for example, to prioritize keeping
22 counties and cities Whole over prioritizing
23 compactness? Is that within our option on those
24 Tier 2 or do we have to go in the order that it
25 would -- that they were presented to us?

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1 VICE-CHAIR TUCK: Chair Sirois.

2 CHAIRMAN SIROIS: Thank you very much,
3 Madam Chair. On the issue of city splits, and I
4 know that that is important to you. You've raised
5 that consistently throughout this process, and I
6 think you should proud of the progress that this map
7 makes in that regard Because we improve -- in the
8 benchmark map, there were 39 city splits. In the
9 PCB before you today, there are 27. So we have made
10 some improvement in that regard.

11 If there are additional areas of the state
12 that you would like to make some recommendation in
13 terms of -- perhaps a way we could further reduce
14 the number of city splits, I'm happy, and I can
15 speak for Chair Leek in saying we're happy to
16 continue to have that conversation with you.

17 I would ask also, if you could repeat and
18 clarify the second part of your question?

19 REPRESENTATIVE HUNSCHOFSKY: Yeah. I just
20 wanted to make sure -- I'm asking that we are
21 allowed to prioritize in -- within the Tier 2, we
22 can make the choice to prioritize keeping more
23 counties and cities whole than compactness. Are we
24 allowed to do that?

25 VICE-CHAIR TUCK: Chair Sirois.

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1 CHAIRMAN SIROIS: Within Tier 2, each of
2 those receive equal consideration.

3 REPRESENTATIVE HUNSCHOFSKY: Okay. Thank
4 you.

5 VICE-CHAIR TUCK: All right. Last chance.
6 Seeing no more questions.

7 All right. Members, we are in amendments.

8 Are there any amendments on the PCB?

9 Seeing none, we are now in public
10 testimony. I'll remind all the speakers to keep
11 their comments on topic and to the constitutional
12 standards as the maps we are voting on today must be
13 in alignment with these standards.

14 First up, Robert Popper, Judicial Watch.
15 Thank you for being here. You're recognized.

16 MR. POPPER: Thank you, Madam Chair. Good
17 morning. My name is Robert Popper. I am a voting
18 specialist at Judicial Watch. Judicial Watch is a
19 Washington DC nonprofit devoted to transparency,
20 accountability, and fidelity to the rule of law.
21 I'm here to testify in particular about the
22 constitutional status and what I view as potential
23 infirmities of District 3.

24 I've been a litigator for 32 years, and
25 I've worked on voting issues for much of that time.

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1 I've submitted written testimony, which I believe
2 was emailed to the Committee. I also understand
3 that revised statistics were sent to the Committee,
4 not by me, but I do understand that that needs to be
5 emphasized as well.

6 To summarize my testimony in my written
7 statement, District 3 was drawn on the basis of
8 racial considerations, as I believe the Florida
9 Supreme Court acknowledged and as I believe this
10 Committee would frankly acknowledge. That puts it
11 in a difficult position in terms of federal law.
12 Its boundaries correlate with African American
13 populations in Duval County and Leon. And one of
14 the points I'd like to emphasize is that I believe
15 that it violates traditional districting criteria.
16 That is a specialty of mine.

17 I am the Popper of the Polsby-Popper
18 criterion. Professor Polsby and I developed that
19 criterion 30 years ago to develop and understand the
20 non-compactness of gerrymandered districts. Under
21 the Polsby-Popper criterion, that scores a 0.1 or a
22 10 percent. That is extremely low. That is low
23 nationally. That is the lowest in Florida. Below
24 20 percent for a landlocked district, which District
25 3 is, is extremely non-compact. It is not the worst

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1 district I've ever seen, but 10 is low. And those
2 boundary lines do not contort as they would. For
3 example, and if this was the district in the
4 Chesapeake Bay in my home state of Maryland, those
5 districts are manmade. The contortions are manmade.
6 The district is 200 miles long. It narrows to three
7 miles wide. It runs through eight counties and
8 splits four of them.

9 In addition to the Polsby-Popper method of
10 measuring compactness, there is the Reock
11 measurement, which gives it an 11 percent or 0.11.
12 It is unusual for the Polsby-Popper and the Reock
13 method to agree. Usually, the Reock method is more
14 forgiving. The fact that they agree means that this
15 is non-compact on at least two kinds of scales. The
16 indentations measured by Polsby-Popper, the length
17 to width typically flagged by Reock. It is also the
18 third worst was my measurement.

19 Madam Chair, forgive me if I've not
20 calculated that accurately, but by my count, it was
21 the third worst scoring district in the state on
22 Convex Hull.

23 As a practitioner in the area of
24 traditional districting criteria, I do not believe
25 that Convex Hull is that useful of a measurement.

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1 It doesn't see too much. If you imagine a rubber
2 band stretched over the outward points of a
3 district, anything that happens internally that
4 doesn't affect the area just is not seen at all.
5 But that being said, it does not score well on
6 Convex Hull. As I pointed out, it's a landlocked
7 district, which makes the non-compactness harder to
8 explain, and I think we know why the non-compactness
9 exists. It was to connect particular communities to
10 create a particular result.

11 Now, as a race-based district under the
12 jurisprudence of Shaw vs. Reno and Miller vs.
13 Johnson, the Supreme Court has determined that the
14 equal protection clause is potentially violated
15 unless the district meets strict scrutiny, unless
16 there is a compelling justification met by a
17 narrowly tailored remedy.

18 It has been held that Section 2 will not
19 serve as a justification where you cannot create a
20 greater than 50 percent minority voting age
21 population. That is the case here. It has been
22 held that Section 5 of the Voting Rights Act, prior
23 to its becoming unconstitutional, and Section 4
24 becoming unconstitutional, and Section 5 becoming
25 inoperative, prior to that, you needed a

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1 specialized finding of a particular harm in order to
2 justify that remedy. And I would add that we in the
3 modern age have forgotten what those findings were,
4 including states of the union where minority voting
5 turnout was less than 10 percent. We don't have
6 that now. But I submit there have not been those
7 findings.

8 And this is the point I would particularly
9 like to emphasize to this Committee. If this
10 district is not narrowly tailored, it will not
11 satisfy strict scrutiny. If it is not compact, it
12 will not satisfy strict scrutiny. The Supreme Court
13 has viewed extremely non-compact districts as not
14 required by federal law. I understand that we are
15 discussing here today Tier 1 and Tier 2, and
16 compactness and traditional districting criteria are
17 Tier 2 under federal law. They are not Tier 2 --
18 I'm sorry, Tier 2 under Florida law. They're not
19 Tier 2 under federal law. It will torpedo the
20 ability of Florida to submit a set of districts that
21 it can call narrowly tailored if the district is
22 submitted, I believe, in its present form.

23 We all know that in a state of this
24 importance, this district is going to end up. The
25 entire map is going to end up in litigation. We

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1 know that. I respectfully submit that this
2 Committee and this House would want to be holding
3 the strongest hand that it could. District 3 as
4 drawn will not permit that.

5 Madam Chair, I look forward to your
6 questions.

7 VICE-CHAIR TUCK: Thank you, Mr. Popper,
8 and we do have a couple of questions. We've had a
9 very transparent process throughout the entire last
10 four months or so, and I just wanted to give
11 Committee members a holistic view of the testimony
12 given here today. So I just have a couple of
13 questions. If you don't mind, other Committee
14 members do as well. Were you asked to be here by
15 Governor DeSantis today?

16 MR. POPPER: I was.

17 VICE-CHAIR TUCK: And were you compensated
18 for being here today?

19 MR. POPPER: I was not.

20 VICE-CHAIR TUCK: Then can you share with
21 us who you collaborated with in order to prepare for
22 your testimony today?

23 MR. POPPER: It was just -- I wrote my
24 testimony myself. It's based on my experience. I
25 did talk with lawyers from Holtzman Vogel and Josh

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1 Pratt, but I wrote my testimony.

2 VICE-CHAIR TUCK: Chair Sirois.

3 CHAIRMAN SIROIS: Thank you, Madam Chair.

4 And good morning, sir.

5 MR. POPPER: Morning.

6 CHAIRMAN SIROIS: You know, in all my
7 reading, I've seen Polsby-Popper. I expected
8 Professor Polsby to be here with you today, joined
9 at the hip. I will see your names appearing
10 together, but thank you for being here this morning.

11 My question is: you say that the district
12 is not narrowly tailored, but in your testimony, you
13 didn't propose an alternative. Can you point us to
14 a district that does not diminish minority voting
15 ability but is more narrowly tailored?

16 MR. POPPER: Thank you for the question. I
17 would respond in a couple of ways. The first is
18 that the requirement of showing a district that
19 accomplishes the same thing in a more efficient or
20 less compact -- or more compact way was a one-time
21 requirement in federal court. It no longer is. And
22 I suppose this is a prelude to saying, no, I cannot
23 propose such a district to you, but I would
24 respectfully submit that the Tier 2 requirements of
25 Florida law will be superseded by the narrow

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1 tailoring requirement of meeting the strict scrutiny
2 required for this not to be an equal protection
3 violation. I hope that answered your question.

4 CHAIRMAN SIROIS: Yes, thank you.

5 VICE-CHAIR TUCK: Representative Perez,
6 you're recognized in questions.

7 REPRESENTATIVE PEREZ: Thank you, Madam
8 Chair.

9 As I was looking up your biography before
10 you spoke -- which, by the way, welcome. Welcome to
11 the Committee. Welcome to Florida. I noticed that
12 you used to work for DOJ, and I think it's the early
13 2000s, mid 2000s. Did you ever work with Eric
14 Holder?

15 MR. POPPER: I've met Eric Holder. I guess
16 you could call it working with him when one is
17 subordinate to a subordinate to a subordinate, but
18 yes.

19 REPRESENTATIVE PEREZ: The reason that I
20 ask that is I'm sure you're aware, as many people
21 are aware, he's part of an organization now that
22 focuses on redistricting in a very partisan way,
23 specifically to make sure that that Democrats can
24 get elected or favorable redistricting measures in
25 different states. Did you consult or have you

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1 consulted with anyone from Eric Holder's group that
2 he currently works with prior to today?

3 MR. POPPER: No, I have not.

4 REPRESENTATIVE PEREZ: Thank you.

5 VICE-CHAIR TUCK: Representative Clemons,
6 you may be recognized in questions.

7 REPRESENTATIVE CLEMONS: Thank you. And
8 I've read your report, your resume that you sent in
9 earlier, and you have a very impressive level of
10 expertise.

11 MR. POPPER: Thank you, sir.

12 REPRESENTATIVE CLEMONS: I'm just curious
13 though, what state do you reside in?

14 MR. POPPER: Maryland.

15 REPRESENTATIVE CLEMONS: Okay. So you
16 reside in Maryland. And then I think, previously,
17 you were asked if you were compensated, and you
18 responded that you were not. Can you just share
19 with us today the expenses, your hotel, your travel?
20 Are you borne -- are you absorbing those expenses
21 yourself, or will you submit a reimbursement to
22 anyone for those travel expenses?

23 MR. POPPER: Thank you. I must clarify,
24 based on what you're saying, that's true. It's my
25 understanding that we will be compensated. I would

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1 say that we offered to forego that, but yes. We
2 would receive -- my understanding is that my flight
3 and my hotel will be compensated by the Governor's
4 office. That's my understanding.

5 REPRESENTATIVE CLEMONS: Follow-up, Madam
6 Chair.

7 There's no doubt that you are an expert in
8 these matters, and I do applaud you for being here
9 today. My follow-up question would resolve in: have
10 you offered this level of testimony in any other
11 state, at any other redistricting committee to date?

12 MR. POPPER: Missouri, long ago. Not on
13 gerrymandering; on different topics, sir.

14 REPRESENTATIVE CLEMONS: Follow-up.

15 So in the 2022 census and redistricting
16 throughout the nation, this is the only Committee
17 that you have testified in front of to share your
18 level of expertise?

19 MR. POPPER: That is correct as far as
20 committees go, but we are suing the state of
21 Maryland over their gerrymandering. And, in fact,
22 I'll be going to trial on March 15th. So that will
23 be process I'll be engaged in.

24 REPRESENTATIVE CLEMONS: And I think maybe
25 this is the last one. So when you say "we," are you

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1 talking about your law firm?

2 MR. POPPER: I'm talking about Judicial
3 Watch.

4 REPRESENTATIVE CLEMONS: Okay. Judicial
5 Watch. Okay. Thank you. That concludes my
6 questions. Thank you, and thank you for being here.

7 MR. POPPER: Thank you.

8 VICE-CHAIR TUCK: Thank you,
9 Representative.

10 Mr. Popper, as you know, in the last
11 decade, we've had some landmark redistricting cases
12 in Florida law. So as it relates to Florida case
13 law, do you agree with Chief Justice Kennedy's
14 dissenting opinion, what he describes as
15 diminishment?

16 MR. POPPER: And you're talking about the
17 fair districting amendments and the Florida Supreme
18 Court's determination on those amendments? I'm not
19 an expert in Florida law. I understand the
20 decision. I understand that it's meant to be in
21 many ways an analog or even governed by the Federal
22 Authority that pertains to Section 2 and Section 5
23 of the Voting Rights Act. In that respect, if the
24 Florida courts follow the federal law, one would
25 expect that a non-compact district would not satisfy

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1 the requirements of these state analogs of the
2 federal statute. Now, I don't say that as a Florida
3 practitioner. I'm not licensed in Florida. I'm not
4 as familiar with Florida law. My familiarity is
5 with federal law.

6 VICE-CHAIR TUCK: Thank you for that
7 answer. And so are you aware of any court's
8 interpretation of Section 5 that requires a district
9 to be compact?

10 MR. POPPER: Thank you for the question.
11 No. I'm not aware of any federal court decisions
12 that state that it must be compact, but I am aware
13 of Miller vs. Johnson Supreme Court decision
14 indicating that a district that was not compact was
15 not required by federal law. There's a lot of
16 interpretation from the fact that non-compact
17 districts were not permitted to fulfill certain
18 roles. And I know of no exceedingly non-compact
19 district that has been used to justify a compelling
20 explanation or justification that's narrowly
21 tailored to allow a race-based district to be drawn
22 in a congressional race.

23 VICE-CHAIR TUCK: Sure. So just keeping
24 our focus on diminishment for a minute, do you agree
25 that going from the current CD 5 to the proposed

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1 Governor's district diminishes the ability to elect?

2 MR. POPPER: I'm sorry, I didn't hear that.

3 VICE-CHAIR TUCK: Oh, sorry. So just
4 focusing still on diminishment, do you agree that
5 going from the current CD 5 to the proposed
6 Governor's district will diminish the ability to
7 elect?

8 MR. POPPER: I can't speak to that, Madam
9 Chair, as an attorney. I can speak to it as an
10 individual. When you're talking about less than 50
11 percent, it's not clear. It's not clear to me as an
12 individual, not as an attorney. But there is
13 federal case law suggesting that -- well, there's
14 federal case law stating that a crossover district,
15 in which there is a minority participation that's
16 less than 50 percent, does not satisfy Section 2 of
17 the Voting Rights Act. That's Bartlett vs.
18 Strickland. There's also an indication in Perry vs.
19 Perez that the same restrictions would apply to a
20 district drawn under Section 5. But again, it's one
21 of those backwards implications where the court
22 simply says, these districts were not required. And
23 there they're talking about a coalition district,
24 which is a couple of minority groups together
25 combining to exceed 50 percent.

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1 The crossover district is a minority group
2 combining with white voters to exceed 50 percent.
3 If you just have a minority-minority district, I'm
4 not sure what that accomplishes. As a practical
5 matter, it does create something of an influence
6 district, but does it diminish minority influence
7 and surrounding districts? It's ambiguous, but
8 that's not my call.

9 VICE-CHAIR TUCK: Thank you. Chair Sirois.

10 CHAIRMAN SIROIS: Thank you, Madam Chair.
11 Can you tell us, did you explore alternative
12 district configurations and performed the required
13 functional analysis to determine whether a more
14 compact district could have been drawn without
15 diminishing the minority's voting ability?

16 MR. POPPER: Representative Sirois, I did
17 not.

18 CHAIRMAN SIROIS: Thank you, Madam Chair.

19 VICE-CHAIR TUCK: Representative Fabricio,
20 you're recognized.

21 REPRESENTATIVE FABRICIO: Thank you, Madam
22 Chair. Earlier in the question and answer that I
23 was involved in, I asked about the relevance of
24 compactness, and one of the responses that I heard
25 was that compactness is also a factor of the

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1 surrounding districts. And in light of CD 3 having
2 a Polsby-Popper score of .10, what would be your
3 analysis of that low score in the light of the
4 surrounding districts?

5 MR. POPPER: Thank you for the question.
6 The surrounding districts are always affected by a
7 non-compact district, but they're not as directly
8 affected. One can have non-compact districts
9 surrounded by compact districts. There tends to be
10 some spillover, particularly as districts become
11 serrated and indented on a small scale. But at the
12 same time, often, that's a smaller district
13 affecting a larger one, and the effect on
14 compactness is muted.

15 It's not always clear that changing a non-
16 compact district will affect the districts around
17 it. That being said, it can, but where you have a
18 district that is so low, when you have an average of
19 -- I believe it was 30, 37 percent Polsby-Popper,
20 and you have a district scoring 10, you could
21 increase that district. It doesn't have to just to
22 speak like someone who has sat at a computer and
23 tried to draw districts. It doesn't have to be
24 jammed up against the border like that. Those are
25 man-made district lines. Look at District 1, also

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1 jammed up against the border and against natural
2 boundary. That's a compact district. Did that
3 answer your question?

4 VICE-CHAIR TUCK: And, Mr. Popper, does the
5 state of Florida's shape affect the compactness?

6 MR. POPPER: It doesn't affect the
7 compactness, Madam Chair, of District 1. I mean,
8 that's a flat border that it's pressed up -- I'm
9 sorry District 3. That's a flat border. I reside
10 in Maryland, and districts around the Chesapeake Bay
11 are naturally non-compact because the Chesapeake Bay
12 is non-compact. At the same time, you can see
13 what's man-made. There's a current district in
14 Maryland that goes across the Bay Bridge to connect
15 Anne Arundel County to the eastern portions of the
16 state. That didn't have to happen. And the
17 district we're looking at in District 3,
18 particularly the indentation in the western part of
19 the state heading north where it narrows, that
20 didn't have to be that way.

21 VICE-CHAIR TUCK: Thank you. And just
22 to provide full clarity for the Committee members
23 here. We seem to be focusing on about two of the
24 three compactness score methodologies, even though
25 there's only over 30 measures of compactness. So

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1 can you provide any stats on all of these 30
2 measures of compactness?

3 MR. POPPER: No. But I -- no, Madam
4 Chair. I can tell you that the social scientists
5 tended to focus on Polsby-Popper, Reock, sometimes,
6 total perimeter, and sometimes Convex Hull. For the
7 reasons I've given, I don't believe Convex Hull is a
8 very good measure. I do think that there are things
9 captured by Reock that are not captured by Polsby-
10 Popper. I do believe there are things captured by
11 Polsby-Popper that are not captured by Reock. I
12 believe, as a professional in this field, that one
13 should focus on those two measures. But there are
14 many measures, and one can see -- if the chair has
15 any particular one in mind, one can see how they do
16 and don't work. I mean, there's a measure that you
17 look at north south divided by east west. Well,
18 that doesn't see a lot of convolutions that can
19 occur in the middle.

20 The Reock score doesn't necessarily see
21 serrations on a smaller level, while Polsby-Popper
22 does. But the Reock score is particularly good at
23 picking up a district that stretches. And as I
24 pointed out, it is unusual for those two scores to
25 agree to this extent. Usually, the Reock score is

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1 more forgiving.

2 VICE-CHAIR TUCK: Now, are you aware of
3 which methodology was endorsed by the Supreme Court
4 in the last redistricting cycle?

5 MR. POPPER: We're speaking about the
6 Florida Supreme Court?

7 VICE-CHAIR TUCK: Correct.

8 MR. POPPER: I was, Madam Chair. I forget.

9 VICE-CHAIR TUCK: That's fine. Thank you.
10 Keep on going, if that's okay.

11 MR. POPPER: Please.

12 VICE-CHAIR TUCK: Representative
13 Giallombardo, you're recognized in questions? Good?
14 okay.

15 Representative Harding, any questions?

16 REPRESENTATIVE HARDING: Thank you, Madam
17 Chair.

18 And thank you for being here, and I
19 appreciate your experience and expertise you bring.
20 And I would also preface this question by saying I
21 come from a rural part of Florida, where we are the
22 large and long districts or something that we are
23 used to. And it's definitely a different
24 perspective on this.

25 If you view current Congressional

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1 District 5 as racially gerrymandered, are you aware
2 of any court decision holding a state constitutional
3 provision that protects minority voting rights that
4 is insufficient to justify the use of race to draw a
5 district?

6 MR. POPPER: Well, no. But I am aware of
7 Miller versus Johnson talking about section two and
8 section five, DS versus Silver talking about section
9 two and section five, Cooper versus Harris talking
10 about section two. And these are federal statutes
11 that didn't do the job under the supremacy clause.
12 I would imagine that the Tier 1, Tier 2 requirements
13 of federal law would be in an even weaker position,
14 but no.

15 VICE-CHAIR TUCK: Representative
16 Hunschofsky, any questions?

17 REPRESENTATIVE HUNSCHOFSKY: Thank you,
18 Madam Chair. I'm not an attorney, so please forgive
19 me in my elementary way of asking this question.
20 You talk about compactness and how important it is
21 from a federal law standpoint. When looking at
22 federal law, in your opinion, is compactness more
23 important than having an equal opportunity
24 representation in our districts?

25 MR. POPPER: I suppose my answer would be

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1 that I don't think that they're pitted against each
2 other in the same way that they are under Florida
3 law. Compactness arises in the legal framework --
4 I'm talking about at the tail end of an analysis of
5 a race-based district violates the equal protection
6 clause unless it satisfies strict scrutiny. It
7 satisfies strict scrutiny if there's a compelling
8 justification that is narrowly tailored to achieve
9 its object.

10 And there in the narrow tailoring is where
11 the Supreme Court has said this doesn't work. So
12 they're not aligned in the same sentence or in the
13 same provision as they are in Article III, Section
14 20 of the Florida constitution. So I can't really -
15 - as important is a difficult question.

16 VICE-CHAIR TUCK: Follow up?

17 REPRESENTATIVE HUNSCHOFSKY: Thank you,
18 Madam Chair. So, again, I'm not an attorney, and
19 your focus on compactness is just kind of as a
20 layperson, made me incredibly curious that that
21 seems to be -- and I understand, you know, with your
22 last name and everything -- why it is your focus.
23 But in the reality, we're here, big picture, trying
24 to weigh what is best for the residents of the state
25 of Florida and Florida's representation.

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1 You mentioned the term "compelling
2 justification." Do you believe there is a
3 compelling justification to have less access for
4 racial or language minorities to less access and
5 less ability to elect their representatives of
6 choice? You believe there's a compelling
7 justification to have less of that in favor of more
8 compactness?

9 MR. POPPER: Thank you for the question. I
10 think I can address it both as a lawyer and as a
11 non-lawyer. As a lawyer, under Section 2 of the
12 Voting Rights Act, even under Section 5, it is
13 possible to show the strong basis and evidence that
14 permits a compelling justification that, for
15 example, a district drawn to enhance and equalize
16 the opportunity of minority populations to elect
17 their candidates of choice. This is all very much
18 as a lawyer. That can justify a race-based
19 district. It has been held to be that that can
20 happen. I'm saying that it's unlikely to happen
21 with a district that looks like this.

22 As a layperson, I think that's an entirely
23 ambiguous question, just in the sense of 42 percent
24 black voting age population in District 3, or 44
25 percent, as I believe the state's figures. Is that

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1 going to lead to more representation of the kind
2 that you're talking about than 10 percent in 4
3 districts? It's not clear, particularly when the 44
4 percent comes from other districts which now have
5 less black population. That's not -- speaking as a
6 non-lawyer, it's not clear -- as a politician, I
7 guess -- it's not clear what that does. So I don't
8 know that -- I wouldn't say that that's a compelling
9 explanation unless it's explained further.

10 VICE-CHAIR TUCK: Follow up?

11 REPRESENTATIVE HUNSCHOFSKY: I'm not an
12 attorney, but I too am just a regular person. And
13 I'm asking this question because this is the
14 question that we're faced with when we are making
15 these decisions. This is a balancing act, as I
16 think we've heard from everybody. So I ask again,
17 if the two do come into conflict, that what we see
18 is the Tier 1, the opportunity of racial or language
19 minorities to participate in the political process
20 or to diminish their -- we're not allowed to deny
21 their -- or bridge the equal opportunity for racial
22 or language minorities to participate in the
23 political process or to diminish their ability to
24 elect a representative of choice, or districts shall
25 be compact. If the two come in conflict, which wins

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1 out in law, in your opinion?

2 MR. POPPER: In law? That's a matter of
3 Florida law. I can't tell you. I don't know, and I
4 think there's some speculation about what the
5 Florida Supreme Court would do with that question.
6 In federal law, the district is in trouble. In
7 federal law, it's not going to come down to that
8 way. And I shouldn't presume to be in your
9 difficult position making these difficult choices,
10 and I don't mean to do that and second guess you on
11 that.

12 When I talk as a politician, I think I'm
13 talking out of turn. I should talk only as a
14 lawyer. And talking as a lawyer, this district is
15 going to have problems in federal court. If I had a
16 client, I would counsel them that way. And it's
17 going to have problems as a question of narrow
18 tailoring. And they, the federal court, are not
19 going to care to the same extent that the Florida
20 Supreme Court cares about Tier 1 and Tier 2.
21 They're going to view it as not narrowly tailored.
22 That's my prediction. Did that answer your
23 question?

24 REPRESENTATIVE HUNSCHOFSKY: Not really,
25 but thank you.

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1 MR. POPPER: I would like to answer your
2 question.

3 Madam Chair.

4 VICE-CHAIR TUCK: Representative, you're
5 good? Hunschofsky?

6 REPRESENTATIVE HUNSCHOFSKY: Madam Chair,
7 I've asked my question in several ways, and it's the
8 same answer. So yes, I'm good. Thank you. And I
9 appreciate your indulgence on that.

10 VICE-CHAIR TUCK: That's good. Thank you.
11 Mr. Popper, do you agree that protecting minority
12 voting ability from diminishment is a compelling
13 state interest?

14 MR. POPPER: It can be. Yes. If it's
15 accomplished, Madam Chair, with a narrowly tailored
16 remedy. Yes.

17 VICE-CHAIR TUCK: So in that case, do you
18 believe there should be any minority districts in
19 North Florida, whether protected by state law or
20 federal law?

21 MR. POPPER: Madam Chair, you're asking me
22 to act as a politician. I mean, I think my
23 testimony -- the thing that I am an expert in -- I
24 guess everyone's an expert in their own opinions.
25 But the thing that I am an expert in is traditional

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1 districting criteria and narrow tailoring of
2 districts. And there's a problem. It's a difficult
3 weighing the kind of thing you all do.

4 VICE-CHAIR TUCK: Thank you.

5 Representative Joseph, any questions?

6 REPRESENTATIVE JOSEPH: Thank you, Madam
7 Chair.

8 So how many compact metrics are there that
9 you're aware of?

10 MR. POPPER: There are a lot,
11 Representative Joseph.

12 REPRESENTATIVE JOSEPH: Estimation?

13 MR. POPPER: I believe 20, perhaps, or 30.

14 REPRESENTATIVE JOSEPH: 20 to 30?

15 MR. POPPER: Yeah.

16 REPRESENTATIVE JOSEPH: And some are better
17 than others, correct.

18 MR. POPPER: One is best, but yes.

19 REPRESENTATIVE JOSEPH: The one that you
20 believe is best, I would assume that's yours, yeah?

21 MR. POPPER: It does happen to be that.
22 Yes.

23 REPRESENTATIVE JOSEPH: Okay. So since it
24 happens to be that and you believe that it's best,
25 why don't you tell me about some of the -- talk to

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1 the Committee about some of the infirmities of that
2 particular method.

3 MR. POPPER: Well, okay. That's an
4 interesting question.

5 REPRESENTATIVE JOSEPH: Yes, it is.

6 MR. POPPER: I think what it does is a
7 number of things, and perhaps as I'm discussing what
8 it does, I can pick out the infirmities. What it
9 definitely does is it arrays along a scale, so more
10 is more and less is less. There are some measures
11 of compactness that just don't see certain kinds of
12 contortions. For example, the Reock score, if a
13 district was generally compact but there was a spike
14 oriented down, it would score that as better because
15 the circumscribing circle would be smaller than if
16 that same spike were heading due east. There's no
17 logical reason for that. The person drawing a map
18 who's trying to gerrymander might want the spike to
19 point in any particular direction. That's a problem
20 with the Reock score, but Polsby-Popper doesn't have
21 that problem. That spike score is exactly the same
22 in both scenarios.

23 I suppose focusing on the Reock score, it
24 very much captures when a district is long, when a
25 district is wandering, just the whole district is

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1 shooting through the state. Polsby-Popper may not
2 capture that as well. Polsby-Popper captures
3 indentations, and Convex Hull doesn't capture them
4 at all. In my opinion, barely captures them.

5 REPRESENTATIVE JOSEPH: Thank you.

6 Follow up?

7 So you compared and contrasted the Reock
8 score with the Polsby-Popper score, what about its
9 infirmities compared to any of the other metrics for
10 compactness that can be used? Are there any other
11 ones that are superior to yours, in your opinion, or
12 that you've heard or heard criticized about that
13 exceed your metric in any way, shape, or form?

14 MR. POPPER: I do not believe so. There's
15 one qualification I would make: no one has perfectly
16 compact districts. It would do -- wreak havoc on
17 political subdivisions, on communities of interest.
18 You can't have a honeycomb of hexagons. We can't be
19 silly about it, but if the minimum district length
20 were perfect, that would be a perfectly compact set
21 of districts. That's the aggregate of all district
22 lines added up the total.

23 REPRESENTATIVE JOSEPH: Thank you, Madam
24 Chair.

25 And thank you for the response. My next

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1 question is following up on that. In your opinion,
2 none of the other ones come close to yours, it
3 sounds like, other than, maybe, Reock on that one
4 point of length. To your knowledge, have there been
5 any individuals, entities, organizations, court
6 opinions, policy, folks who have criticized or
7 identified other infirmities in your metric versus
8 the other alternatives.

9 MR. POPPER: No courts. I would say that
10 courts typically rely on Polsby-Popper, Reock, and
11 Convex Hull. And bear in mind, that's what the
12 Florida Legislature has done. So I guess my
13 response as a professional would be that you're very
14 much in the right ballpark. These are the ones that
15 you should be looking at. I know of no court that's
16 criticized Reock or Polsby-Popper, or Convex Hull, I
17 think.

18 REPRESENTATIVE JOSEPH: Aside from courts?

19 MR. POPPER: Yeah, they're commentators. I
20 mean, the commentators are all over the map. There
21 are commentators who don't believe that there is
22 such a thing as gerrymandering. Many of them have
23 advised the United States Supreme Court, but there
24 are state courts that think differently. There are
25 commentators that have incredibly complicated

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1 mathematical expressions of compactness involving
2 minimum distance from the center of gravity, and
3 then minimum distance from the center of gravity of
4 population. And it can get absurd and certainly
5 well beyond my mathematical abilities. Thank you
6 for allowing me to get this much in the weeds. No
7 one else on earth would want to hear me talk about
8 these things, but I appreciate your interest.

9 VICE-CHAIR TUCK: Representative Joseph, if
10 it's okay, we have two more members that want to ask
11 questions. We need to move on.

12 REPRESENTATIVE JOSEPH: Sure. Yep.

13 VICE-CHAIR TUCK: Representative Perez in
14 questions.

15 REPRESENTATIVE PEREZ: Thank you, Madam
16 Chair. I want to follow up on a question that was
17 asked by Representative Harding that had to do with
18 if there were any State Court decisions that said
19 race could not be used in drawing a district. I
20 think he had asked you that question, I think you
21 had said that you were not aware of any. Assuming
22 that that premise is correct, would it be fair to
23 say that the 14th Amendment would invalidate fair
24 district amendments, specifically the prohibition on
25 not diminishing the ability of minority communities

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1 to elect a candidate of their choice. And if it
2 doesn't -- assuming that that isn't true, if it does
3 not, then why is complying with the Florida
4 constitution not a compelling state interest?

5 MR. POPPER: It absolutely can be a
6 compelling state interest, just as it could have
7 been when it was operative, the compelling state
8 interest to comply with and enforce Section 5 of the
9 Voting Rights Act. It could be. It depends on the
10 remedy.

11 The remedy has to be narrowly tailored. I
12 do not suggest, and my testimony is not to suggest
13 that the Fair Districts amendment would be
14 unconstitutional in all its applications. It
15 absolutely wouldn't. It could justify a race-based
16 district. It could. My testimony is just that it
17 doesn't, not with this district.

18 VICE-CHAIR TUCK: Representative Davis in
19 questions?

20 REPRESENTATIVE DAVIS: Thank you. Kind of
21 a sidebar. Thank you, Madam Chair.

22 You mentioned earlier, as I was noting,
23 that you reside in Maryland.

24 MR. POPPER: I do.

25 REPRESENTATIVE DAVIS: And so you were

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1 offered or told you would be compensated your flight
2 and hotel by the Governor's office, correct?

3 MR. POPPER: That's right.

4 REPRESENTATIVE DAVIS: Could you just tell
5 me, and I'm just curious, how often are you invited
6 to states to testify on the redistricting process
7 itself by a Governor?

8 MR. POPPER: This would be the first.

9 VICE-CHAIR TUCK: Follow up?

10 REPRESENTATIVE DAVIS: Thank you, Madam
11 Chair.

12 Is that unusual, in your opinion, to be
13 asked to come and testify about a redistricting
14 process that you've heard my colleagues say that
15 we're trying to keep this as transparent as
16 possible. Is this unusual, in your opinion, for a
17 Governor's office to reach out to you to testify on
18 the redistricting process itself?

19 MR. POPPER: Representative, I don't
20 believe so. I've testified on other bills, not
21 redistricting, other voting bills and other
22 legislatures, including every Judicial Watch,
23 including Pennsylvania. But I am a person who can
24 offer expert testimony on this district, and so I
25 believe it would have been logical to think of me.

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1 VICE-CHAIR TUCK: Final question. Chair
2 Sirois.

3 CHAIRMAN SIROIS: Thank you very much,
4 Madam Chair.

5 Sir, in your written testimony that you
6 provided, that I had an opportunity to read earlier
7 this morning, I think you said that Florida's non-
8 diminishment standard protects only majority-
9 minority districts. What is your strongest legal
10 authority for that proposition? And didn't the
11 Florida Supreme Court say the exact opposite in its
12 first apportionment decision in 2012?

13 MR. POPPER: Thank you. And forgive me,
14 could you read back to me what I said again? I
15 don't recall that.

16 CHAIRMAN SIROIS: I don't have it in front
17 of me, sir, but it's your written testimony that you
18 provided this morning.

19 MR. POPPER: And if I made a representation
20 about what the Florida Supreme Court would do; is
21 that correct? I'm not --

22 CHAIRMAN SIROIS: Yes, that's correct. In
23 your written testimony.

24 MR. POPPER: I don't recall that. I should
25 not have been opining about what the Florida Supreme

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1 Court would do. May I have a look at my testimony?

2 Or is that not fruitful?

3 VICE-CHAIR TUCK: Thank you. We're going
4 to try to move on a little bit so we can get through
5 all public testimony and debate. So we appreciate
6 you being here. Thank you so much.

7 MR. POPPER: Thank you for having me.
8 Thank you, Madam Chair.

9 VICE-CHAIR TUCK: All right. Next up,
10 Michael Johnson. Is he here? He's a proponent of
11 the bill. Miranda Galindo? And, Members, as a
12 reminder, we have about seven public appearance
13 cards left, and we need time for a debate. So just
14 keep that in mind.

15 You're recognized.

16 MS. GALINDO: Good morning. Miranda
17 Galindo for Latino Justice, PRLDEF. Thank you for
18 your hard work this redistricting season and for the
19 opportunity to present our opposition to the
20 proposed map, which unfairly represents your
21 constituents.

22 Florida's booming Latino population is
23 underrepresented. The 2020 census counted nearly
24 one and a half million more Latinos in Florida than
25 it did a decade ago, and common sense dictates that

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1 a protected class comprising over a quarter of
2 Florida's total population should enjoy a fair
3 number of Latino majority districts. In 2010,
4 Latinos comprised about 22 percent of Florida's
5 total population and have grown substantially over
6 the last decade to now comprise over 26 percent of
7 Florida's total population. While Latinos now
8 represent over a quarter of Florida's total
9 population, only 14.2 percent of the congressional
10 seats proposed in Map H-8011 are majority Hispanic
11 voting age population districts. In contrast, non-
12 Hispanic white Floridians are approximately 53
13 percent of Florida's total population but are a
14 majority voting age population and 64 percent of the
15 congressional districts in H-8011.

16 The redistricting process should mitigate,
17 not exacerbate, the injustice of desperately low
18 Latino political power. Congress passed the Voting
19 Rights Act of 1965 to protect our democratic process
20 from racial discrimination, and I'd like to note
21 that the Voting Rights Act exists in harmony with
22 the equal protection clause of the United States
23 Constitution.

24 Florida Legislature is entrusted with
25 enforcing this landmark Civil Rights Law to combat

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1 discriminatory practices that have historically
2 disenfranchised black, brown, and indigenous
3 Floridians, including English-only electoral
4 practices, all-white primaries in malapportionment,
5 all of which undermined the ability of racial and
6 language minorities to elect their candidates of
7 choice. The Voting Rights Act requires that where
8 Latino majority districts may be drawn feasibly and
9 consistent with Section 2, they must be drawn.

10 First, we urge the House to create an
11 additional Latino opportunity district in Central
12 Florida, which is supported by the census data.
13 Such a district would accurately reflect demographic
14 changes and provide districts that are more aligned
15 with the true voting strength of Latino Floridians.

16 Second, while proposed Congressional
17 District 9 create one new Latino majority district,
18 the House has drawn it with a barest Latino
19 majorities. The Hispanic voting age population is
20 only 50.06 percent. We urge the House to strengthen
21 the slim Latino majority in CD 9, a region that
22 accounts for some of the greatest Latino population
23 growth over the last 10 years.

24 Without an additional opportunity district
25 in Central Florida and a more robust Latino majority

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1 in CD 9, H-8011 fails to meaningfully account for
2 the substantial Latino population growth that
3 largely fueled Florida's receipt of an additional
4 congressional seat after the 2020 Census. Census
5 data does not support the creation of additional
6 white majority districts. That benchmark map had 17
7 white majority voting age population districts, and
8 H-8011 increases that number to 18. This is
9 fundamentally unfair.

10 District maps generally violate Section 2,
11 where they crack or fragment minority voters among
12 several districts, where black voting majority can
13 routinely outvote them. The House has a duty to
14 evaluate how to avoid cracking geographically
15 compact Latino populations, yet H-8011 cracks many
16 more Latino communities than the Senate's adopted
17 map, Senate Plan H-8060. The first egregious
18 example of H-8011 cracking is proposed Congressional
19 Districts 14 and 15, which split them Latino
20 populations in Hillsborough and Pasco County, near
21 the (Indiscernible) City Riverbend area.

22 In contrast, the Senate's adopted plan and
23 the benchmark map kept these communities whole. H-
24 8011 also unnecessarily cracks Latino communities in
25 Hendry and Collier counties. In contrast, the

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1 Senate's adopted plan and the benchmark map largely
2 kept these communities whole.

3 Similarly, H-8011 unnecessarily cracks
4 black communities compared to the Senate's adopted
5 plan. The most egregious example is the dismantling
6 of Congressional District 10, a benchmark district
7 in Orlando, which a geographically compact
8 population of black voters have had an opportunity
9 to elect candidates of choice. We urge the House to
10 avoid cracking Orlando's black community across
11 three separate congressional districts, as was
12 achieved in the Senate's adopted plan.

13 We call upon the House to exercise its duty
14 to keep black and Latino communities whole where
15 possible, and we know this is possible because the
16 Senate's adopted plan did a better job of it.
17 Latino Justice reiterates its request for meaningful
18 opportunities for public participation in the form
19 of improved language access services, virtual
20 participation options for public hearings, and
21 regional public hearings outside of Tallahassee.
22 Floridians who are limited English proficient
23 impacted by the COVID-19 pandemic and reside far
24 away from Tallahassee are no less deserving of
25 having their voices heard in this forum.

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1 We have repeatedly asked for translation of
2 the forms to submit public input in the "get
3 involved portion" of the floridaredistricting.gov
4 website. The willful failure to provide these
5 minimal, yet fundamental, translations is an
6 inexcusable obstacle for your limited English-
7 proficient constituents and deprives the Legislature
8 and the redistricting process of complete
9 information on protected communities.

10 Finally, the earlier mention of performance
11 analysis data held by outside counsel but
12 unavailable to the members of this Committee and
13 unavailable to the public undermines the ability for
14 a meaningful public and your representatives'
15 evaluation of this map's compliance with anti-
16 discrimination laws. We urge this Subcommittee to
17 release it immediately. Where more information
18 exists, why hide it? Thank you.

19 VICE-CHAIR TUCK: Thank you for being here.
20 David Trotti. You're recognized.

21 MR. TROTTI: Good morning. My name is
22 David Trotti, and thank you for allowing me to speak
23 in front of you this morning. I'm a resident of
24 Jacksonville, Florida, but my physical office and my
25 residence is in District 3. I am here today to

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1 speak on behalf of what I do in my spare time, which
2 is represent veterans. I'm the chairman of the
3 Veterans Council of Duval County. That is a
4 Committee that was born of a mayor's executive order
5 since 1986. Since 2016, I was the vice chairman,
6 and since 2020, I was Chairman.

7 There are over 80,000 veterans in Duval
8 County alone. In St. Johns, Nassau, they count as a
9 120,000. So the mass of veterans are in the east
10 side of the state, surrounding Jacksonville. I
11 believe it's only about 15,000 veterans in Leon
12 County and 3400 in Gadsden County. What we need is
13 we need representation in Jacksonville, Duval County
14 area that's going to be there, boots on the ground,
15 to hear what veterans need in Duval County.

16 In District 4, Councilman Rutherford, he's
17 there. He's present. He's at our meetings. I'm
18 not speaking that Al Lawson doesn't do things for
19 veterans. That's not what I'm here about. It's
20 like having a football team in the Super Bowl for
21 your defensive coordinator or for the front team,
22 and it's not at your practices. So I implore you to
23 reconsider the consolidation of District 3. Let
24 Duval County, Jacksonville, stay consolidated as
25 one, or -- I believe the Governor has created a new

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1 district. I only saw that on Facebook a couple of
2 days ago. And I was asking some of my veteran
3 friends, what do you think about having Jacksonville
4 and Duval County as one district? I think it will
5 benefit veterans. We're talking about
6 consolidation, best interest of our residents, and
7 things we have to consider. I think we have to
8 consider the best interests of Jacksonville, Duval
9 County in that redistricting. Thank you.

10 VICE-CHAIR TUCK: Thank you for being here.
11 Jasmine Burney with Equal Ground Action
12 Fund. You're recognized.

13 MS. BURNEY: Thank you. Good morning,
14 everyone. I'd like to first say thank you all so
15 much for following the lead of the Supreme Court and
16 moving forward with a map drawing process that you
17 have all been constitutionally tasked to do so with.

18 Second, again, my name is Jasmine Burney-
19 Clark. I am the founder and director of Equal
20 Ground Education and Action Fund. We are created to
21 advocate for the voting rights of black voters,
22 specifically, along the I-4 corridor. We work to
23 register, educate, and mobilize black voters. We
24 were founded in 2019, and that's important because
25 it's two cycles after CD 10 was created and because

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1 we were established to help break the barriers
2 facing black voters as we witnessed the acts of
3 voter suppression across the state of Florida.

4 Suppression tactics in the form of
5 legislation signed into law by this Governor and
6 other Governors in past years that have been proven
7 to diminish the black voter turnout. I'm also here
8 as a resident of CD 10. I ask that you learn from
9 the lessons of 2016 and don't make the same mistakes
10 that led to the redrawing of maps due to misconduct
11 and gerrymandering. I also ask that you follow the
12 lead of the Senate when it comes to preserving CD 10
13 under the Tier 1 status or, as Rep Joseph pointed
14 out earlier, of the possibility of placing it under
15 Tier 2 standards in future iterations.

16 This district only provides election
17 performance for less than a decade compared to the
18 other districts designed with similar makeup. And
19 so the general election book closing data, that I
20 had a chance to look up on black voters in Orange
21 County where they are largely situated in CD 10, saw
22 an increase in voter registration actually from
23 2016, 2018, and 2020 despite the turnout that
24 decreased as those years proceeded. So the will of
25 the resident is to elect someone who represents them

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1 in their district. However, it's not something that
2 they are opposed to. It does, however, appear that
3 the laws in this state have made it difficult for
4 them to actually access the ballot box.

5 So I ask that you give CD 10 and the voters
6 of CD 10 the same fighting chance over the course of
7 the next decade without diluting the voting power
8 before you've been given a decade of data to
9 accurately prove otherwise. I am in opposition of
10 the current iteration of this map, and I thank you
11 for your time.

12 VICE-CHAIR TUCK: Thank you for being here.
13 Kristen -- I apologize, Folulee (phonetic)?

14 MS. FORLULEE: (Indiscernible)

15 VICE-CHAIR TUCK: Thank you for being here.
16 Genesis Robinson?

17 GENESIS ROBINSON: (Indiscernible).

18 VICE-CHAIR TUCK: Thank you for being here.
19 Pastor Marcus McCoy with Equal Ground as
20 well.

21 PASTOR MCCOY: (Indiscernible).

22 VICE-CHAIR TUCK: Thank you for being here.
23 Cecile Scoon with the League of Women
24 Voters of Florida.

25 MS. SCOON: Good morning. My name is

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1 Cecile Scoon. I'm president of the League of Women
2 Voters of Florida, and I've been listening intently
3 to the testimony and the questioning that the
4 members have had. It's been a very robust debate
5 and conversation.

6 I have my own comments, but I also wanted
7 to speak to some of the comments that Mr. Popper
8 made. And if you listen very carefully to what
9 Mr. Popper said, he admitted to you under your
10 questioning which was very thorough, he had no case
11 to point to to support his comments. He could not
12 point to one case on point. He literally stated to
13 you that the analysis of narrowly construing and
14 protecting minority access districts did not appear
15 in the same sentence. He literally is taking
16 ingredients for salad and mixing them up in a bowl
17 and says, oop, I like this new salad. There is no
18 case law. The United States Supreme Court and,
19 certainly, the Florida Supreme Court has not
20 supported, in any way, the statements that were made
21 before you today. When you questioned him, he
22 backed up and said, no, I don't have a case. Oh,
23 but there is some other things that we're
24 discussing, some other parameters. Well, we
25 lawyers, we call that dicta, and those of us who

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1 practice in court, which I do, I know that to build
2 my case on dicta, that does not directly support the
3 contention that I'm trying to make before the Court,
4 I'm just burning my client's money and time. Dicta
5 that you mix up in a bowl, that does not even occur
6 in the same sentence, does not support going against
7 the well understood analysis of the Voting Rights
8 Act Section 2 and our Fair Districts.

9 Remember the point of our Fair Districts,
10 we basically poured Section 2 into our Tier 1. So
11 there is a lot of closeness to our Tier 1 and
12 Section 2. And it literally says -- and the case
13 law when you deal with race, whether it be in
14 employment matters, where I would consider myself
15 somewhat of an expert on employment discrimination,
16 the analysis is the same when you're dealing with
17 race, when you're dealing with women. Because when
18 our nation started, there were only two groups that
19 were held down in writing. Women were considered
20 Chattel. They could not vote when our nation
21 started, and people of African descent were three-
22 fifths of a person. Because in our founding
23 documents we started that way, as our nation grew,
24 and we tried to make real this concept of equal
25 rights, their concept of strict scrutiny came about.

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1 And it said, because prior to that time, the laws
2 were against women, the laws held women down and
3 blacks down, so the law came out strict scrutiny.
4 When you have a law that touches those groups
5 because they started out under the heel of our
6 government, you have to have strict scrutiny. If so
7 the idea of --

8 VICE TUCK CHAIR: Ms. Scoon.

9 MS. SCOON: Yes, ma'am.

10 THE COURT: We appreciate the passion but
11 if we could bring it back to the comments of the
12 bill --

13 MS. SCOON: I just wanted to clarify -- and
14 I thank you for getting me back on point. The point
15 is the strict scrutiny thing is not the way Mr.
16 Popper said it. It's because of the history of
17 using it against these groups. So it says when you
18 use strict scrutiny -- when you deal with race and
19 you deal with gender also, you have the government
20 needs to do it properly and narrowly. So we have
21 our guidelines in our Fair Districts. We have our
22 guidelines in our Voting Rights Act, and they were
23 written in a way that you could use strict scrutiny
24 to create the proper districts. And by taking into
25 consideration the Gingles elements which are laid

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1 out in the Supreme Court, as laid out. That is
2 their methodology to doing the strict scrutiny. So
3 it's not like, we're taking race into consideration.
4 Are we being discriminatory? It's because you're
5 trying to remedy a historical problem, and you need
6 to do it following the guidelines. And so taking
7 into consideration the ability of a minority,
8 racial, or language group to be able to select a
9 representative of their choice is not being
10 discriminatory. And I have a few more comments that
11 I wanted to -- I just wanted to address some of the
12 things that he had said, and thank you for that.

13 The League would support the maintenance of
14 Congressional District 10, for reasons testified to
15 by Latino justice and Equal Ground and some of the
16 issues raised by some of your own representatives.
17 We believe that the voting record and the voting age
18 population and how they have actually functionally
19 performed demonstrates that the capacity for that
20 district to select a represent a representative of
21 their choice, who is African-American, they have
22 demonstrated that, and there's nothing like history,
23 you know, to show you that they can do that. So
24 that district, we contend should be maintained.

25 I also wanted to point out that the United

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1 States Supreme Court in the Rucho v. Common Cause
2 case, literally phrased Florida and literally quoted
3 our Fair Districts in a footnote. And because at
4 the case, the people were going to the federal
5 government to the United States Supreme Court, and
6 they were saying, help me. This particular state or
7 the Governor is doing political gerrymandering. Can
8 the federal government step in? And Rucho said,
9 hey, the federal government is not laying out these
10 guidelines. The State has the capacity to, and they
11 cited Florida. And they told the rest of the
12 states, if you want guidelines in your state
13 constitution, to protect against political
14 gerrymandering, literally do what Fair Districts
15 says. And this was established in the Supreme
16 Court, I mean, our Florida Supreme Court case that
17 everyone's been talking about in 2015. And they
18 literally said Florida's Fair Districts' amendments
19 are clear. They are enforceable. And if other
20 states want to protect against political
21 gerrymandering, look and do what Florida has done.
22 They held us out to the rest of the nation. So our
23 Fair Districts were looked at by our United States
24 Supreme Court. Our Fair Districts were approved by
25 our United States Supreme Court. So whatever

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1 Mr. Popper was trying to tell you that our Fair
2 Districts don't stand up to muster, the Supreme
3 Court has looked at us. They've held us out as an
4 example to the rest of the world.

5 And finally, I said that we have done a
6 good job, and I'm proud of us for that. And the
7 last thing I wanted to like to say is we would also
8 like to be able to see the analysis that the outside
9 legal counsel has been doing with regards to data
10 analysis, that was utilized in providing legal
11 advice and assistance to you. Thank you very much.

12 VICE-CHAIR TUCK: Thank you for being here.

13 Members, we are going to be going into the
14 debate. We have about 35 minutes left. We need to
15 give Chair Sirois an opportunity to close and vote,
16 so please keep that in mind.

17 With that said, any members wishing to
18 debate?

19 Representative Harding, you're recognized.

20 REPRESENTATIVE HARDING: Thank you, ma'am
21 Chair. And first, I want to commend you today.
22 You've done a great job and also Chair Sirois. And
23 the way that you've conducted this whole process,
24 it's been very educational. And I think that it's
25 probably the most awesome responsibility that we

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1 have as a legislator and pretty unique that we get
2 to be a part of it here in our first term. You
3 know, I've stated it earlier in one of my questions,
4 but I come from a rural part of Florida where we
5 have really large districts, and it's interesting --
6 and part of the educational part of this Committee
7 is listening on questions of districts that are
8 obviously much smaller than the areas that I come
9 from and that I see. But it's an interesting banter
10 that I've learnt.

11 I'm going to support what is coming out of
12 this Committee today with this map, and I'm going to
13 do it for two reasons. Number one, I trust and
14 believe this Committee, and I think that the product
15 that we have proposed. And, number two, I trust the
16 process that this is the first Committee stop, and
17 there will be a process. And I think that, you
18 know, as we've heard today, I would say on both
19 sides of this issue, there's always room for
20 improvement and discussion.

21 And I have full confidence in you, Chair,
22 and then also Chair Leek, that as this moves
23 forward, any things that are necessary or changes
24 that are needed will be addressed. I look forward
25 to supporting the map, and again, I want to thank

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1 all of you that have been a part of creating this.

2 VICE-CHAIR TUCK: Thank you, Representative
3 Harding.

4 Ranking member Skidmore on debate?

5 REPRESENTATIVE SKIDMORE: Thank you, Madam
6 Chair.

7 I too want to thank all the Committee
8 members for being so engaged in this process. It's
9 been a little bit challenging and the work product
10 that we have today is one that we do hope will
11 change and be amended throughout the process so that
12 at some point along the way, we will be able to
13 support it.

14 I will say also that Mr. Popper almost
15 convinced me to vote for it in his testimony, but I
16 will be voting no today because there are still some
17 major concerns that we have in Central Florida and
18 in South Florida as well. And we know that this is
19 just the beginning point of this process. It is
20 nice.

21 We are happy to finally have a map that we
22 can discuss and appreciate the pause that was taken
23 to make sure we were all on the right track moving
24 forward. So I will be a no vote today, but I do
25 also love and respect and admire the legislative

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1 process that allows us to start at a point where we
2 might be in disagreement and at a point where we are
3 all on the same page. So I'm looking forward to
4 that process.

5 Thank you, Mr. Chair, and thank you, Ma'am
6 Chair.

7 VICE-CHAIR TUCK: Thank you, Ranking
8 Member.

9 Any other members?
10 Representative Brown?

11 REPRESENTATIVE BROWN: Thank you, Madam
12 Chair, and thank you, Chair Sirois, for your
13 continuous conversations relating to the maps that
14 we see today but also those that we've workshopped
15 in the past. I thank you for the open process and
16 for your continuous openness to sit down to hear
17 many of my concerns.

18 And I think I have been -- you know, I've
19 said several times just the concerns I have with CD
20 10 among other areas and just again questioning what
21 we were able to see, well, based off of my own
22 knowledge and understanding of that particular
23 community and those boundary make ups but also how
24 we weren't able to get to it, but it seems as though
25 the next chamber was able to see or have a different

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1 opinion. And so it would be -- my ask, I will be a
2 no today, but just with the confidence that myself
3 along with staff and you to sort of sit down to sort
4 of figure out a different configuration of this
5 particular benchmark district.

6 Thank you again, and I appreciate staff and
7 Kelly. But I look forward to, you know, being able
8 to see it in a different way once it goes to the
9 full Committee. So thank you again, just for the
10 process and your understanding of my concerns, and I
11 look forward to working with you to see how we
12 rectify some of those issues. Thank you.

13 VICE-CHAIR TUCK: Ex-officio Davis in
14 debate.

15 REPRESENTATIVE DAVIS: Thank you, Chair, and
16 I won't be long because I definitely want to give
17 the time to Chair to make this close. But I do want
18 to thank my colleagues for allowing me to be a part
19 of the Committee today. But I definitely didn't
20 know that CD 3 on this map would be a focus of
21 conversation. I appreciate the questions that was
22 asked of the person testifying, but one of the
23 speakers made the statement, and I actually wrote
24 the note myself. There was through all of those
25 suggestions that the gentleman was making, he

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1 provided us with actually no functional analysis to
2 illustrate any of the testimony that he was sharing
3 with us. And, Chair Sirois, that's why I was going
4 back and forth with you with that functional
5 analysis versus the performance analysis, to just
6 make sure I was clear with that.

7 So with that, as you've heard from my
8 colleagues, there are concerns with CD 10 because
9 the House is not in the same position as the Senate
10 with that District. I know we can get to the middle
11 and find a common ground with that. But I am glad
12 that in both of these maps, we do have an existence
13 of CD 3 in our map and CD 5 over in, I think, the
14 Senate map, and I would like to make sure I'm on
15 record to state that I appreciate wholeheartedly
16 that district being protected and being seen in both
17 maps and that we are not following the lead of an
18 administration who obviously has a different
19 mindset. So just wanted to put that on record.

20 Today, I will be down on this map just
21 because simply I know we still have work to do. And
22 I know the two Houses we'll get together and produce
23 maps that we eventually, hopefully, all can agree
24 on. So with that, I'll turn it back over to Chair
25 to close, and we get on our way. But today I will

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1 be a no vote just because I know there's still work
2 to be done. Thank you.

3 Representative Joseph in debate.

4 REPRESENTATIVE JOSEPH: Thank you, Madam
5 Chair.

6 Let me say that I'm grateful to be in a
7 country that has certain constitutional protections
8 and provisions, where we have a form of government
9 where there are checks and balances, and there is a
10 separation of powers. And the Legislature has its
11 function, and the Executive branch has its function.
12 And they're not the same. Our job is to handle
13 these maps. It is highly unusual for a Governor to
14 do what our Governor has been doing.

15 I look forward to ultimately getting to a
16 point where we have some maps that we all can be
17 proud of, and I'm hopeful that we can work towards
18 that. And we've had some good conversations to get
19 that started, and we'd heard some testimony to help
20 guide us along that path. I still have my
21 reservations about CD 10 and the things we talked
22 about. We're going to work that through the
23 process, but that's literally our job. Like, that's
24 what we're here to do is to work through that
25 process. So I'm grateful for the opportunity to do

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1 what the people elected us to do.

2 My question for the Chair, if he would be
3 so kind as to address in debate if possible, is:
4 we've heard a lot of testimony, and we've gotten
5 some public feedback. But as we're continuing to
6 cook the cake or bake the cake out, I would say,
7 what is the best way to get the input from the
8 public to staff without exposing members to any
9 issues? I'm still a little unclear about how that
10 is ideally supposed to work in a way that does not
11 expose anybody to anything.

12 So there were some comments made, like I
13 want to know more about what's going on in 14 and 15
14 with respect to Latino districts. I can kind of
15 just put it out there in the ether for them to send
16 those stuff. But I want to figure out what's the
17 best way to do that so that we can communicate that
18 with staffs as we continue working on these maps.
19 So that's my question, and I thank you all for your
20 service.

21 Representative Hunschofsky in debate.

22 REPRESENTATIVE HUNSCHOFSKY: Thank you,
23 Madam Chair. And I'd first like to compliment you
24 on navigating this meeting so well. Never been in a
25 meeting like this one today, and I think you did a

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1 great job. And I appreciate that.

2 I've appreciated learning in this process.

3 I didn't realize there was as much to learn when I

4 originally got assigned to this Subcommittee. I

5 also appreciate the focus on cities being kept

6 whole. That has been important to me, and there has

7 been improvement in that area. I do still think

8 there is more room for improvement in this map, as

9 we've heard from my colleagues, and I do look

10 forward to the process continuing with the inclusion

11 of all these concerns that we've heard today from

12 members of the Subcommittee to make the map the best

13 map that can be. So thank you.

14 Additional members in debate?

15 Seeing none, Chair Sirois, you're

16 recognized to close on the PCB.

17 CHAIRMAN SIROIS: Thank you very much,

18 Madam Chair.

19 Members, I want to thank you for your

20 questions and your time and attention this morning

21 and over the previous weeks. Some of you have said

22 redistricting might be the most complicated of all

23 of our constitutional duties both as a body and,

24 certainly, as individual members, and I want to say

25 I share that as well. It's a historic task. It's

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1 one that happens every 10 years, and I'm personally
2 honored to have had the opportunity to work with all
3 of you through it.

4 The process, as you know, requires us to
5 set personal interests aside. We had a lot to
6 learn. The external pressures are significant.
7 When it comes to our communities and neighborhoods,
8 emotions run high. But this process requires us to
9 follow the law, follow the law, specifically our
10 Tier 1 and Tier 2 constitutional standards. And I
11 want to mention, you know, I enjoy so much working
12 with Representative Hunschofsky because I've learned
13 that she has a way about her where she can just cut
14 to the heart of the matter, and I think she did that
15 today with her question.

16 And I just wanted to -- I felt compelled
17 after hearing your question, Representative, to go
18 back to where we started our Committee meetings,
19 with a review of our constitutional standards, Tier
20 1 and Tier 2. "No apportionment plan or individual
21 districts shall be drawn with the interest of favor
22 or disfavor a political party or incumbent.
23 Districts shall not be drawn with the intent or
24 result of denying or abridging the equal opportunity
25 of racial or language minorities to participate in

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1 the political process or diminish their ability to
2 elect a representative of their choice. Districts
3 shall consist of contiguous territory." And then we
4 move on to Tier 2. "Districts shall be as nearly
5 equal in population as practical. Districts shall
6 be compact. District shall where feasible utilizing
7 existing political and geographical boundaries

8 We have to follow the law. Representative
9 Joseph, I appreciate your questions about receiving
10 that input, and I would remind Committee members
11 that we continue to be the vehicle for that input.
12 Those information, if there's something that you
13 hear, if there's something that you think adds to
14 the process, I encourage you to bring it forward.
15 But you have to be prepared, as we have said
16 consistently from the beginning of this process, to
17 disclose who brought it to you and be prepared to
18 back it up.

19 Individuals out there who wish to provide
20 input and feedback on this process have the ability
21 to do so, floridaredistricting.gov, where nearly 100
22 individuals have utilized the website to create and
23 to submit maps of their own. In January, we noticed
24 a two-hour meeting to accept public input in
25 addition to public input at each of our meetings,

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1 where we have received testimony. As elected
2 members of this House of Representatives, it is our
3 constitutional duty and responsibility to present
4 the views of our constituents in the conduct of
5 their business.

6 Members, you're going to have an
7 opportunity as you have had today throughout our
8 Committee meetings, at Chair Leeks Committee, on the
9 floor, when we reconciled with the Senate throughout
10 this process. You will have an opportunity to
11 provide that input, and I encourage you to get with
12 me and Chair Leek if there is something on your
13 mind. But we have to follow law. And once again, I
14 want to read to you the first line from the 2012
15 Supreme Court ruling that I started today's
16 presentation with. And this is what the Court said
17 then, "A review of the House plan and the record
18 reveals that the House engage in a consistent and
19 reasoned approach." Members, we hit that mark
20 again. We hit that mark again, and I'm proud of
21 this Committee's work product.

22 Now, as I said, our PCB is going to work
23 through the normal process, just like any other
24 bill, and this PCB is going to move on to the Full
25 Redistricting Committee, where the conversation that

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1 we started weeks ago will continue with our
2 colleagues. If you have further policy points for
3 discussion, please, please, Members, don't wait.
4 Get with me and Chair Leek, and we are happy to hear
5 you and to continue this conversation. But,
6 Members, I want to assuage any doubt that may be in
7 front of you today. This is a legally sound map.
8 It's a constitutionally compliant map. Please join
9 me in voting yes.

10 VICE-CHAIR TUCK: Chair Sirois having
11 closed, Members, please remember to turn on your
12 mics when you vote.

13 DJ, please call the roll on PCB CRS 22-01
14 and announced the vote.

15 THE SECRETARY: Chair Sirois?

16 CHAIRMAN SIROIS: Yes

17 THE SECRETARY: Representative Benjamin has
18 been excused.

19 Brown?

20 REPRESENTATIVE BROWN: No.

21 THE SECRETARY: Fabricio?

22 REPRESENTATIVE FABRICIO: Yes.

23 THE SECRETARY: Fetterhoff?

24 REPRESENTATIVE FETTERHOFF: Yes.

25 THE SECRETARY: Giallombardo?

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1 REPRESENTATIVE GIALLOMBARDO: Yes.
2 THE SECRETARY: Harding?
3 REPRESENTATIVE HARDING: Yes.
4 THE SECRETARY: Hunschofky?
5 REPRESENTATIVE HUNSCHOFSKY: No.
6 THE SECRETARY: Joseph?
7 REPRESENTATIVE JOSEPH: No.
8 THE SECRETARY: Maggard?
9 REPRESENTATIVE MAGGARD: Yes.
10 THE SECRETARY: Massullo has been excused.
11 McClure?
12 REPRESENTATIVE MCCLURE: Yes.
13 THE SECRETARY: Morales?
14 REPRESENTATIVE MORALES: No.
15 THE SECRETARY: Perez?
16 REPRESENTATIVE PEREZ: Yes.
17 THE SECRETARY: Plakon?
18 REPRESENTATIVE PLAKON: Yes.
19 THE SECRETARY: Silvers?
20 REPRESENTATIVE SILVERS? No.
21 THE SECRETARY: Skidmore?
22 REPRESENTATIVE SKIDMORE: No.
23 THE SECRETARY: Toledo?
24 REPRESENTATIVE TOLEDO: Yes.
25 THE SECRETARY: Trabulsy?

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1 REPRESENTATIVE TRABULSY: Yes.

2 THE SECRETARY: Tuck?

3 VICE-CHAIR TUCK: Yes.

4 THE SECRETARY: Williamson?

5 REPRESENTATIVE WILLIAMSON: Yes.

6 THE SECRETARY: Ex-officio Clemons?

7 REPRESENTATIVE CLEMONS: Yes.

8 THE SECRETARY: Ex-officio Davis?

9 REPRESENTATIVE DAVIS: No.

10 THE SECRETARY: 14 yeas, 7 nays, Madam

11 Chair.

12 VICE-CHAIR TUCK: Show the PCB reported

13 favorably. Now, I'll pass the gavel back to Chair

14 Sirois.

15 CHAIR SIROIS: Thank you very much,

16 Members. I'd like to thank all the members of the

17 public that provided input today and the members of

18 the Committee for your questions as well.

19 I particularly want to thank Vice-Chair

20 Tuck. You did an outstanding job, and I've been

21 proud to have you as my vice chair throughout this

22 process.

23 As a reminder, the proposed congressional

24 map has another Committee stop in the Full

25 Redistricting Committee. If you have any questions

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1 for myself, or Chair Leek, or staff, I encourage you
2 to reach out to us. As this is most likely our last
3 Subcommittee meeting, I'd like to thank
4 Speaker Sprowls and Chair Leek and the Committee
5 members for this tremendous honor to lead you
6 through this process.

7 I'd also like to thank our redistricting
8 staff, Leda, Jason, Sam, Karen, DJ, for your help in
9 and your accommodation for this rookie chairman.
10 It's been a pleasure to work with you, our ranking
11 member as well. Thank you very much.

12 That concludes our Committee meeting agenda
13 for today. Representative Perez moves that we rise
14 without objection.

15 (END OF VIDEO RECORDING)

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CERTIFICATE OF TRANSCRIPTIONIST

I certify that the foregoing is a true and accurate transcript of the digital recording provided to me in this matter.

I do further certify that I am neither a relative, nor employee, nor attorney of any of the parties to this action, and that I am not financially interested in the action.



Julie Thompson, CET-1036