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IN THE DISTRICT COURT OF APPEAL
FOR THE FIRST DISTRICT, STATE OF FLORIDA

Case No. 1D2026-1559
L.T. Case No. 2026-CA-925

VONDA THOMPSON-WYNN; GINO VACCARI; EMMA JANE RUBINI, SHELBY MCGUIRE-SMITH; MARK TABER; and SAIGE WISBY,
Plaintiffs-Appellants,

v.

CORD BYRD, in his official capacity as Florida Secretary of State; the FLORIDA SENATE; and the FLORIDA HOUSE OF REPRESENTATIVES,
Defendants-Appellees.

On Appeal from a Nonfinal Order of
the Second Judicial Circuit

***THOMPSON-WYNN* PLAINTIFFS-APPELLANTS' APPENDIX**
VOLUME I

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

VONDA THOMPSON-WYNN, GINO VACCARI, EMMA JANE RUBINI, SHELBY MCGUIRE-SMITH, MARK TABER, and **SAIGE WISBY**, Plaintiffs, v. **CORD BYRD**, in his official capacity as Florida Secretary of State; the **FLORIDA SENATE**; and the **FLORIDA HOUSE OF REPRESENTATIVES**, Defendants.	Case No. 2026-ca-_____

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiffs Vonda Thompson-Wynn, Gino Vaccari, Emma Jane Rubini, Shelby McGuire-Smith, Mark Taber, and Saige Wisby file this Complaint for injunctive and declaratory relief against Defendants Cord Byrd, in his official capacity as Florida Secretary of State, the Florida Senate, and the Florida House of Representatives, and allege as follows:

INTRODUCTION

1. "In establishing congressional district boundaries . . . [n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent." Art. III, § 20(a), Fla. Const. This express prohibition on partisan gerrymandering was passed by the people of Florida in 2010 to restore fairness to redistricting and is set forth in the first tier of requirements included in the Fair Districts Amendments to the Constitution of the State of Florida.

2. In furtherance of this purpose, the Fair Districts Amendments ("FDA") also provide a second tier of requirements for congressional redistricting including that "districts shall be as nearly equal in population as is practicable," "districts shall be compact," and that "districts shall, where feasible, utilize existing political and geographical boundaries." Art. III, § 20(b), Fla. Const.

3. In passing the FDA, Florida's voters "sought to eliminate the age-old practice of partisan political gerrymandering—where the political party and representatives in power manipulate the district boundaries to their advantage." *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 369 (Fla. 2015). Thus, Floridians "employed the essential concept of checks and balances, granting to the Legislature the ability to apportion the state in a manner prescribed by the citizens" to protect their right to elect representatives of their choice. *In re Senate Joint Resol. of Legis. Apportionment 1176,* 83 So. 3d 597, 600 (Fla. 2012) ("*Apportionment I*"). The Florida Supreme Court has recognized that right—and the process by which voters exercise it—as "the very bedrock of our democracy." *Id*.

4. Indeed, in 2015, the Florida Supreme Court invalidated Florida's congressional map for containing the unconstitutional partisan intent prohibited by the FDA. *League of Women Voters of Fla.*, 172 So. 3d at 375 (reiterating that "there is no acceptable level of improper intent" under the FDA) (internal citation and quotations omitted). In doing so, the Court noted that "[t]here is no question that the goal of minimizing opportunities for political favoritism was the driving force behind the passage of the Fair Districts Amendment." *Id*. at 374 (quoting *Apportionment I*, 83 So. 3d at 639).

5. And the U.S. Supreme Court, in explaining why its decision finding partisan gerrymandering claims nonjusticiable in federal courts "does not condone excessive partisan gerrymandering . . . [or] condemn [such] complaints . . . to echo into a void," approvingly cited

the FDA as an example of states "actively addressing the issue [of excessive partisan gerrymandering] on a number of fronts." *Rucho v. Common Cause*, 588 U.S. 684, 719 (2019) (noting that "[p]rovisions in . . . state constitutions can provide standards and guidance for state courts to apply" in protecting against partisan gerrymandering).

6. Despite Floridians' overwhelming support for the Constitution's express prohibition on partisan gerrymandering and its endorsement from the country's highest court, on April 27, 2026, Governor Ron Desantis extraordinarily unilaterally announced that the FDA is unconstitutional. On the same day, after talking about calling a special session for months, at least in part at the urging of President Trump and in pursuit of partisan gain for his preferred political party, Gov. DeSantis sent a new, mid-decade congressional map to the Florida Senate and House, drawn to create four new Republican districts at the expense of Florida's voters. In doing so, Governor DeSantis did not even attempt to comply with the FDA's requirements—instead he completely ignored them and instructed the Legislature to do the same.

7. It is thus no surprise that Gov. DeSantis' map does not comply with the FDA. The map was drawn with the intent to surgically crack and pack Democratic voters and harm Democratic incumbents in districts across the state in an attempt to gain four new congressional seats for Republicans and shore up others. For example, the 2022 Congressional Plan ("2022 Plan") already combined Democratic-leaning parts of St. Petersburg and Tampa to cut the number of Democratic-leaning districts in the Tampa Bay region from two to just one, 2022 CD 14. The 2026 Plan fractures the Democratic-leaning voters in 2022 CD 14 across *five districts* (2026 CDs 12, 13, 14, 15, and 16) eliminating the sole remaining Democratic-leaning congressional district in the region.

8. Nor did Governor DeSantis seriously try to hide the partisan aims of the map. Indeed, at a legislative hearing, his map drawer admitted to using partisan data in the drawing of every single district.[1] In addition, Governor DeSantis expressly *disclaimed* a number of non-partisan motivations, including consideration of race in the drawing of districts, and acknowledged that the map was drawn using exactly the same Census population data as the 2022 Plan. Moreover, the 2022 Plan was upheld just last year by the Florida Supreme Court, *see Black Voters Matter Capacity Building Institute, Inc. v. Secretary, Florida Department of State*, 415 So. 3d 180 (Fla. 2025), and the Supreme Court's decision in *Louisiana v. Callais*, No. 24–109 (U.S. Apr. 29, 2026) ("*Callais*"), cannot explain the changes in the 2026 Plan. There is no question that partisan aims motivated DeSantis' mid-decade redistricting push.

9. With no transparency and in a highly rushed process, on April 28-29, the Florida Legislature held a special session to consider and pass the map sent by Governor DeSantis as HB 1-D (the "2026 Plan"). On April 29, 2026, the Florida Legislature passed an unprecedented mid-decade redistricting of Florida's congressional districts. Rammed through the Legislature and enacted in only two days' time, the 2026 Plan was passed with no Democratic votes and drawn, including congressional districts 9, 10, 11, 12, 13, 14, 15, 16, and 18, with the intent to favor one political party (the Republican Party) or its incumbents and disfavor another (the Democratic Party) and its incumbents in flagrant violation of the Florida Constitution. In pursuit of these unlawful partisan aims, the 2026 Plan also violates the Florida Constitution's requirement that districts utilize existing political and geographic boundaries where feasible.

[1] S. Rules Comm. Meeting, 2026D Spec. Sess., at 43:45-44:06 (Apr. 28, 2026), https://www.flhouse.gov/VideoPlayer.aspx?eventID=11268.

10. Plaintiffs file this action seeking declaratory and injunctive relief to prevent the implementation and enforcement of the unconstitutional 2026 Plan in any future elections. Such relief is necessary to ensure that the rights of Florida voters are protected and that "the very bedrock of our democracy" remains intact.

PARTIES

11. Plaintiff Vonda Thompson-Wynn is a citizen and qualified, registered voter in St. Petersburg, Florida. Under the 2022 Plan, Ms. Thompson-Wynn resided in CD 14. Under the 2026 Plan, she resides in CD 16. Ms. Thompson-Wynn is registered to vote as a Democrat, has consistently voted for Democratic candidates for the U.S. House of Representatives, and intends to do so in future elections. Plaintiff Thompson-Wynn lives in a congressional district that was drawn to favor Republicans and disfavor Democratic voters and candidates by cracking Democratic voters among multiple congressional districts.

12. Plaintiff Gino Vaccari is a citizen and qualified, registered voter in Kissimmee, Florida. Under the 2022 Plan, Mr. Vaccari resided in CD 9. Under the 2026 Plan, he resides in CD 9. Plaintiff Vaccari is registered to vote as a Democrat, has consistently voted for Democratic candidates for the U.S. House of Representatives, and intends to do so in future elections. Plaintiff Vaccari lives in a congressional district that was drawn to favor Republicans and disfavor Democratic voters and candidates by cracking Democratic voters among multiple congressional districts.

13. Plaintiff Emma Jane Rubini is a citizen and qualified, registered voter in Orlando, Florida. Under the 2022 Plan, Ms. Rubini resided in CD 10. Under the 2026 Plan, she resides in CD 10. Ms. Rubini is registered to vote as a Democrat, has consistently voted for Democratic candidates for the U.S. House of Representatives, and intends to do so in future elections. Plaintiff

Rubini lives in a congressional district that was drawn to favor Republicans and disfavor Democratic voters and candidates by packing Democratic voters into one congressional district in the area.

14. Plaintiff Shelby McGuire-Smith is a citizen and qualified, registered voter in Sorrento, Florida. Under the 2022 Plan, Ms. McGuire-Smith resided in CD 11. Under the 2026 Plan, she resides in CD 11. Ms. McGuire-Smith is registered to vote as a Democrat, has consistently voted for Democratic candidates for the U.S. House of Representatives, and intends to do so in future elections. Plaintiff McGuire-Smith lives in a congressional district that was drawn to favor Republicans and disfavor Democratic voters and candidates by cracking Democratic voters among multiple congressional districts.

15. Plaintiff Mark Taber is a citizen and qualified, registered voter in St. Petersburg, Florida. Under the 2022 Plan, Mr. Taber resided in CD 14. Under the 2026 Plan, he resides in CD 13. Mr. Taber is registered to vote as a Democrat, has consistently voted for Democratic candidates for the U.S. House of Representatives, and intends to do so in future elections. Plaintiff Taber lives in a congressional district that was drawn to favor Republicans and disfavor Democratic voters and candidates by cracking Democratic voters among multiple congressional districts.

16. Plaintiff Saige Wisby is a citizen and qualified, registered voter in Valrico, Florida. Under the 2022 Plan, Ms. Wisby resided in CD 16. Under the 2026 Plan, she resides in CD 14. Ms. Wisby is registered to vote as a Democrat, has consistently voted for Democratic candidates for the U.S. House of Representatives, and intends to do so in future elections. Plaintiff Wisby lives in a congressional district that was drawn to favor Republicans and disfavor Democratic voters and candidates by cracking Democratic voters among multiple congressional districts.

17. Defendant Cord Byrd is the Secretary of State for the State of Florida and the State's chief elections officer. Defendant Byrd is responsible for administering and supervising the elections of the U.S. Representatives from the State of Florida. § 97.012, Fla. Stat. (2025). He is sued in his official capacity.

18. Defendant Florida Senate ("Senate") is one of the two houses of the Legislature in the State of Florida. The Senate is responsible for drawing and enacting a congressional plan that complies with the Florida Constitution. With the Florida House, the Senate enacted HB 1-D, which designates the boundaries of the 2026 Plan.

19. Defendant Florida House of Representatives ("House") is the other of the two houses of the Legislature in the State of Florida. The House is responsible for drawing and enacting a congressional plan that complies with the Florida Constitution. With the Florida Senate, the House enacted HB 1-D, which designates the boundaries of the 2026 Plan.

JURISDICTION AND VENUE

20. This Court has jurisdiction over this action pursuant to Article V, Section 5(b) of the Florida Constitution and § 26.012, Fla. Stat. (2025) and has authority to grant declaratory and injunctive relief pursuant to § 86.011, Fla. Stat. (2025) and § 26.012(3), Fla. Stat. (2025) respectively.

21. Venue in this Court is proper pursuant to § 47.011, Fla. Stat. (2025).

FACTUAL ALLEGATIONS

Florida's Constitutional Requirements for Congressional Redistricting

22. In 2010, Floridians overwhelmingly voted (62.9% to 37.1%) in favor of the Fair Districts Amendment, which added requirements for redrawing congressional districts to the Florida Constitution in Article III, § 20.[2]

23. In its entirety, Article III, § 20 of the Florida Constitution provides that, "In establishing congressional district boundaries:"

> (a) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
>
> (b) Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
>
> (c) The order in which the standards within subsections (a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Art. III, § 20, Fla. Const.

24. The requirements in Art. III, § 20 are set forth in two tiers. As the text makes clear, the Tier II requirements in Art. III, § 20(b) are subordinate to the Tier I requirements in Art. III, § 20(a). *See Apportionment I*, 83 So. 3d at 639.

25. "[T]here is no acceptable level of improper intent" to draw a plan or district with the intent to favor or disfavor a political party or incumbent, and the prohibition "applies to both the apportionment plan as a whole and to each district individually." *Id*. at 684-85.

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[2] November 2, 2010 General Election: Const. Amendments, Fla. Dep't of State, https://results.elections.myflorida.com/Index.asp?ElectionDate=11/2/2010&DATAMODE=.

26. The Florida Supreme Court has defined the Tier II requirements as Florida's traditional redistricting principles and held that "the extent to which the Legislature complies with the sum of Florida's traditional redistricting principles serves as an objective indicator of the impermissible legislative purpose proscribed under tier one (i.e., intent to favor or disfavor a political party or an incumbent)." *Id.* at 639. In other words, a violation of the Tier II requirements is both unlawful on its own and can also indicate a violation of the Tier I requirements.

The Background of the 2026 Mid-Decade Congressional Redistricting Process

27. The last redistricting in Florida occurred in 2022, following the results of the 2020 decennial census. Because of the state's population growth, Florida was accorded an additional congressional seat as a result of the 2020 decennial reapportionment.

28. Following reapportionment, Florida undertook a redistricting process in 2022. The Legislature and the Governor both proposed redistricting plans, and eventually the Legislature adopted a map proposed and primarily drawn by Governor DeSantis's office.

29. On April 21, 2022, the Legislature passed SB 2-C, the 2022 congressional map ("2022 Plan"), and the governor signed the bill into law on April 22, 2022. The 2022 Plan was drawn using the population data from the 2020 census and contained 28 equally populated districts. Eight of those districts favored Democrats, and 20 favored Republicans. The 2022 Plan was used in both the 2022 and 2024 congressional elections, and in both years the map resulted in the election of 20 Republicans and 8 Democrats.

30. On July 15, 2025, President Donald Trump began publicly calling for states with Republican-controlled legislatures to conduct mid-decade redistricting to gain additional Republican seats in the U.S. House of Representatives. President Trump's initial request was focused on Texas, but he added that "there could be some other states we're going to get another

three, or four or five in addition."[3] Following the President's public call for redistricting, several states redrew their congressional districts "in ways that are predicted to favor the State's dominant political party." *Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419 (2025).

31. On July 17, 2025, the Florida Supreme Court issued a decision upholding Florida's 2022 map for the U.S. House of Representatives—a map in which 18 of the 28 districts were drawn by Governor DeSantis' office—against a challenge to CD 5 under the FDA's racial vote dilution requirements. In response to a post on X that read "@GovRonDeSantis' 2022 congressional map that added 4 Republican seats, caused Dems to lose 3 seats, upheld by Florida Supreme Court," Governor DeSantis responded, "This was always the constitutionally correct map – and now both the federal courts and the FL Supreme Court have upheld it."[4]

[3] Nicole Markus, *Trump wants 5-seat pickup from redraw of Texas congressional map*, Politico (July 15, 2025), https://www.politico.com/news/2025/07/15/trump-five-seat-pickup-redraw-texas-congressional-map-00454301.

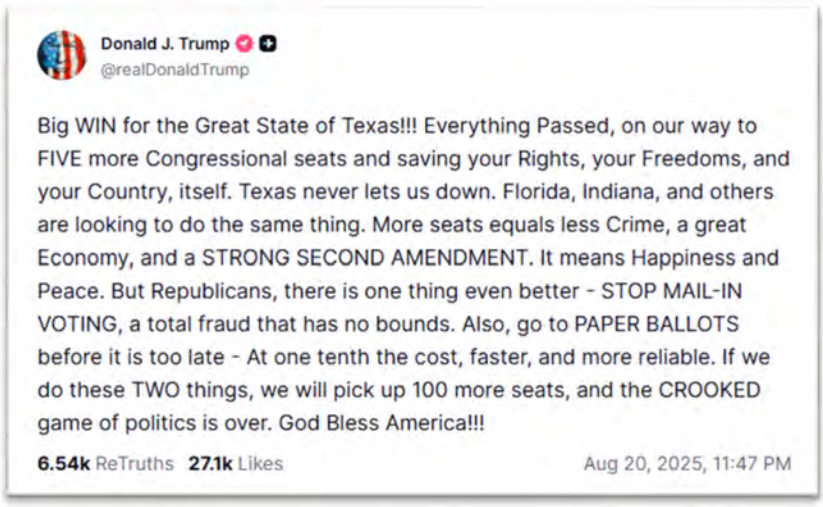
[4] Ron DeSantis (@GovRonDeSantis), X (July 17, 2025, at 1:52 PM), https://x.com/GovRonDeSantis/status/1945904446283632827.

32. On July 24, 2025, Governor DeSantis said that he thought Florida could engage in mid-decade redistricting, primarily citing a claim that "the state is malapportioned" because of an undercount in the 2020 census as the reason why "it would be appropriate to do a redistricting in the mid-decade."[5] At the time, Governor DeSantis mentioned a conversation he had with the Commerce Secretary and a claim that a "re-do" of the census could result in an additional congressional seat for Florida.[6] No such recount or reapportionment ever occurred.

33. On August 7, 2025, the House announced the creation of the House Select Committee on Congressional Redistricting.[7]

34. Following Texas's redistricting, President Trump posted on social media on August 20, 2025: "Big WIN for the Great State of Texas!!! Everything Passed, on our way to FIVE more Congressional seats and saving your Rights, your Freedoms, and your Country, itself. Texas never lets us down. Florida, Indiana, and others are looking to do the same thing."

[5] Mitch Perry, *DeSantis says it's 'appropriate' to redistrict congressional districts before next election*, Fla. Phoenix (July 24, 2025), https://floridaphoenix.com/2025/07/24/desantis-says-its-appropriate-to-redistrict-congressional-districts-before-next-election/.
[6] *Id.*
[7] Tristan Wood, *Florida House announces Congressional redistricting committee*, WFSU (Aug. 7, 2025), https://news.wfsu.org/state-news/2025-08-07/florida-house-announces-congressional-redistricting-committee.



35. On December 1, 2025, Governor DeSantis announced that he would be calling a special session for congressional redistricting in Spring 2026, now citing his postulation that the United States Supreme Court might issue a decision in the *Louisiana v. Callais* case that would make Florida "required to do it."[8] He said "[t[he issue is that there is a Supreme Court decision that we are waiting on – the argument in October about Section 2 of the VRA that impacts Florida's maps, so we're going to do it next Spring."[9]

36. On December 3, 2025, the Senate followed the lead of Governor DeSantis, with Senate President Ben Albritton sending a Memorandum out to all senators and Senate professional staff saying that "[t]he Governor has expressed a desire to address this issue next Spring. As such there is no ongoing work regarding potential mid-decade redistricting taking place in the Senate at

[8] Michael Costeines, *DeSantis Will Call for Special Legislative Session on Congressional Redistricting*, The Floridian (Dec. 1, 2025), https://floridianpress.com/2025/12/desantis-will-call-for-special-legislative-session-on-congressional-redistricting/.
[9] *Id.*

this time."[10] The Memorandum also cautioned members about the limitations of legislative privilege related to redistricting.[11]

37. The House Select Committee on Redistricting met twice, on December 4 and 10, 2025, receiving presentations on an introduction to congressional redistricting outlining the basics of redistricting and the legal standards governing redistricting.

38. At the December 4, 2025, meeting, Representative Mike Redondo, the Chair of the Committee, stated that "this committee was formed by the Speaker ahead of the 2026 legislative session, so that if we do decide to propose a new congressional map, we may do so under our traditional process of lawmaking and with enough time to enact a map if passed by our legislature."[12] He continued:

> Given the fact that we are less than a year away from the election, not to mention the fact that the candidate qualifying period for federal office is in late April, it would be irresponsible to delay the creation and passage of a new map, especially until after session. It would also be irresponsible to any who are called to civil service and, most importantly, it would be irresponsible to the citizens of Florida.[13]

39. At the December 10, 2025, meeting, in response to a question about whether Florida would be required to redistrict in response to a decision in the *Callais* case, outside counsel to the House answered that, while Louisiana (the state that is a party to the case) may have no choice but to redistrict in response to the *Callais* decision, "whether Florida chooses to, after *Callais*, to keep

[10] Memorandum from Sen. Ben Albritton to All Senators and S. Pro. Staff, Re: Information Regarding Potential Mid-Decade Redistricting (Dec. 3, 2025), https://static-s3.lobbytools.com/docs/2025/12/3/136900_on_information_regarding_potential_mid_decade_redistricting.pdf.
[11] *Id*.
[12] H. Select Comm. on Cong. Redistricting Meeting, 2026 Reg. Sess., at 4:02-4:17 (Dec. 4, 2025), https://flhouse.gov/VideoPlayer.aspx?eventID=10724.
[13] *Id*. at 4:18-4:37.

its maps in place, await either the next cycle or await litigation or redraw its districts, that will be a judgment call that has to be made when we see the *Callais* decision."[14]

40. Also at the December 10, 2025, meeting, Chair Redondo stated that "we will have an opportunity for public comment at future meetings."[15] The committee did not hold another meeting until April 28, 2026. On April 28, the committee provided less than two hours total time for public comment and no changes were made to the map to reflect any public comment.

41. On December 11, 2025, the day after the second House Select Committee on Redistricting meeting in Florida, a proposed bill to redraw the congressional districts in Indiana failed. Two days later, President Trump posted on Truth Social: "Republicans in the Indiana State Senate, who voted against a Majority in the U.S. House of Representatives, should be ashamed of themselves . . . Indiana, which I won big, is the only state in the Union to do this!"[16]

42. On January 7, 2026, Governor DeSantis issued a proclamation formally announcing the call for a special session for congressional redistricting to take place April 20, 2026 through April 24, 2026. Governor DeSantis' press release specified that the session was "to ensure that Florida's congressional maps accurately reflect the population of our state and to comply with an upcoming U.S. Supreme Court ruling."[17]

43. The proclamation specifically stated that "the Legislature should wait as long as is feasible for conducting the 2026 elections before redrawing Florida's congressional district

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[14] H. Select Comm. on Cong. Redistricting Meeting, 2026 Reg. Sess., at 1:00:00-1:00:17 (Dec. 10, 2025), https://flhouse.gov/VideoPlayer.aspx?eventID=10752.
[15] *Id*. at 1:14:42-1:15:03.
[16] Donald J. Trump, @realDonaldTrump, Truth Social (Dec. 13, 2025) 12:52 AM, https://trumpstruth.org/statuses/34215.
[17] Press Release, Executive Office of the Governor, Governor Ron DeSantis Announces Special Legislative Session on Congressional Redistricting (Jan. 7, 2026), https://www.flgov.com/eog/news/press/2026/governor-ron-desantis-announces-special-legislative-session-congressional.

boundaries in order to take advantage of any further guidance from the United States Supreme Court, which is expected in early 2026, on the use of race in drawing electoral districts."[18]

44. The U.S. Supreme Court did not issue its decision in the *Callais* case prior to the beginning of the special session or prior to the drafting of the congressional map introduced at the special session.

45. The original special session was supposed to start on April 20. It was widely known that on April 21, Virginians were voting on a constitutional amendment allowing a redraw of their congressional districts prior to the 2026 election. Prior to this, a number of other states, including Texas, California, Missouri, and North Carolina redrew their congressional maps for the 2026 midterm elections, resulting in a partisan national redistricting war.

46. On April 15, 2026, right before the Virginia election, Governor DeSantis issued another proclamation delaying the special session to April 28, 2026 through May 1, 2026.[19]

47. On April 21, 2026, the amendment allowing a redraw of Virginia's congressional districts was approved by voters in Virginia.

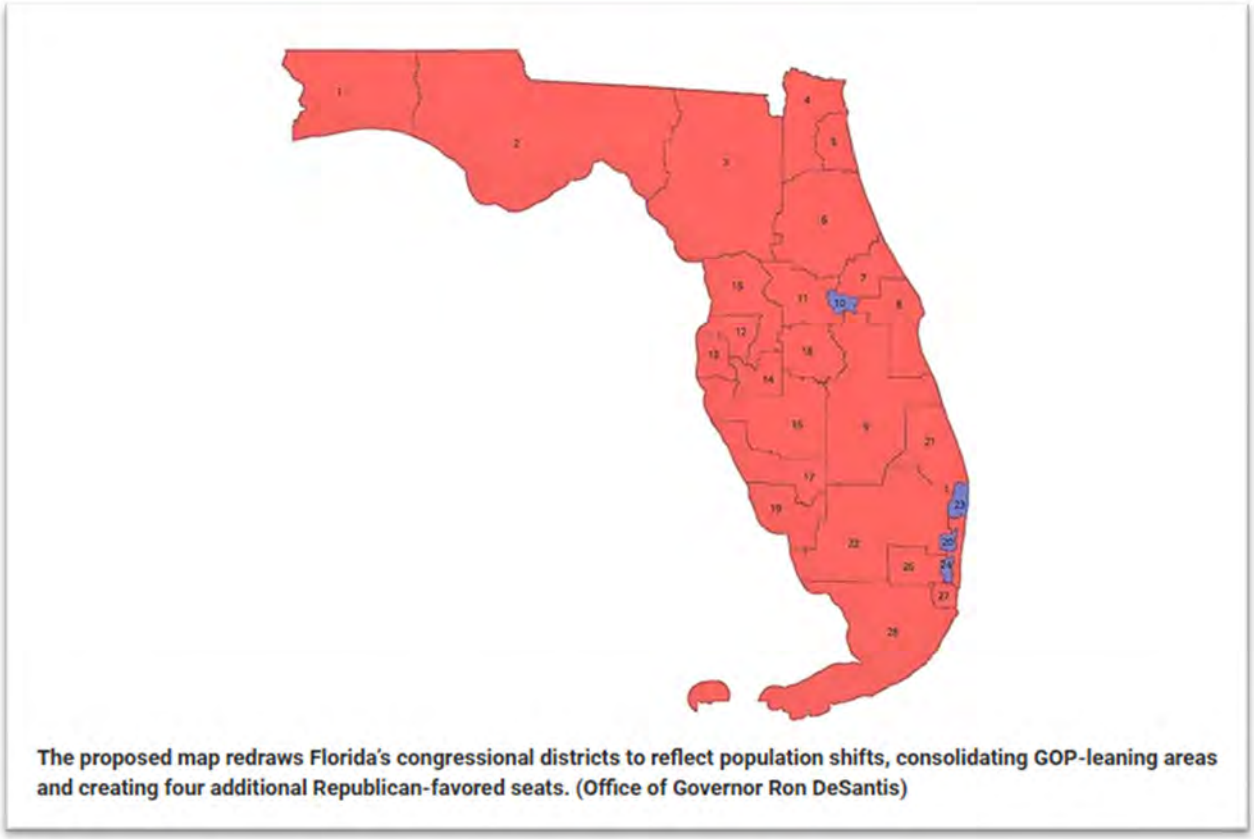
48. The 2026 Plan was not released to the public until April 27, 2026, the day before the special session on congressional redistricting. No public input was solicited prior to the release of the 2026 Plan, which was drawn behind closed doors.

49. Governor DeSantis first released the 2026 Plan to Fox News, which published an article at 10:00 am on April 27, 2026 including an image of the 2026 Plan credited as having been

[18] Proclamation, Gov. Ron DeSantis (Jan. 7, 2026), https://flgov.com/eog/sites/default/files/shared/2026/01/AprilSpecialSessionProclamation_Filed_1.7.26.pdf.

[19] Proclamation, Gov. Ron DeSantis (Apr. 15, 2026), https://flgov.com/eog/sites/default/files/pdf/AprilSpecialSessionProclamationAmendment_Filed_4.15.26.pdf.

provided by the "Office of Governor Ron DeSantis."[20] The image, shown below, depicts the 2026 Plan color coded in red and blue to show the partisan lean of each district. The map depicts the four Democratic-leaning districts as drawn in the 2026 Plan, which is a reduction by half of the eight Democratic-leaning districts in the 2022 Plan. In the image, the map was described as "consolidating GOP-leaning areas and creating four additional Republican-favoring seats."



The proposed map redraws Florida's congressional districts to reflect population shifts, consolidating GOP-leaning areas and creating four additional Republican-favored seats. (Office of Governor Ron DeSantis)

Id.

50. The article also included a statement from Governor DeSantis which directly cited partisanship as a reason for the redraw. Governor DeSantis said that since the 2020 Census, Florida has "moved from a Democrat majority to a 1.5 million Republican advantage."[21]

[20] Preston Mizell, *Ron DeSantis unveils new Florida congressional map that would give the GOP an extra four seats*, Fox News (Apr. 27, 2026), https://perma.cc/7ZG3-ZX5Q.
[21] *Id.*

51. Later on April 27, at 11:15 am, the Governor's Office provided the 2026 Plan to the Senate Ethics and Elections Committee and House Select Committee on Congressional Redistricting along with a supporting memorandum from David Axelman, General Counsel to Gov. DeSantis (the "Axelman Memo") and an accompanying data packet. Senate President Ben Albritton then forwarded the materials to all members of the Senate.[22] The same documents were provided to the members of the House.[23]

52. The following day, April 28, the Legislature held two hearings, one in the House and one in the Senate. At the hearings, Jason Poreda, the map drawer from Governor DeSantis' office, and Mohammad Jazil, redistricting counsel for the Governor's office, presented the 2026 Plan to the respective committees. Echoing Governor DeSantis, Mr. Poreda and Mr. Jazil asserted that the map drawer was not bound by the FDA's prohibition on drawing districts with partisan intent.

53. These two hearings, held on the same afternoon barely 24 hours after the 2026 Plan had been released, were the only opportunities for public comment and feedback on the plan throughout the entire process. The comments were overwhelmingly in opposition to the 2026 Plan. Nevertheless, the 2026 Plan passed out of both committees without a single amendment even having been proposed.

54. The next morning, beginning at 9:30 am on April 29, the House met to briefly debate and vote on the bill. Mid-way through the House's debate on the bill, the U.S. Supreme

[22] Memorandum from President Ben Albritton to All Senators, Re: Congressional Map Submission from Governor DeSantis (Apr. 27, 2026), https://www.flsenate.gov/PublishedContent/Offices/President/4_27_26_Combined_PDF_Congressional_Map_Submission_by_Governor_DeSantis.pdf.

[23] Memorandum from Speaker Daniel Perez to Members of the Fla. H.R., Re: Congressional Map Submission from Governor DeSantis (Apr. 27, 2026), https://www.flhouse.gov/api/document/house?listName=Press%20Releases&itemId=937.

Court's decision in the *Louisiana v. Callais* case was released. The House voted down a proposal to recess for two hours to consider any impact the *Callais* decision might have on the redistricting. An hour after the release of the *Callais* decision, the House passed the bill. Shortly thereafter, the bill was debated and passed by the Senate without amendment as well. It was signed into law by the Governor on May 4, 2026.

The 2026 Plan as a Whole

55. The process that was undertaken to draw the 2026 Plan and the 2026 Plan itself were both infected with the intent to favor the Republican Party and disfavor the Democratic Party.

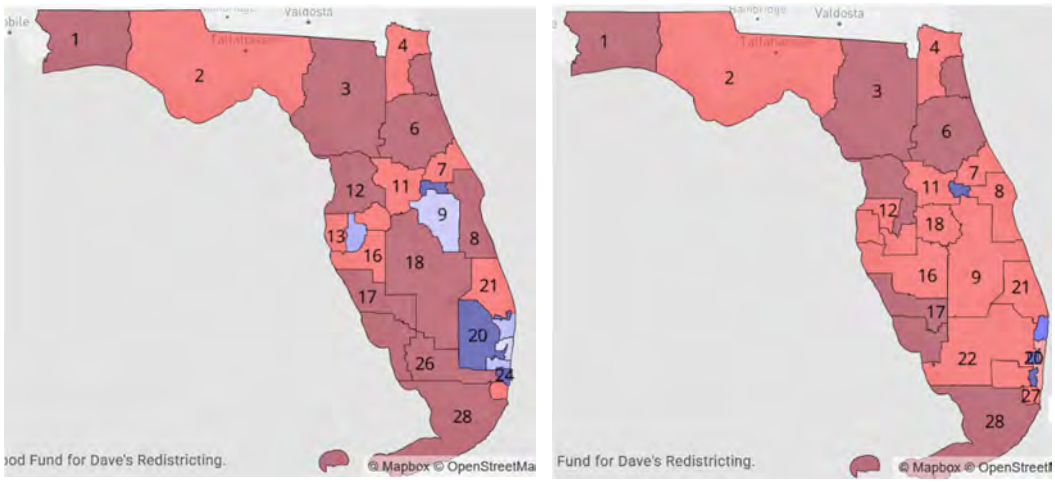
56. At the time mid-decade redistricting in Florida was being discussed and any draft maps and the 2026 Plan and were drawn and passed, there was a "trifecta," or single-party control in Florida, as majorities in both houses of the Legislature and the Governorship were controlled by Republicans.

57. An overarching goal of the 2026 Plan was to increase the number of congressional districts expected to lean Republican, while decreasing the number of congressional districts expected to favor Democrats. In doing so, the 2026 Plan also disfavored Democratic incumbents by intentionally cracking voters that support them into multiple districts, making it more difficult, if not impossible, for Democratic incumbents to win election.

58. The 2026 Plan has an extreme and drastic partisan effect. The 2026 Plan altered at least 21 of Florida's 28 congressional districts (75%) in order to produce 24 Republican districts and 4 Democratic districts. Every single district that remained unchanged between the 2022 and 2026 Plans was a district held by Republicans. The 2026 Plan thus reduced by half the number of Democratic seats in the 2022 Plan, which had 20 Republican seats, and 8 Democratic seats. The

image below demonstrates the drastic change between the 2022 and 2026 Plans in terms of treatment of Democratic voters:

2022 Plan **2026 Plan**



The 2022 Plan compared to the 2026 Plan (with shading based on 2024 Presidential election results)

59. To further this partisan gerrymandering goal, the 2026 Plan was drawn in an extraordinary and unusual process. First, the plan was introduced mid-decade, after the President of the United States urged Republican-controlled states to redistrict for partisan advantage, and during an unprecedented special session called well into 2026, after multiple elections had already been conducted under the 2022 Plan.

60. In introducing the Plan, Governor DeSantis—part of the State's *executive branch*—unilaterally declared that the FDA was unconstitutional, and then proceeded as if the 2026 Plan need not comply with it. That is the reverse of how the process works—courts review laws or statutes enacted by the Legislature and signed by the Governor for their constitutionality. No court had held the FDA unconstitutional. Moreover, it meant that for the Governor and Legislature, the entire process of drawing the 2026 Plan was not bound by any restraint on partisan intent in crafting the new congressional districts.

61. Indeed, Jason Poreda, the alleged map drawer of the 2026 Plan, openly admitted that partisan data was considered in the drawing of all districts in the 2026 Plan.[24] Mr. Poreda testified that he "consider[ed] it for every district that [he] drew."[25]

62. Next, the 2026 Plan was drawn behind closed doors in a secretive process, allegedly by Jason Poreda over the course of just two weeks.[26] While details of the process of creating the 2026 Plan remain unclear, it appears that rather than being developed by or in consultation with the Legislature or legislative staff, the 2026 Plan was created by the Governor's office, as a possible attempt to misdirect and shield evidence regarding the map's partisan intent from disclosure. According to Mr. Poreda, the only persons with whom he consulted or who reviewed the map prior to the April 27 release were "other [EOG] staff and counsel" that he refused to refer to by name on advice of counsel.[27]

63. The public did not have access to any meetings held to draw the 2026 Plan, and there is no public record of what was discussed during the creation of the 2026 Plan. The 2026 Plan was first released to Fox News by the Governor, which displayed a partisan-shaded congressional map attributed to the Governor's office in its reporting, and only after its publication by the news outlet, sent to the Legislature.

64. The public had no ability to provide input regarding the 2026 Plan's district configuration before it was drawn, and just two days after it was released, the 2026 Plan was rammed through the Legislature with only two committee hearings, which provided less than two hours total for public comment.

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[24] S. Rules Comm. Meeting, at 43:45-44:06 (Apr. 28, 2026).
[25] *Id.* at 1:39:00-31.
[26] *Id.* at 1:26:06-14.
[27] *Id.* at 1:35:12-58.

65. The Legislature was aware of the partisan context, intent, and impact of the 2026 Plan before it was enacted.

66. Moreover, the changes necessary to achieve the partisan gain favoring Republicans in the 2026 Plan were accomplished at the expense of traditional redistricting criteria for the map as a whole, including but not limited to political subdivision splits and boundary agreement.

67. The mere fact that the Legislature and Governor DeSantis have asserted that the 2026 Plan is not motivated by partisan intent is not sufficient to overcome this evidence, nor demonstrate that improper intent did not exist.

68. As demonstrated by the process, the failure of any sufficient alternative justification, public statements asserting the projected partisan impact of the plan to eliminate four Democratic districts, and the violation of Tier II requirements, impermissible partisan intent infected the entire redistricting process utilized to create the 2026 Plan, as well as the 2026 Plan itself.

69. Therefore, the entire 2026 Plan violates the Florida Constitution's prohibition on congressional redistricting with the intent to favor or disfavor a political party.

District-Specific Allegations in the 2026 Plan

70. In addition to and supported by the constitutional violations for the whole 2026 Plan, specific districts in the 2026 Plan violate Article III, § 20 of the Florida Constitution in numerous respects.

a. Central Florida: Districts 9, 10, 11 and 18

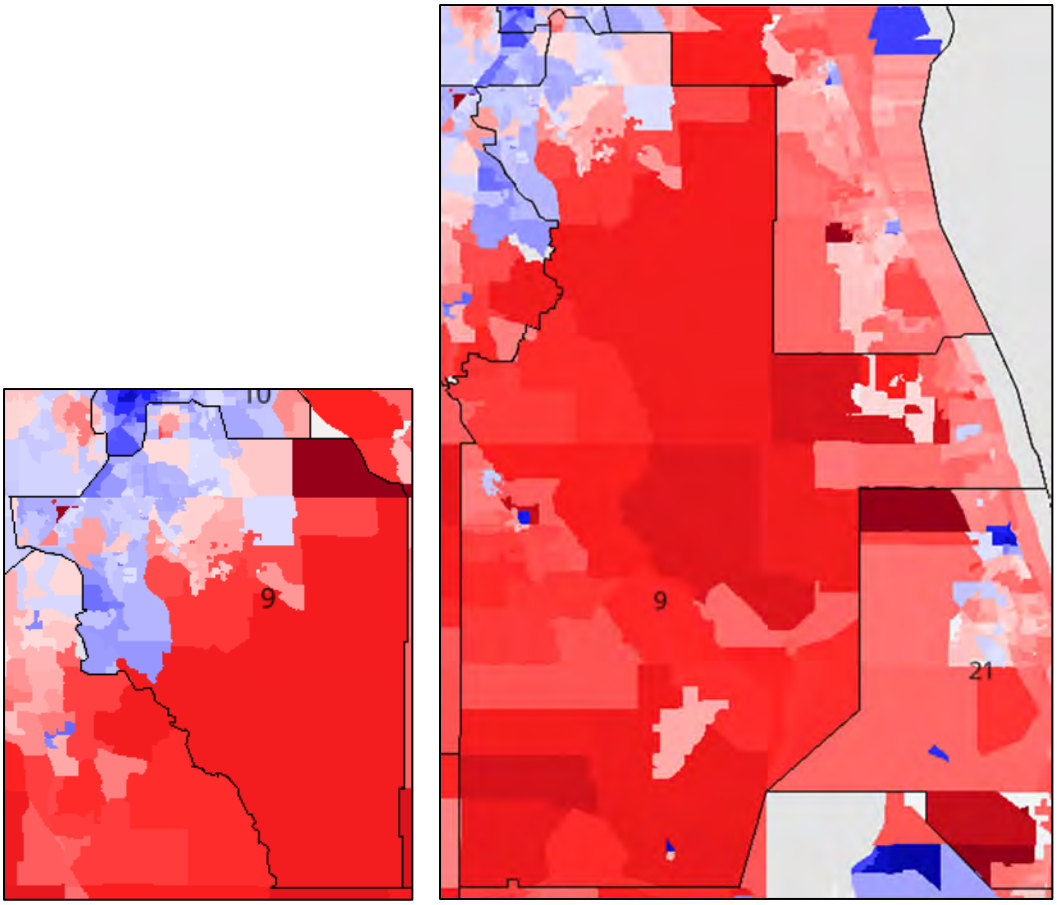
71. Congressional District 9 was drawn with impermissible partisan intent to favor the Republican Party and disfavor the Democratic Party by cracking Democratic voters previously included in 2022 CD 9 into multiple districts, so that the 2026 CD 9 is now firmly Republican.

72. Likewise, CD 9 and the surrounding districts CDs 10, 11, and 18 were drawn with impermissible intent to disfavor the Democratic incumbent in CD 9.

73. Both 2022 CD 9 and 2026 CD 9 are depicted below with shading based on 2024 Presidential election results.

74. The northwestern portion of 2022 CD 9 included Democratic-leaning voters in and around Orlando (which is in Orange County) and Poinciana (which is in both Osceola and Polk counties). In 2026 CD 9, the previously unified Democratic-leaning voters in the northwestern portion of the district are broken off from CD 9 and cracked across surrounding CDs 10, 11, and 18.

2022 CD 9 **2026 CD 9**



2022 CD 9 and 2026 CD 9 (with shading based on 2024 Presidential election results)

75. 2022 CD 9 was a visually compact district which consisted of nearly all of Osceola County as well as portions of Orange and Polk counties.

76. Meanwhile, the compactness of 2026 CD 9 decreased. 2026 CD 9 exploded in size, stretching all the way past Lake Okeechobee in the South and to the Atlantic coast in the East. 2026 CD 9 has territory from more than double the number of counties as 2022 CD 9. It now includes territory from Osceola County, though with more high-population precincts from Osceola split into another district, as well as territory from Orange, Polk, Indian River, Okeechobee, Highlands, and Glades Counties.

77. A significant portion of the population of the old CD 9 was redistributed to other districts in the surrounding area in the 2026 Plan, in order to effectuate the change in partisanship in 2026 CD 9 and harm the CD 9 incumbent.

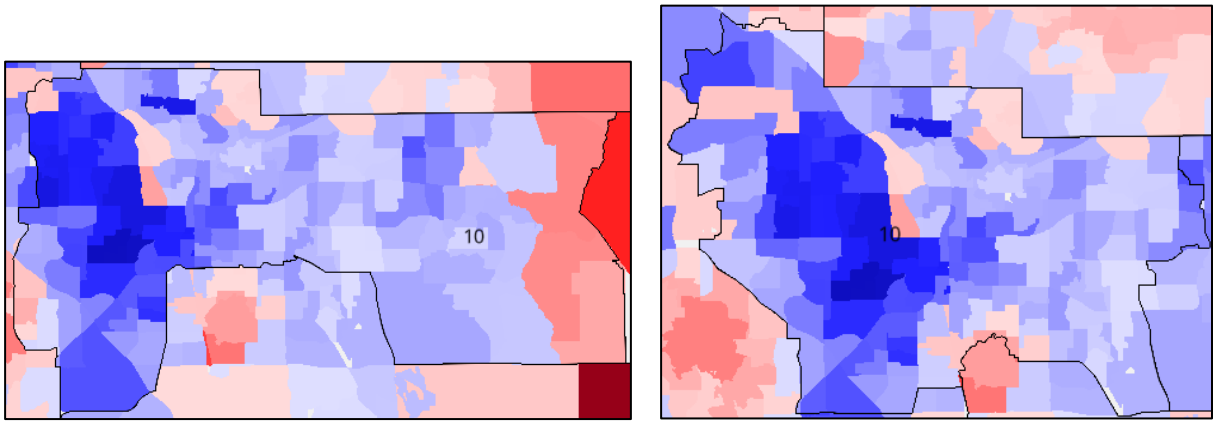
78. CD 9 performs worse in terms of treatment of political subdivisions.

79. CD 9 in the 2026 Plan has an overall average decrease compared to the 2022 Plan in the percentage of its district boundaries that utilize the Legislature's recognized boundary types, including a significant decrease in the percent of the district lines that utilize road boundaries.

80. Neighboring CD 10 was also drawn with impermissible partisan intent to favor the Republican Party and disfavor the Democratic Party by packing Democratic voters into 2026 CD 10, diminishing the overall power of Democratic voters.

81. Both 2022 CD 10 and 2026 CD 10 are depicted below with shading based on composite 2024 Presidential election results.

2022 CD 10 **2026 CD 10**



2022 CD 10 and 2026 CD 10 (with shading based on 2024 Presidential election results)

82. 2022 CD 10 included portions of Orlando and the surrounding areas with most of the territory containing Democratic-leaning voters but also including some Republican-leaning areas, in particular on the east side of the district.

83. In a presentation on the ultimately-enacted 2022 Plan, the self-identified map drawer, Deputy Chief of Staff for the Executive Office of the Governor, Alex Kelly, described 2022 CD 10 as a "very, very Tier II adherent district, very compact, all of those lines are used to define either major roadways or municipal boundaries."[28] He added that he "didn't consider race in any way in the drawing of the seat."[29]

84. 2026 CD 10 no longer includes the Republican-leaning territory on the east side of the district. 2026 CD 10 instead consolidates Democratic voters in the region previously included in surrounding districts, including 2022 CD 9. The district significantly limits the inclusion of Republican-leaning areas to those that are largely incidental to packing additional neighboring Democratic-leaning territory into CD 10. 2026 CD 10 thus ensures that the region's Democratic

[28] S. Comm. on Reapportionment, 2022C Spec. Sess., at 1:16:08-1:16:20 (Apr. 19, 2022), https://thefloridachannel.org/videos/4-19-22-senate-committee-on-reapportionment/.
[29] *Id.* at 1:33:03-1:33:07.

voters are maximally contained within one district, minimizing Democratic voting power while increasing the Republican vote share and voting power in surrounding districts.

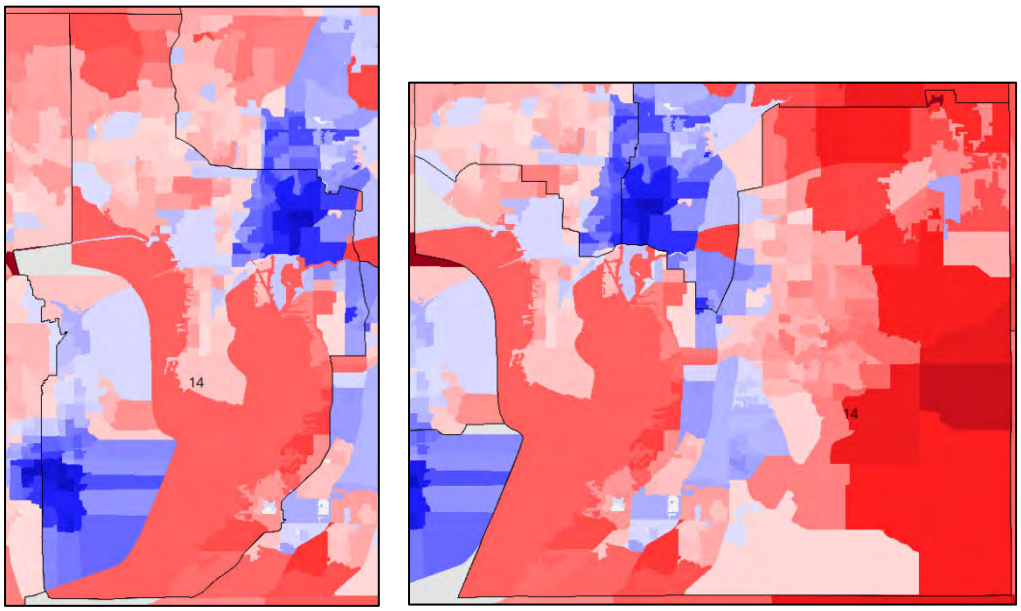
b. Tampa Bay: Districts 12, 13, 14, 15, 16

85. Congressional District 14 was drawn with impermissible partisan intent to favor the Republican Party and disfavor the Democratic Party by cracking Democratic voters previously included in 2022 CD 14 into multiple districts, so that the 2026 CD 14 is now Republican-leaning.

86. Likewise, CD 14 and the surrounding districts CDs 12, 13, 15, and 16 were drawn with impermissible intent to disfavor the Democratic incumbent in CD 14.

87. Both 2022 CD 14 and 2026 CD 14 are depicted below with shading based on composite 2020-2024 precinct-level partisan data.

2022 CD 14 **2026 CD 14**



2022 CD 14 and 2026 CD 14 (with shading based on 2024 Presidential election results)

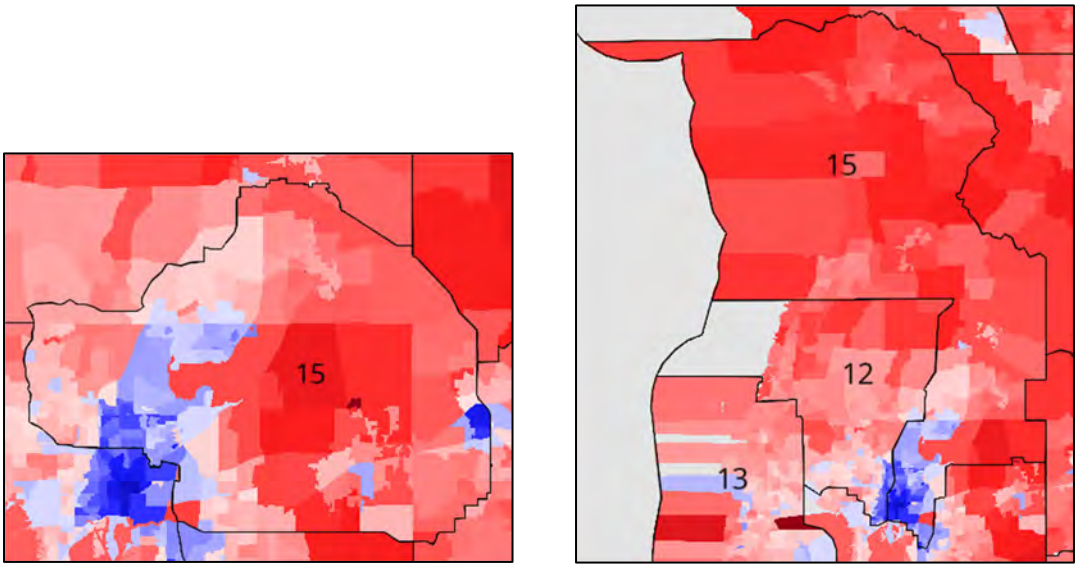
88. 2022 CD 14 included portions of Pinellas and Hillsborough counties. The district joined Democratic-leaning voters primarily in St. Petersburg and Tampa.

89. 2026 CD 14, which resembles a teapot, increases significantly in size and is visually much less compact than its 2022 counterpart. The new CD 14 shifts to the east, making it a Republican-leaning district, eliminating the sole Democratic-leaning district in the region.

90. A significant portion of the population of the old CD 14 was redistributed to other districts in the surrounding area, in order to effectuate the change in partisanship in 2026 CD 14 and harm the CD 14 incumbent.

91. The areas of Tampa with Democratic-leaning voters previously included in 2022 CD 14 are now cracked across three separate districts in the 2026 Plan—CDs 12, 14, and 15. To divide Tampa's most Democratic-leaning voters, 2026 CD 15, which contains all of Citrus and Hernando counties and part of Pasco County, reaches all the way down into Hillsborough. Unsurprisingly, CD 15's compactness dramatically worsened in the 2026 Plan, and several of the surrounding districts were also made less compact. Both 2022 CD 15 and 2026 CD 15 are depicted below with shading based on 2024 Presidential election results.

2022 CD 15 **2026 CD 15**



2022 CD 14 and 2026 CD 14 (with shading based on 2024 Presidential election results)

92. The areas in Pinellas with Democratic-leaning voters previously included in 2022 CD 14 are now cracked into CDs 13 and 16. Voters in the most Democratic-leaning areas of St. Petersburg are still required to cross a bridge across Tampa Bay to access the remainder of their congressional district, but they must now take the Skyway Bridge into a far-reaching, Republican CD 16 to the south. Mr. Kelly, the 2022 Plan map drawer, disclaimed any consideration of racial data or intent related to race in the drawing of any congressional district, and particularly in the drawing of 2022 CD 14. Mr. Kelly said, "[r]ace and political partisan data in no way related at all to my drawing of districts 13, 14, 15, 16, or any of the districts in the map."[30] Rather, he said 2022 CD 14 was drawn "based on nice, clean, compact lines, lines that adhere to [] major recognizable roadways, and try[ing] to split as few cities as possible in this area."[31]

93. The 2026 congressional districts in the Tampa Bay region also generally do a worse job at respecting political boundaries than the prior districts. For example, the 2026 Plan eliminates CD 13 as a district entirely situated in Pinellas County, which was the primary goal of the "very squared up, compact" 2022 CD 13, which tracked the boundary between Pinellas and Hillsborough counties, according to Mr. Kelly.[32] CD 13 in the 2026 Plan also has a significant decrease in the percent of the district lines that utilize county boundaries, and an overall decrease in boundary utilization averaged across all boundary types, along with anincrease in boundary lines that utilize no recognized political or geographic boundary.

[30] S. Comm. on Reapportionment, at 1:13:35-1:13:46 (Apr. 19, 2022).
[31] *Id.* at 1:04:02-1:04:33; *see also id*. at 1:10:43-1:11:02 ("I drew that district, Districts 13, 14, all the districts around it solely based on trying to draw districts that are compact, aesthetically compact, statistically compact, that follow clearly definable political/geographical boundary lines that meet that Tier II test, so I didn't draw a single district in this map based on race.").
[32] *Id.* at 1:01:50-1:02:36

94. CDs 14 and 16 in the 2026 Plan also both saw increases in the percentage of their district boundaries that utilized none of the recognized boundary types.

The 2026 Plan's Purported Justifications

95. No justification, apart from unconstitutional partisan intent, explains the configuration of the 2026 Plan or individual CDs 9, 10, 11, 12, 13, 14, 15, 16, or 18.

96. The Axelman Memo provides several purported justifications for the unprecedented mid-decade redistricting of Florida's congressional districts, none of which provide explanations, let alone constitutionally permitted explanations, for the configuration of the 2026 Plan or any individual congressional districts.

97. The Axelman Memo, consistent with prior public statements by Governor DeSantis, begins by highlighting the alleged undercount of Florida in the 2020 census.[33] However, the 2026 Plan was drawn using the population data from the 2020 decennial census, as required by Florida law. § 11.031(1), Fla. Stat. (2025); *Georgia v. Ashcroft*, 539 U.S. 461, 488 n.2 (2003) ("[B]efore the new census, States operate under the legal fiction that even 10 years later, the plans are constitutionally apportioned."). Therefore, any claimed malapportionment in the prior map cannot justify the configuration of the 2026 Plan as it is drawn with the exact same population data as the 2022 Plan.

98. The Axelman Memo also claimed that the prior congressional plan was "distorted by considerations of race," due to the FDA's Tier I requirement that "districts shall not be drawn . . . with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process." Axelman Memo at 1. The Axelman Memo

[33] Letter from David Axelman to Sen. Don Gaetz and Rep. Mike Redondo ("Axelman Memo"), at 1 (Apr. 27, 2026), https://www.flsenate.gov/PublishedContent/Session/Congressional/EOG_Transmittal_Letter.pdf.

specifically cited CD 20 and other districts in the southeastern part of Florida. *Id.* at 2. But no court has found CD 20 or any other congressional district in southeastern Florida to be in violation of federal law, and Governor DeSantis himself—less than a year ago—publicly stated that the 2022 Plan is constitutional.

99. Moreover, racial considerations have no bearing on the reconfiguration of CDs 9, 10, and 14 (or the surrounding districts 11, 12, 13, 15, 16 and 18). The map drawer of those 2022 districts explicitly disclaimed the consideration of race in the creation of those districts.[34] Likewise, the Axelman Memo is clear that the 2026 Plan "does not take race into consideration at all" and "makes no attempt to adhere to the race-based requirements of the FDA." Axelman Memo at 3. To the extent the 2026 Plan seeks to "remedy" districts from the 2022 Plan that were drawn based on racial criteria, Mr. Poreda testified that those efforts were limited to the 2022 Plan's CDs 20, 26, 27, and 28.[35] Therefore, the Tier I requirements related to racial vote dilution cannot justify the configuration of any part of the 2026 Plan, and especially not in the Tampa Bay and Central Florida regions.

100. The Axelman Memo also claims that "[t]he most population growth appears to have occurred in the outlying areas surrounding Tampa and Orlando and north of Palm Beach County up the eastern coast" and that the 2026 Plan "attempts to account for these dramatic population changes by reconfiguring districts around the areas of high growth." Axelman Memo at 3.

101. However, in his testimony to the Legislature on April 28, Mr. Poreda claimed that, in addition to the 2020 Census data, he used estimated county-level population data from the Office of Economic and Demographic Research to attempt to account for population growth that has

[34] *See, e.g.*, S. Comm. on Reapportionment, at 1:10:43-1:11:02 (Apr. 19, 2022).
[35] S. Rules Comm. Meeting, at 58:02-23 (Apr. 28, 2026).

occurred in Florida since 2020. However, Mr. Poreda also emphasized that, to actually balance the population of the districts in the 2026 Plan, he "used 2020 Census data exclusively" and did not overlay the map with any other population data at any time.[36]

102. This is perhaps unsurprising given that Mr. Poreda admitted that he thought it "wasn't necessary" for the 2026 Plan to make any changes to the counties that experienced the most growth (St. John's County) and third most growth (Walton County) from 2020 to 2025.[37] According to Mr. Poreda, he claimed he left those areas untouched for purposes of maintaining core retention, which is not a consideration recognized by the FDA or any other state or federal law.[38]

103. The source cited in the Axelman Memo also identifies the top cities in Florida by population change from 2020 to 2025: the six cities with the greatest population growth are Jacksonville, Port St. Lucie, Miami, Orlando, Cape Coral, and Tampa.[39] Of these, the 2026 Plan leaves the districts around Jacksonville—which was already split between two Republican districts in the 2022 Plan—entirely unchanged and continues to keep both Port St. Lucie and Cape Coral intact in one Republican district each.

104. However, rather than leaving untouched or further coalescing districts around the high-growth cities of Orlando and Tampa, the 2026 Plan instead further fractures each of those cities. In fact, Mr. Poreda testified that the *only* two large cities in the state that were split into three

[36] *Id.* at 1:22:24-31.
[37] *Id.* at 2:13:38-17:31.
[38] *Id.*
[39] Bureau of Economic and Business Research, *Florida Estimates of Population 2025*, at 40 (Apr. 1, 2025), https://edr.state.fl.us/Content/population-demographics/data/Estimates2025.pdf.

districts in the 2026 Plan were Tampa and Orlando.[40] This undercuts the assertion that the 2026 Plan can be justified by accounting for population growth.

105. Moreover, accounting for population growth mid-decade is not a redistricting criterion under the Florida Constitution. Nor does the 2026 Plan actually account for any population growth—it continues to use the same 2020 Census data as the 2022 Plan. Therefore, this consideration cannot justify the configuration of the 2026 Plan.

106. The Axelman Memo unilaterally declares that, because Governor DeSantis does not believe the race-related provisions of the FDA to be lawful, there is no need for the Legislature to comply with any portion of the FDA. The Axelman Memo states:

> The race-based requirements of the FDA also cannot be severed from the other requirements of the FDA. The FDA was sold to the voters as a package. There was no severability provision included in the FDA when it was presented to the voters. And because one part is unconstitutional, there's little reason to think that voters would have approved the remaining parts by themselves.[41]

107. To support this proposition, the Axelman Memo cites two comments made by the Chief Justice of the Florida Supreme Court during an oral argument related to a challenge to CD 5 based on the racial vote dilution provisions of the FDA. But no court, including the Florida Supreme Court, has held any portion of the FDA unconstitutional, let alone the entire provision. Furthermore, contradicting the Axelman Memo's assertion that Florida's voters would not have approved the FDA if it included just a Tier I ban on partisan intent, the Florida Supreme Court has said that "[t]here is no question that the goal of minimizing opportunities for political favoritism was the driving force behind the passage of the Fair Districts Amendment." *Apportionment I*, 83 So. 3d at 639. The Court has also specifically referenced "the intent of the framers and voters who

[40] S. Rules Comm. Meeting, at 1:31:39-33:05 (Apr. 28, 2026).
[41] Axelman Memo at 3.

passed the Fair Districts Amendment to outlaw partisan political gerrymandering." *League of Women Voters of Fla.*, 172 So. 3d at 415. And when interpreting constitutional language, "the Court's obligation is to ensure that 'every clause and every part' of the language of the constitution is given effect where 'an interpretation can be found which gives it effect.'" *Apportionment I*, 83 So.3d at 640 (quoting *In re Apportionment Law Senate Joint Resolution No. 1305, 1971 Regular Session*, 263 So. 2d 797, 807 (Fla. 1972)).

108. These holdings by the Florida Supreme Court are supported by voluminous sources evidencing the voters' understanding of the FDA that the amendments were primarily targeted at ending partisan gerrymandering. For example, in a compilation of arguments in support of the FDA (including by Fair Districts Florida, the initiative sponsor) and the Media Editorial positions on the FDA (from newspapers across the state), nearly every endorsement and editorial specifically focused on the FDA's ban on partisan gerrymandering.[42]

COUNT I

Intent to favor a political party in violation of Art. III, Section 20(a), Fla. Const. (Tier I)

109. Plaintiffs reallege the facts set forth herein.

110. Article III, Section 20(a) of the Florida Constitution guarantees Florida voters the right to vote in a district not drawn with the intent to favor or disfavor a political party.

111. Article III, Section 20(a) states explicitly that "[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party."

112. This constitutional prohibition on partisan favoritism requires no showing of "malevolent or evil purpose," nor does it require demonstrating any partisan effect. *Apportionment I*, 83 So. 3d at 617. It only requires demonstrating partisan intent.

[42] Ballotpedia, *Florida Amendment 6, Congressional District Requirements Initiative (2010)*, https://ballotpedia.org/Florida_Amendment_6,_Congressional_District_Requirements_Initiative_(2010).

113. "[T]here is no acceptable level of improper intent." *Id.* at 684. Any partisan intent in the drawing of a redistricting plan—either map-wide or on an individual district level—violates Article III, Section 20(a) and is unconstitutional.

114. Intent is assessed by examining both direct and circumstantial evidence. *Id.* Direct evidence of intent can include communications, documents, and statements of actors "responsible for drafting districting plans." *League of Women Voters of Fla.*, 172 So. 3d at 388 (internal citation and quotation marks omitted).

115. While partisan results do not by themselves violate the constitution, results are relevant because they "serve as objective indicators of intent." *Apportionment I*, 83 So. 3d at 617. The "specific sequence of events leading up to the challenged decision also may shed some light on the decisionmaker's purposes" and "might afford evidence that improper purposes are playing a role." *League of Women Voters of Fla.*, 172 So. 3d at 389 (internal citations and quotation marks omitted).

116. Additional evidence of intent includes deviations from the Tier II criteria, while strict adherence to the Tier II criteria can provide evidence to counter a claim of improper intent. The Legislature's 2026 Congressional Plan and individual CDs 9, 10, 11, 13, 14, 15, 16, and 18 were drawn with the intent to favor the Republican Party and to disfavor the Democratic Party in violation of the Florida Constitution, Art. III, Section 20(a).

117. Direct and circumstantial evidence demonstrates that the map as a whole, as well as CDs 9, 10, 11, 13, 14, 15, 16, and 18 were drawn with partisan intent.

118. Deviations from the Tier II criteria further support a finding of improper partisan intent. On the Tier II criterion of utilizing existing boundaries, the 2026 Plan performs notably worse than the 2022 Plan, while performing comparably or slightly worse on most compactness

measures. Furthermore, the Governor and Legislative leaders disclaimed that adherence to any Tier I criteria was the explanation for the shape of the map or any individual districts. Nor do any Tier II criteria justify the 2026 Plan or the configuration of any individual congressional district.

119. Once legislative intent to favor or disfavor a political party is shown, the burden shifts to the Legislature "to justify its decisions in drawing the congressional district lines," and no deference is afforded to the Legislature's decisions. *League of Women Voters Fla.*, 172 So. 3d at 396-397, 400.

120. The 2026 Plan was created and passed as part of a nation-wide partisan gerrymandering war instigated by President Trump. The map was drafted by the Governor's office with no public input, and by a map drawer who admitted considering partisan data while drawing every single district, after the Governor announced he could ignore the state constitution. It was passed in a rushed process with limited public comment and debate, and surgically packs and cracks Democratic voters, reducing by half the number of districts expected to be won by candidates supported by Democrats. The new map—first released to Fox News in a graphic with red and blue partisan shading—results in just 4 out of 28 districts likely to be carried by a Democrat.

121. This precise partisan gerrymander was accomplished in significant part by cracking the voters in formerly Democratic-leaning CD 9 across CDs 10, 11, and 18, by packing Democratic voters into Democratic CD 10, and by cracking the voters in formerly Democratic leaning CD 14 across CDs 12, 13, 14, 15 and 16.

122. The Legislature cannot justify the constitutional validity of the 2026 Plan or CDs 9, 10, 11, 12, 13, 14, 15, 16, or 18.

123. Plaintiffs are therefore entitled to declaratory and injunctive relief, as more fully set forth below.

COUNT II
Intent to favor or disfavor incumbents in violation of Art. III, Section 20(a), Fla. Const. (Tier I)

124. Plaintiffs reallege the facts set forth herein.

125. Article III, Section 20(a) of the Florida Constitution guarantees Florida voters the right to vote in a district not drawn with the intent to favor or disfavor any incumbent.

126. Article III, Section 20(a) states explicitly that "[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor . . . an incumbent."

127. As with the prohibition on partisan favoritism, the prohibition on incumbent favoritism requires only a showing of intent, not results, and can be demonstrated through both direct and circumstantial evidence.

128. The incumbent favoritism inquiry "focuses on the shape of the district in relation to the incumbent's legal residence, as well as other objective evidence of intent." *Apportionment I*, 83 So. 3d at 618-19. This may include factors such as drawing district lines to avoid pitting incumbents against each other in the same district, or changing district lines to ensure certain populations are put in districts with certain incumbents. *Id.* at 619.

129. Incumbent favoritism can be assessed by simple observation of the map and comparison to incumbent addresses. And as with partisan favoritism, deviation from the criteria in Tier II can provide further supporting evidence.

130. The Legislature's 2026 Congressional Plan and the individual districts in the Legislature's 2026 Congressional Plan, including but not limited to CDs 9, 10, 11, 12, 13, 14, 15, 16, and 18, were drawn with the intent to favor certain incumbents and disfavor others in violation of the Florida Constitution, Art. III, Section 20(a).

131. As a Tier I requirement, once incumbent favoritism is shown, the burden shifts to the Legislature "to justify its decisions in drawing the congressional district lines," with no deference afforded to the Legislature's decisions. *League of Women Voters Fla.*, 172 So. 3d at 396-397, 400.

132. A simple review of the incumbent addresses, the lines on the map, the population moved between districts, and the projected partisan impact of the 2026 Plan reveals that the 2026 Plan was drawn with the intent to disfavor Democratic incumbents in CDs 9 and 14, and the Legislature cannot justify the drawing of those districts and the ones surrounding them by adherence to any acceptable criteria.

COUNT III
Failure to utilize existing boundaries in violation of Art. III, Section 20(b), Fla. Const. (Tier II)

133. Plaintiffs reallege the facts set forth herein.

134. Article III, Section 20(b) of the Florida Constitution guarantees Florida voters the right to vote in a district where districts lines are drawn using existing political subdivision boundaries and natural boundaries.

135. Article III, Section 20(b) requires that "districts shall, where feasible, utilize existing political and geographical boundaries."

136. Political and natural boundary utilization is a Tier II requirement, meaning that if there is a conflict between compliance with the boundary utilization requirement and compliance with a Tier I requirement or with federal law, the boundary utilization requirement must give way. Absent such a conflict however, boundary utilization where feasible is a mandatory redistricting requirement in Florida.

137. Furthermore, a lack of adherence to the boundary utilization requirement can serve as evidence of a violation of a Tier I requirement such as the prohibition on partisan or incumbent favoritism.

138. Utilization of existing boundaries is assessed in two ways. The first is examining the number of splits of political subdivisions such as counties and municipalities. According to Mr. Poreda, the 2026 Plan splits 19 counties 32 times, whereas the 2022 Plan splits only 17 counties 29 times. Additionally, according to Mr. Poreda, the 2026 Plan splits 30 cities, whereas the 2022 splits only 16. These increases in the number of county and municipal splits show that existing boundaries were not utilized where feasible.

139. The second way to assess utilization of existing boundaries involves a metric developed by the Legislature to measure alignment with political and natural boundaries including cities, counties, roads, water, and rail lines. Using this metric, the 2026 Plan has slightly worse boundary utilization than the 2022 Plan, with an overall lower percentage of district boundaries following the Legislature's own identified boundary types. Specifically, boundaries of cities, counties, roads, and water form a lower percentage of district boundaries in the 2026 Plan than in the 2022 Plan, demonstrating that the 2026 Plan fails to utilize natural boundaries where feasible. The 2026 Plan also saw an increase in the percentage of district boundaries that utilize none of the recognized boundary types.

140. The 2026 Plan fails to utilize existing boundaries where feasible, scoring lower on the boundary analysis metric, and containing more county and municipal splits than the 2022 Plan. No Tier I requirement can explain this departure from boundary utilization, nor can any permissible Tier II requirements. Furthermore, the Legislature and the map drawer failed to describe how they viewed the "where feasible" clause of the boundary utilization requirement.

141. The Legislature's 2026 Congressional Plan and the individual districts in the Legislature's 2026 Congressional Plan, including but not limited to CDs 9, 11, 12, 13, 14, 15, 16, and 18, fail to utilize existing political and geographic boundaries where feasible in violation of the Florida Constitution, Art. III, Section 20(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

a. Declare that HB 1-D, which enacted the 2026 Plan, and/or individual CDs 9, 10, 11, 12, 13, 14, 15, 16, and 18 invalid and unconstitutional because they violate Plaintiffs' rights under the Florida Constitution Article III, Section 20(a) and (b);

b. Enjoin Defendants and their agents, officers, employees, and successors from administering, preparing for, or moving forward with the 2026 Plan and enjoin Defendants from conducting any election using the 2026 Plan, including Florida's 2026 primary and general elections;

c. Declare that the 2026 Plan is void ab initio and set a deadline by which the Legislature has an opportunity to enact a redistricting plan that complies with the Florida Constitution and federal law. Failing such an enactment or failing the enactment of a plan that legally remedies the violation, order a Court-imposed plan that complies with the Florida Constitution and federal law;

d. Retain jurisdiction of this action to render any further orders that this Court may deem appropriate, including determining the legality and constitutionality of any new congressional redistricting plans adopted by the Legislature to remedy the violations of law alleged herein and the entry of an Order imposing a congressional plan that complies with the Florida Constitution and federal law if necessary;

e. Issue an order requiring Defendants to pay costs incurred by Plaintiffs in litigating this action, including reasonable attorneys' fees, case expenses, expert fees and costs, pursuant to § 86.081, Fla. Stat. (2025) and common law private attorney general doctrine; and

f. Grant such other and further relief as the Court deems just and appropriate.

Respectfully submitted this 4th day of May, 2026,

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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

VONDA THOMPSON-WYNN; **GINO VACCARI**; **EMMA JANE RUBINI**; **SHELBY MCGUIRE-SMITH**; **MARK TABER**; and **SAIGE WISBY**, Plaintiffs, v. **CORD BYRD**, in his official capacity as Florida Secretary of State; the **FLORIDA SENATE**; and the **FLORIDA HOUSE OF REPRESENTATIVES**, Defendants.	Case No. 2026-ca-000925

PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY INJUCTION

Pursuant to Florida Rule of Civil Procedure 1.610, Plaintiffs Vonda Thompson-Wynn, Gino Vaccari, Emma Jane Rubini, Shelby McGuire-Smith, Mark Taber, and Saige Wisby, for the reasons set forth in this motion and the concurrently filed memorandum of law, affidavits and exhibits submitted therewith, and the allegations set forth in the previously filed Complaint, respectfully move for an order temporarily enjoining Defendants and their agents, officers, employees, and successors from administering, preparing for, or moving forward in the 2026 election with the enforcement of the congressional districts as drawn in H.B. 1-D, passed by the Legislature on April 29, 2026 and signed into law by Governor DeSantis on May 4, 2026 (the "2026 Plan"). Plaintiffs respectfully request that their emergency motion be heard with the related motion for temporary injunctive relief in *Equal Ground Education Fund, Inc., et al., v. Byrd*, Case No. 2026-ca-000914, scheduled for hearing May 15 at 10:00 A.M. before this Court.

A temporary injunction is appropriate here because Plaintiffs are substantially likely to succeed on the merits of their claims that the 2026 Plan was 1) drawn with the intent to favor or disfavor a political party in violation of Article III, Section 20(a) of the Florida Constitution, 2) drawn with the intent to favor or disfavor incumbents in violation of Article III, Section 20(a) of the Florida Constitution, and 3) not drawn to utilize existing political and geographic boundaries where feasible in violation of Article III, Section 20(b) of the Florida Constitution.

The redistricting requirements in Florida's Constitution are clear and binding. In 2010, the people of Florida passed the Fair Districts Amendments ("FDA") to "eliminate the age-old practice of partisan political gerrymandering—where the political party and representatives in power manipulate the district boundaries to their advantage." *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 369 (Fla. 2015). To accomplish this purpose, the FDA added to the state Constitution two tiers of requirements that govern the drawing of congressional districts in the state. Tier I prohibits drawing districts with the intent to favor or disfavor any political party or incumbent, Article III, § 20(a), Fla. Const., and Tier II includes the requirement of utilizing existing political and geographic boundaries where feasible. Article III, § 20(b), Fla. Const. Failure to adhere to the Tier II requirements is both an independent constitutional violation and further evidence of a violation of the Tier I requirements. *In re Senate Joint Resol. of Legis. Apportionment 1176*, 83 So. 3d 597, 639, 640 (Fla. 2012) ("*Apportionment I*") ("the extent to which the Legislature complies with the sum of Florida's traditional redistricting principles" in Tier II "serves as an objective indicator of the impermissible legislative purpose proscribed under tier one (*i.e.*, intent to favor or disfavor a political party or an incumbent))" (citation omitted).

The 2026 Plan plainly violates the FDA. The 2026 Plan was drawn with the clear intent to "crack" and "pack" Democratic voters and harm Democratic incumbents in districts across the

state in an attempt to gain four new congressional seats for Republicans and to shore up Republican vote-share in others. Memorandum for Temporary Injunctive Relief ("TI Mem.") at 2-11, 15-33. The drawing of the 2026 Plan took place amidst an ongoing partisan gerrymandering war occurring in states across the county ahead of the 2026 Midterm elections. Moreover, the aims of the 2026 Plan were not hidden: Governor DeSantis released a partisan-shaded version of his map, and then unilaterally announced that the 2026 Plan need not comply with any portion of the FDA—including its prohibition on partisan gerrymandering. *Id.* Then, the map drawer openly admitted to using partisan data in the drawing of every district. *Id.* at 13. The Legislature fully adopted the 2026 Plan as its own, making no amendments and forging ahead despite being aware of the map's intent and effect. *Id.* at 14-15. And the 2026 Plan's partisan effect and negative impact on Democratic incumbents is extreme—it reduces by half the number of Democratic districts, and shifts millions of Floridians between districts, contorting them in the process, to achieve partisan gain. *Id.* at 22-31.

In addition, the 2026 Plan violates the FDA's requirements to utilize existing political and geographic boundaries where feasible. The 2026 Plan unnecessarily splits political subdivisions, including cities and counties, unjustified by any other requirements in the Florida Constitution. *Id.* at 31-34, 43-46. The 2026 Plan also utilizes fewer existing boundaries as measured by the Legislature's own metric. *Id.*

As a result, Plaintiffs are substantially likely to succeed on their claims against the 2026 Plan. Moreover, Plaintiffs will be irreparably harmed and lack an adequate remedy at law if the 2026 elections proceed using the unconstitutional 2026 Plan—absent temporary relief, Plaintiffs will suffer severe constitutional harm with no legal remedy. *Id.* at 46-48. *League of Women Voters of Florida, Inc., v. Detzner*, 314 F. Supp. 3d 1205, 1223-24 (N.D. Fla. 2018) (holding that "once

the election comes and goes, 'there can be no do-over and no redress") (internal quotations omitted). Further, temporary injunctive relief is in the public interest. TI Mem. at 48-49. Floridians overwhelmingly voted to prohibit the exact partisan gerrymandering which infects the unconstitutional 2026 Plan, and "[t]he vindication of constitutional rights . . . serves[s] the public interest almost by definition." *Detzner*, 314 F. Supp. 3d at 1224 (internal quotations omitted).

Moreover, this Court has the power to order temporary relief, and doing so is feasible without undue hardship on Defendants. TI Mem. at 49-50; *Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 339 So. 3d 1070 (Fla. 1st DCA 2022). This is so because Plaintiffs' requested temporary relief is simply the revival of the prior 2022 Plan, which has been upheld by multiple courts, endorsed by the Governor, and used in the 2022 and 2024 congressional elections. Indeed, if the Defendants could enact and order the implementation of a new map only days ago, it cannot be too late in the election season to return to the prior map.

Plaintiffs thus request that the Court temporarily enjoin use of the unconstitutional 2026 Plan in the 2026 election. Plaintiffs also request that the Court expedite consideration of their emergency motion for temporary relief to make sure that constitutional congressional districts are in place for the 2026 election, which would otherwise irreparably harm Plaintiffs and deprive them of their rights. Thus, Plaintiffs respectfully request that their motion be heard with the related motion for temporary injunctive relief in *Equal Ground Education Fund, Inc., et al., v. Byrd*, Case No. 2026-ca-000914, scheduled for hearing on May 15 at 10:00 A.M. before this Court.

On May 8, 2026, pursuant to Section 2.3 of the Court's Policies and Procedures, Plaintiffs' counsel, Simone T. Leeper, conferred individually with counsel for Defendants, Mohammad Jazil (Florida Secretary of State), Daniel Nordby (Florida Senate), and Andy Bardos (Florida House),

in a good faith effort to resolve the issues raised in the motion. Counsel were unable to agree on resolution of the motion.

Given that Plaintiffs solely seek injunctive relief against the State to remedy the 2026 Plan's violation of the Fair Districts Amendment of the Florida Constitution, in the determination of posting of bond under Florida Rule of Civil Procedure 1.610(b), Plaintiffs' request that the Court set no more than a nominal bond.[1]

WHEREFORE, Plaintiffs respectfully request that this Court require no more than a nominal bond for injunctive relief, expedite consideration of this emergency motion and set it for hearing at the same time as the related hearing already scheduled before this Court on May 15 at 10:00 A.M. in *Equal Ground Education Fund, Inc., et al., v. Byrd*, Case No. 2026-ca-000914, and temporarily enjoin implementation of the unconstitutional 2026 Plan as *void ab initio*, which will revive the 2022 Plan for the 2026 congressional primary and general elections.

Respectfully submitted this 8th day of May, 2026,

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[1] During their conferral, counsel for all parties discussed the bond requirement under Florida Rule of Civil Procedure 1.610(b), including waiving the bond requirement. Counsel were unable to reach a definitive position before the filing of this motion.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record through the Florida Courts E-Filing Portal on this 8th day of May, 2026.

/s/ *Simone T. Leeper*
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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

VONDA THOMPSON-WYNN; **GINO VACCARI**; **EMMA JANE RUBINI**; **SHELBY MCGUIRE-SMITH**; **MARK TABER**; and **SAIGE WISBY**, Plaintiffs, v. **CORD BYRD**, in his official capacity as Florida Secretary of State; the **FLORIDA SENATE**; and the **FLORIDA HOUSE OF REPRESENTATIVES**, Defendants.	Case No. 2026-ca-000925

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY INJUCTION

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INTRODUCTION

In 2010, Florida voters overwhelmingly cast their ballots to enshrine an express prohibition on partisan gerrymandering, along with additional redistricting requirements, in the Florida Constitution, seeking "to eliminate the age-old practice of partisan political gerrymandering—where the political party and representatives in power manipulate the district boundaries to their advantage." *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 369 (Fla. 2015) ("*LWVFL*"). The U.S. Supreme Court approvingly cited the Fair Districts Amendment ("FDA") as an example of states "actively addressing the issue [of excessive partisan gerrymandering] on a number of fronts." *Rucho v. Common Cause*, 588 U.S. 684, 719 (2019) (noting that "[p]rovisions in . . . state constitutions can provide standards and guidance for state courts to apply" in protecting against partisan gerrymandering).

Despite Floridians' overwhelming support for the Constitution's express prohibition on partisan gerrymandering and its endorsement from the country's highest court, the Florida Legislature engaged in an unprecedented voluntary mid-decade redistricting to pass a new congressional plan (the "2026 Plan") that blatantly and avowedly violates the FDA. The 2026 Plan—crafted with a total lack of transparency, released to Fox News by Governor DeSantis in partisan red and blue shading before it was even sent to the Legislature, admittedly drawn relying on partisan data, and rammed through the Legislature in just two days' time—was created with the intent to surgically crack and pack Democratic voters to favor one political party (the Republican Party) and its incumbents and to disfavor another (the Democratic Party) and its incumbents. In pursuit of these unlawful partisan aims, the 2026 Plan also violates the Florida Constitution's requirement that districts utilize existing political and geographic boundaries where feasible.

Plaintiffs seek temporary injunctive relief to prevent the implementation and enforcement of the unconstitutional 2026 Plan in the upcoming 2026 congressional primary and general elections. Such relief is warranted because Plaintiffs are substantially likely to succeed on the merits of their claims, there is no adequate remedy at law apart from injunctive relief, Plaintiffs will face irreparable harm absent an injunction, and the temporary injunction is squarely in the public interest.

FACTUAL BACKGROUND

I. The Fair Districts Amendment was overwhelmingly approved by voters.

In 2010, Floridians overwhelmingly, on a 62.9% to 37.1% margin, voted to enact the FDA concerning congressional districts to the Florida Constitution, in Article III, § 20.[1] Ex. 1 at 10 (Dr. Austin Decl.). The FDA provides that, "In establishing congressional district boundaries:"

> (a) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
>
> (b) Unless compliance with the standards in this subsection conflicts with the standards in subsection (a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
>
> (c) The order in which the standards within subsections (a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Art. III, § 20, Fla. Const.

The public record and Florida Supreme Court's precedent make clear that, in passing the FDA, Florida's voters "sought to eliminate the age-old practice of partisan political

[1] Fla. Dep't of State, *Constitutional Amends. Gen. Election Off. Results* (Nov. 2, 2010), https://results.elections.myflorida.com/Index.asp?ElectionDate=11/2/2010&DATAMODE=.

gerrymandering—where the political party and representatives in power manipulate the district boundaries to their advantage—by forbidding the Florida Legislature from drawing a redistricting plan or an individual district with the 'intent to favor or disfavor a political party or an incumbent.'" *LWVFL*, 172 So. 3d at 369. The FDA was crafted and passed in the wake of decades of partisan gerrymandering in Florida while courts threw up their hands and held that although the "raw exercise of majority legislative power" in redistricting was unideal, it was "an unfortunate fact of political life around the country." *See Martinez v. Bush*, 234 F. Supp. 2d 1275, 1297 (S.D. Fla. 2002); Ex. 1 at 5-10. In the lead-up to election day, newspaper editorials endorsing the FDA, spokespeople advocating on behalf of the FDA, and the FDA's own initiative committee all coalesced on the prohibition of partisan gerrymandering as the focal point of the amendment. *Id.* When Floridians went to the polls in 2010, the vast majority cast their ballot to make unconstitutional that "unfortunate fact of political life" in their own state.

In the first redistricting cycle after the passage of the FDA, the Florida Supreme Court dutifully applied the new constitutional standard to invalidate Florida's 2012 congressional map for having been drawn with unconstitutional partisan intent in violation of the FDA. *LWVFL*, 172 So. 3d at 375. In doing so, the Court noted that "[t]here is no question that the goal of minimizing opportunities for political favoritism was the driving force behind the passage of the Fair Districts Amendment." *Id.* at 374 (quoting *In re Senate Joint Resol. of Legis. Apportionment 1176*, 83 So. 3d 597, 639 (Fla. 2012) ("*Apportionment I*").

In 2019, the U.S. Supreme Court, in explaining why its decision finding partisan gerrymandering claims nonjusticiable in federal courts "does not condone excessive partisan gerrymandering . . . [or] condemn [such] complaints . . . to echo into a void," approvingly cited the FDA as an example of states "actively addressing the issue [of excessive partisan

gerrymandering] on a number of fronts." *Rucho*, 588 U.S. at 719 (noting that "[p]rovisions in . . . state constitutions can provide standards and guidance for state courts to apply" in protecting against partisan gerrymandering). That is exactly what was intended by Floridians in passing the FDA.

II. The 2022 congressional Plan was endorsed by Governor DeSantis.

The last congressional redistricting in Florida occurred in 2022, following the results of the 2020 decennial census. Because of the state's population growth, Florida was accorded an additional congressional seat as a result of the 2020 decennial reapportionment, bringing its total congressional delegation to 28 members. Following reapportionment, Florida undertook a redistricting process. The Legislature initially passed its own proposed congressional redistricting plan, CS/SB 102, on March 4, 2022.[2] However, on March 29, 2022, Governor DeSantis vetoed the Legislature's congressional plan and called a special session from April 19-22, 2022. *Id.* Ultimately, on April 21, 2022, the Legislature passed SB 2-C, the 2022 congressional map ("2022 Plan") proposed by Governor DeSantis's office, and Governor DeSantis signed SB 2-C into law on April 22. *Id.*

The 2022 Plan was drawn using the population data from the 2020 census and contained 28 equally populated districts. Eight of those districts favored Democrats, and 20 favored Republicans. Ex. 2 (Dr. Rush Decl.) ¶ 34. The 2022 Plan was used in both the 2022 and 2024 congressional elections, and in both years the map resulted in the election of 20 Republicans and 8 Democrats.[3] The 2022 Plan includes 10 districts identical to the ones in the Legislature's original

[2] CB/SB 102 also contained a secondary congressional plan which would go into effect in the event that CD 5 of the initial plan was invalidated. Fla. Redistricting, *Welcome to Fla. Redistricting 2022*, https://www.floridaredistricting.gov/ (last visited May 8, 2026).

[3] 2026 Florida Congressional Plan from Senate Shapefile, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::2427364d-c5a5-4906-a817-fc59416f2031.

plan and 18 new districts created by the Governor's map drawer, including Congressional Districts ("CDs") 9, 10, 11, 12, 13, 14, 15, 16, and 18.[4]

In a presentation on the ultimately-enacted 2022 Plan, the self-identified map drawer, Deputy Chief of Staff for the Executive Office of the Governor Alex Kelly, described 2022 CD 10 as a "very, very Tier II adherent district, very compact, all of those lines are used to define either major roadways or municipal boundaries."[5] He added that he "didn't consider race in any way in the drawing of the seat"[6] and cited "race-neutral principles" as the basis for "changes to the districts in Central Florida, in that region, including District 10."[7]

In addition to CDs 9 and 10, Mr. Kelly also disclaimed any consideration of racial data or intent related to race in the drawing of 2022 CD 14 and the surrounding districts. Mr. Kelly said, "[r]ace and political partisan data in no way related at all to my drawing of districts 13, 14, 15, 16, or any of the districts in the map."[8] Rather, he said 2022 CD 14 was drawn "based on nice, clean, compact lines, lines that adhere to [] major recognizable roadways, and try[ing] to split as few cities as possible in this area."[9]

The 2022 Plan has faced some challenges in court, though no court has issued a ruling concerning CDs 9, 10, 11, 12, 13, 14, 15, 16, and 18, and there are no pending challenges to any of those districts. On July 17, 2025, the Florida Supreme Court issued a decision upholding Florida's 2022 Plan against a challenge to CD 5 under the FDA's racial vote dilution requirements.

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[4] Ex. 3 (S. Comm. on Reapportionment, 2022C Spec. Sess., Apr. 19, 2022), at 20:54-21:05.
[5] *Id.* at 1:16:08-20.
[6] *Id.* at 1:33:03-07.
[7] *Id.* at 15:23-35.
[8] *Id.* at 1:13:35-1:13:46.
[9] *Id.* at 1:04:02-33; *see also id.* at 1:10:43-1:11:02 ("I drew that district, Districts 13, 14, all the districts around it solely based on trying to draw districts that are compact, aesthetically compact, statistically compact, that follow clearly definable political/geographical boundary lines that meet that Tier II test, so I didn't draw a single district in this map based on race.").

In response to a post on X that read "@GovRonDeSantis' 2022 congressional map that added 4 Republican seats, caused Dems to lose 3 seats, upheld by Florida Supreme Court," Governor DeSantis endorsed the 2022 Plan, responding: "[t]his was always the constitutionally correct map —and now both the federal courts and the FL Supreme Court have upheld it." Ex. 1 at 14.

III. The 2025-2026 partisan redistricting wars motivated partisan gerrymandering in Florida.

On July 15, 2025, President Donald Trump began publicly calling for states with Republican-controlled legislatures to conduct mid-decade redistricting to gain additional Republican seats in the U.S. House of Representatives. Ex 1 at 13. President Trump's initial request was focused on Texas, but he added that "there could be some other states. We're going to get another three or four or five in addition . . . we have a couple of other states where we'll pick up seats also." *Id.* Following the President's public call for redistricting, several states redrew their congressional districts "in ways that are predicted to favor the State's dominant political party." *Abbott v. League of United Latin Am. Citizens*, 146 S. Ct. 418, 419 (2025); *see* Ex. 1 at 15.

On July 24, 2025, Governor DeSantis said that he thought Florida could engage in mid-decade redistricting, primarily citing a claim that "the state is malapportioned" because of an undercount in the 2020 census as the reason why "it would be appropriate to do a redistricting in the mid-decade." Ex. 1 at 14-15. At the time, Governor DeSantis mentioned a conversation he had with the Commerce Secretary and a claim that a "re-do" of the census could result in an additional congressional seat for Florida.[10] No such recount or reapportionment ever occurred. However, on

[10] Mitch Perry, *DeSantis says it's 'appropriate' to redistrict congressional districts before next election*, Fla. Phoenix (July 24, 2025), https://floridaphoenix.com/2025/07/24/desantis-says-its-appropriate-to-redistrict-congressional-districts-before-next-election/.

August 7, 2025, the House announced the creation of the House Select Committee on Congressional Redistricting. Ex. 1 at 15.

Following Texas's redistricting, President Trump posted on social media on August 20, 2025: "Big WIN for the Great State of Texas!!! Everything Passed, on our way to FIVE more Congressional seats and saving your Rights, your Freedoms, and your Country, itself. Texas never lets us down. Florida, Indiana, and others are looking to do the same thing." *Id.* And on October 29, 2025, Evan Power, the Chairman of the Republican Party of Florida, advocated for Florida to engage in a mid-decade redistricting which he claimed could result in three to five additional Republican congressional seats. *Id.* at 15-16.[11]

On December 1, 2025, Governor DeSantis announced that he would be calling a special session for congressional redistricting in Spring 2026, now citing his postulation that the U.S. Supreme Court might issue a decision in the *Louisiana v. Callais* case that would make Florida "required to do it." Ex. 1 at 16. He said "[t[he issue is that there is a Supreme Court decision that we are waiting on the argument in October about Section 2 of the VRA impacts Florida's maps, so we're going to do it next Spring." *Id.* On December 3, 2025, the Senate followed the lead of Governor DeSantis, with Senate President Ben Albritton sending a Memorandum out to all Senators and Senate professional staff saying that "[t]he Governor has expressed a desire to address this issue next Spring. As such, there is no ongoing work regarding potential mid-decade redistricting taking place in the Senate at this time." Ex. 4 (Dec. 3, 2025 Albritton Mem.) at 1. The

[11] *See also* Capital Tiger Bay Club, *Republican Party of Florida Chairman Evan Power and Executive Director Bill Helmich October 29, 2025* (Oct. 29, 2025), https://capitaltigerbayclub.org/2025/11/03/capital-tiger-bay-club-hosts/; Douglas Soule, *Florida GOP chair believes state could send extra Republicans to Congress through redistricting*, WUSF (Oct. 30, 2025), https://perma.cc/49D2-QH4X.

Memorandum also cautioned members about the limitations of legislative privilege related to redistricting. *Id.*

The House Select Committee on Redistricting met twice, on December 4 and 10, 2025, receiving presentations on an introduction to congressional redistricting outlining the basics of redistricting and the legal standards governing redistricting. At the December 4, 2025, meeting, Representative Mike Redondo, the Chair of the Committee, stated that "this committee was formed by the Speaker ahead of the 2026 legislative session, so that if we do decide to propose a new congressional map, we may do so under our traditional process of lawmaking and with enough time to enact a map if passed by our legislature." Ex. 5 (H. Select Comm. on Cong. Redistricting Meeting, 2026 Reg. Sess., Dec. 4, 2025), at 4:02-4:17. He continued:

> Given the fact that we are less than a year away from the election, not to mention the fact that the candidate qualifying period for federal office is in late April, it would be irresponsible to delay the creation and passage of a new map, especially until after session. It would also be irresponsible to any who are called to civil service and, most importantly, it would be irresponsible to the citizens of Florida.

Id. at 4:18-37; Ex. 1 at 17. At the December 10, 2025, meeting, in response to a question about whether Florida would be required to redistrict in response to a decision in the *Callais* case, outside counsel to the House answered that, while Louisiana (the state that is a party to the case) may have no choice but to redistrict in response to the *Callais* decision, "whether Florida chooses to, after *Callais*, to keep its maps in place, await either the next cycle or await litigation or redraw its districts, that will be a judgment call that has to be made when we see the *Callais* decision." Ex. 6 (H. Select Comm. on Cong. Redistricting Meeting, 2026 Reg. Sess., Dec. 10, 2025), at 1:00:00-1:00:17. Also at the December 10, 2025, meeting, Chair Redondo stated that "we will have an opportunity for public comment at future meetings." *Id.* at 1:14:42-1:15:03. The committee did not hold another meeting until April 28, 2026, at which, as discussed below, the committee

provided less than two hours total time for public comment and no changes were made to the map to reflect any public comment. Ex. 1 at 20. On December 11, 2025, the day after the second House Select Committee on Redistricting Meeting in Florida, a proposed bill to redraw the congressional districts in Indiana failed. *Id.* at 17. Two days later, President Trump posted on Truth Social: "Republicans in the Indiana State Senate, who voted against a Majority in the U.S. House of Representatives, should be ashamed of themselves . . . Indiana, which I won big, is the only state in the Union to do this!" *Id.* at 17-18.

Leading up to the mid-decade redistricting, Florida legislators made it clear that a redraw of the congressional map would be for partisan gain. For example, on December 10, 2025, State Senator Gruters reposted a pundit predicting that Florida would add up to five seats through a mid-decade redraw. *Id.* at 17. He also claimed that such a redraw would increase the Republican majority and give President Trump "a full four years." *Id.*

On January 7, 2026, Governor DeSantis issued a proclamation formally announcing the call for a special session for congressional redistricting to take place from April 20, 2026, through April 24, 2026. *Id.* at 18. Governor DeSantis' press release specified that the session was "to ensure that Florida's congressional maps accurately reflect the population of our state and to comply with an upcoming U.S. Supreme Court ruling." Ex. 7 (Press Release, Exec. Off. of the Gov., Jan. 7, 2026); Ex. 1 at 18. The proclamation specifically stated that "the Legislature should wait as long as is feasible for conducting the 2026 elections before redrawing Florida's congressional district boundaries in order to take advantage of any further guidance from the United States Supreme Court, which is expected in early 2026, on the use of race in drawing electoral districts." Ex. 8 (Proclamation, Gov. Ron DeSantis, Jan. 7, 2026), at 2. The U.S. Supreme Court did not issue its

decision in the *Callais* case prior to the beginning of the special session or prior to the drafting of the congressional map introduced at the special session.

Shortly after Governor DeSantis' announcement of a special session, State Rep. Tom Fabricio reposted the Governor's X post about the special session and publicly stated that Florida's congressional redraw, "[d]one correctly . . . will strengthen Republican seats, [and] help keep a GOP majority in Congress . . . ." Ex. 1 at 18.

The original special session was supposed to start on April 20. It was widely known that on April 21, Virginians were voting on a constitutional amendment allowing a redraw of their congressional districts prior to the 2026 election. *Id.* at 18. Prior to this, a number of other states, including Texas, California, Missouri, and North Carolina redrew their congressional maps for the 2026 midterm elections, resulting in a partisan national redistricting war. *Id.* at 15.

On April 13, 2026, CD 19 Republican Representative and gubernatorial candidate Byron Donalds called on the Florida Legislature to engage in a mid-decade redistricting to retaliate against Virginia as a part of the nationwide partisan gerrymandering battle: "You have California and Virginia responding to Texas and we've been watching all this kind of happen in Florida. . . . Because of what now has been done in Virginia, now Florida needs to respond." *Id.* at 18. On April 15, 2026, right before the Virginia election, Governor DeSantis issued another proclamation delaying the special session to April 28, 2026, through May 1, 2026. Ex. 9 (Proclamation, Gov. Ron DeSantis, Apr. 15, 2026); Ex. 1 at 18. On April 21, 2026, the amendment allowing a redraw of Virginia's congressional districts was approved by voters in Virginia. Ex. 1 at 19.

Following the passage of the Virginia amendment, calls for Florida to engage in a retaliatory partisan gerrymander intensified. U.S. House Speaker Mike Johnson encouraged Florida to engage in mid-decade redistricting before the midterm elections. Ex. 1 at 19.

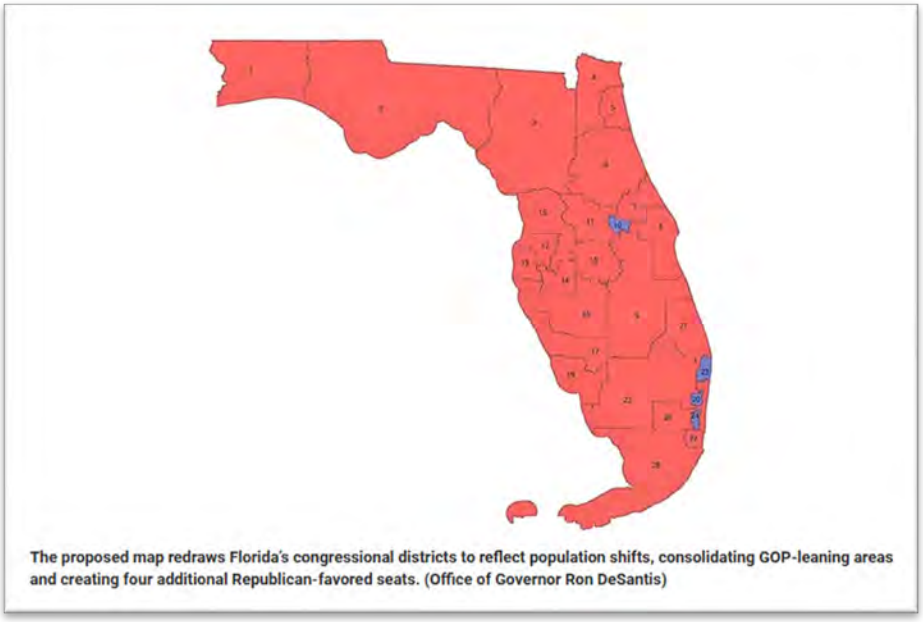
Additionally, Florida CD 3's Republican Rep. Kat Cammack said she believed Florida Republicans could gain two to three seats in mid-decade redistricting while "maintain[ing] compactness and fairness." Ex. 1 at 19.

IV. The 2026 Plan was drafted in secret, in reliance on partisan data.

The 2026 Plan was drawn behind closed doors in a secretive process. The map was drawn by Jason Poreda, the map drawer from Governor DeSantis' office, over the course of just two weeks.[12] Ex. 1 at 20. While details of the process of creating the 2026 Plan remain unclear, it appears that rather than being initially developed by or in consultation with the Legislature or legislative staff, the 2026 Plan was created by the Governor's office. *Id.* at 19-20. According to Mr. Poreda, the only persons with whom he consulted or who reviewed the map prior to the April 27 release were "other [EOG] staff and counsel" that he refused to refer to by name on advice of counsel.[13] Ex. 1 at 20. There was no opportunity for public comment or input during the development of the 2026 Plan. Ex. 1 at 19-20.

The 2026 Plan was not released to the public until April 27, 2026, the day before the special session on congressional redistricting commenced. *Id.* at 19. Governor DeSantis first released the 2026 Plan to Fox News, which published an article at 10:00 a.m. on April 27, 2026, including an image of the 2026 Plan credited as having been provided by the "Office of Governor Ron DeSantis." Ex. 11 (Fox News Article) at 1-2; Ex. 1 at 19. The image, shown below, depicts the 2026 Plan, color coded in red and blue to show the partisan lean of each district.

[12] Ex. 10 (S. Rules Comm. Meeting, 2026D Spec. Sess., Apr. 28, 2026), at 1:26:06-14.
[13] Ex. 10 at 1:35:12-58.



The proposed map redraws Florida's congressional districts to reflect population shifts, consolidating GOP-leaning areas and creating four additional Republican-favored seats. (Office of Governor Ron DeSantis)

The map depicts the four Democratic-leaning districts as drawn in the 2026 Plan, which is a reduction by half of the eight Democratic-leaning districts in the 2022 Plan. In the image, the map was described as "consolidating GOP-leaning areas and creating four additional Republican-favored seats." Ex. 11. The article also included a statement from Governor DeSantis which directly cited partisanship as a reason for the redraw. Governor DeSantis said that since the 2020 Census, Florida has "moved from a Democrat majority to a 1.5 million Republican advantage." *Id.*

Later, on April 27, at 11:15 a.m., the Governor's Office provided the 2026 Plan to the Senate Ethics and Elections Committee and House Select Committee on Congressional Redistricting along with a supporting memorandum from David Axelman, General Counsel to Gov. DeSantis (the "Axelman Memo") and an accompanying data packet. Ex. 12 (Apr. 27, 2026 Albritton Mem.); Ex. 13 (Apr. 27, 2026 Axelman Mem.); Ex. 14 (Apr. 27, 2026 Data Packet). Senate President Ben Albritton then forwarded the materials to all members of the Senate. Ex. 12. The same documents were provided to the members of the House. Ex. 15 (Apr. 27, 2026, Perez Mem.); Ex. 1 at 20.

The following day, April 28, the Legislature held two hearings, one in the House and one in the Senate. At the hearings, the Governor's map drawer Jason Poreda and Mohammad Jazil, redistricting counsel for the Governor's office, presented the 2026 Plan to the respective committees. Ex. 1 at 20. Mr. Poreda and Mr. Jazil asserted, consistent with the Axelman Memo and based on the Governor's unilateral interpretation of the law, that the map drawer was not bound by the FDA's prohibition on drawing districts with partisan intent. *See* Ex. 13 at 3; Ex. 1 at 20. Indeed, Mr. Poreda, the alleged map drawer of the 2026 Plan, openly admitted that partisan data was considered in the drawing of all districts in the 2026 Plan. Ex. 10 at 43:45-44:06; Ex. 1 at 20. Mr. Poreda testified that he "consider[ed] it for every district that [he] drew." Ex. 10 at 1:39:00-31; Ex. 1 at 20.

The two April 28 hearings, held on the same afternoon barely 24 hours after the 2026 Plan had been released, were the only opportunities for public comment and feedback on the Plan throughout the entire process. Ex. 1 at 20; Ex. 10; Ex. 16 (H. Select Comm. on Cong. Redistricting Meeting, Apr. 28, 2026). Less than two hours total were provided for public comment, but those comments were overwhelmingly in opposition to the 2026 Plan. *Id.* Nevertheless, the 2026 Plan passed out of both committees without a single amendment even having been proposed. *Id.*

The same day the maps were presented to the Legislature. Defendant Secretary of State Byrd tweeted a picture of the infamous Elbridge Gerry, who he described as the "nam[e]sake of gerrymandering." Ex. 17 (Lanfranconi X Retweet, Apr. 28, 2026). Alex Lanfranconi, Gov. DeSantis' Communications Director, retweeted it several hours later, adding a laughing-face emoji. *Id.*

The next morning, beginning at 9:30 am on April 29, the House met to briefly debate and vote on the bill. Mid-way through the House's debate on the bill, the U.S. Supreme Court's decision in the *Louisiana v. Callais* case was released. Ex. 1 at 20. The House voted down a proposal to recess for two hours to consider any impact the *Callais* decision might have on the redistricting. Ex. 18 (H. Floor Debate, Apr. 29, 2026) at 44:50-45:35. An hour after the release of the *Callais* decision, the House passed the bill. *Id*. Before doing so, on the floor of the House the sponsor of the 2026 Plan denied that the map was solely the Governor's and proactively adopted it as the Legislature's stating "We are the ones considering the map. We are the ones voting on the map. We have not deferred our duties under the Constitution." Ex. 1 at 20; Ex. 18 at 16:40-16:52. The Senate sponsor echoed the same sentiment. Ex. 1 at 20-21; Ex. 19 (S. Floor Debate, Apr. 29, 2026) at 1:34:54-1:35:12. Shortly thereafter, the bill was debated and passed by the Senate without amendment. Ex. 19. It was signed into law by the Governor on May 4, 2026. Ex. 1 at 21.

It is no surprise that as intended by the Governor and the Legislature, and drawn with the aid of partisan data, the egregious cracking and packing of Democratic voters in the 2026 Plan has

the effect of favoring the Republican Party and disfavoring the Democratic Party. Ex. 2 at 9-17 (¶¶ 34-39, Figures 1-8). As one example, the 2026 Plan systematically carves up Democratic voters in 2022 CDs 9 and 14 in the Tampa Bay and Orlanda areas, fracturing them amongst numerous neighboring congressional districts. *Id*. It accomplishes this partisan goal at the expense of traditional redistricting criteria and needlessly moves millions of Floridians into new districts mid-decade, with no justification. *Id.* at 4, 18-23 (¶¶ 20, 22-23, 40-50, Tables 4-7).

LEGAL STANDARD

"A trial court has wide discretion to grant or deny a temporary injunction." *See, e.g.*, *Briceño v. Bryden Invs., Ltd.*, 973 So. 2d 614, 616 (Fla. 3d DCA 2008) (internal quotation omitted); *T.J.R. Holding Co., Inc. v. Alachua Cnty.*, 617 So. 2d 798, 801 (Fla. 1st DCA 1993). The factors relevant to a motion for temporary injunction are: (a) substantial likelihood of success on the merits, (b) a lack of an adequate remedy at law, (c) irreparable harm absent the entry of an injunction, and (d) that injunctive relief will serve the public interest. *Fla. Dep't of Health v. Florigrown, LLC*, 317 So. 3d 1101, 1110 (Fla. 2021). Plaintiffs meet all these requirements.

ARGUMENT

I. Plaintiffs are substantially likely to succeed on the merits of their claims.

Plaintiffs are substantially likely to succeed on the merits of their claims that the 2026 Plan and the specifically challenged districts violate the FDA. The FDA includes two tiers of requirements for congressional redistricting. The first tier includes the requirement that districts are not intentionally drawn to favor or disfavor any party or incumbent. Art. III, § 20(a), Fla. Const. And the second tier includes several common redistricting criteria including that districts have equal population, be compact, and where feasible utilize existing political and geographic boundaries. *Id.* at § 20(b). The 2026 Plan violates both tiers. On Plaintiffs' claims regarding intent

to favor or disfavor a political party or incumbent (Counts I and II), (1) the political context of Florida's mid-decade redistricting, (2) the irregular and secretive process leading to the 2026 Plan's adoption, (3) the partisan effect of the 2026 Plan, (4) the 2026 Plan's failure to adhere to Tier II criteria, (5) the failure of any of the proffered justifications to explain the configuration of the 2026 Plan or the challenged districts, and, (6) for the claim of incumbency favoring/disfavoring, the core retention data for the 2026 Plan collectively demonstrate overwhelming direct and circumstantial evidence of improper intent. On Count III, the 2026 Plan needlessly disregards political and geographic boundaries, which demonstrates both a violation of Tier II, and is objective evidence of partisan intent, further demonstrating that Plaintiffs are likely to succeed on the merits.

A. The 2026 Plan violates the Florida Constitution's prohibition on partisan intent (Count I).

Plaintiffs are likely to succeed on the merits of their claim that the 2026 Plan and individual CDs 9, 10, 11, 12, 13, 14, 15, 16, and 18 were drawn with the intent to favor Republicans and disfavor Democrats.[14] The Florida Constitution requires that "[i]n establishing congressional district boundaries . . . [n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent." Art. III, § 20(a), Fla. Const. Intent is assessed by examining both direct and circumstantial evidence. *Id.* Direct evidence of intent can include communications, documents, and statements of actors "responsible for drafting districting plans." *LWVFL*, 172 So. 3d at 388 (internal citation and quotation marks omitted). In terms of circumstantial evidence, the "specific sequence of events leading up to the challenged decision also may shed some light on the decisionmaker's purposes" and "might afford evidence that

[14] Plaintiffs challenge CDs 9, 10, 11, 12, 13, 14, 15, 16, and 18 as unconstitutional partisan gerrymanders, but do not allege the unconstitutional partisan gerrymandering in the 2026 Plan is limited to those districts. Plaintiffs also challenge the 2026 Plan as a whole.

improper purposes are playing a role." *Id.* at 389 (internal citations and quotation marks omitted). Additional evidence of intent includes deviations from the Tier II criteria, as well as the partisan effects of the map. *Apportionment I*, 83 So. 3d at 617, 639-40. In complying with the FDA's prohibition on partisan intent, "there is no acceptable level of improper intent." *LWVFL*, 172 So. 3d at 375. The 2026 Plan, which was openly drawn with the intent to achieve partisan gain for the Republican Party, egregiously fails this standard.

i. The political context of Florida's mid-decade redistricting creates an inescapable inference of partisan intent.

The national and state-level context which led to Florida's mid-decade congressional redistricting provides circumstantial evidence of the improper intent of the Florida Legislature in adopting the 2026 Plan. In assessing a prior FDA case alleging partisan intent, the Florida Supreme Court noted that "circumstantial evidence is often essential in proving a conspiracy—and indeed may be the only type of evidence available." *LWVFL*, 172 So. 3d at 378. Here, as in 2012, circumstantial evidence is significant, because members of the Florida House of Representatives and the Florida Senate were careful to avoid making statements or creating a written record regarding partisan intent in passing the 2026 Plan. But the events of the months leading up to the adoption of the 2026 Plan provide substantial, probative evidence that the Florida Legislature's decision both to undertake the mid-decade redistricting endeavor at all and to adopt the 2026 Plan in particular were motivated by partisan intent.

As outlined above, Florida's passage of the 2026 Plan did not happen in a vacuum. In response to calls from President Trump, states with trifecta Republican control, beginning with Texas, have engaged in blatant partisan gerrymandering, with Democratic states like California and Virginia responding in kind. The national call to redistrict for partisan gain loomed so heavy that Governor DeSantis delayed the Legislature's gerrymandering special session to see what

happened in Virginia first. No Florida politician had even mentioned the possibility of a mid-decade redistricting until after President Trump first suggested it, despite the fact that the first justification offered by Governor DeSantis (adjusting the districts to account for a "miscount" in the 2020 Census) was equally relevant in the three years preceding President Trump's call.

Once President Trump first raised the possibility, he was not alone in calling Florida to pass a congressional partisan gerrymander. The Chairman of the Florida Republican Party and multiple Republican members of U.S. Congress echoed those calls, and, in his release of the 2026 Plan, Governor DeSantis highlighted the partisan impact of the map and justified it by citing to an alleged increase in the number of Republican voters. Each also made clear that the greatest achievement of the redistricting would be to gain additional Republican seats in the U.S. House of Representatives. It strains credulity to believe that the Florida Legislature somehow put on blinders to the context in which they arrived at the 2026 special session, one week after Virginia voters passed their own new redistricting plan and in the midst of subsequent renewed calls for Florida to respond in kind. It is even harder to believe that the Legislature could somehow think the 2026 Plan, originally created by the same Governor's Office that conveniently announced the FDA (including its' partisan intent prohibition) did not apply to the 2026 Plan and who first released a partisan-shaded version of the new map, was free from that context as well.

ii. The irregular and secretive process leading to the adoption of the 2026 Plan creates an inference of partisan intent.

The 2026 Plan was drawn in an extraordinary and unusual process infected with the intent to favor the Republican Party and to disfavor the Democratic Party, as well as intent to disfavor Democratic incumbents. The lack of any regularity or transparency in that process underscores the partisan intent of the Legislature in the plan's adoption.

The Special Session that resulted in the passage of the 2026 Plan was unprecedented; never before has Florida engaged in a mid-decade redistricting effort that was not required by any court order or law, and after multiple elections had already been conducted under the regularly passed plan. Ex. 1 at 13. Apart from its unusual timing, the process itself was shrouded in secrecy and devoid of opportunities for public involvement. The public did not have access to any meetings held to draw the 2026 Plan, and there is no public record of what was discussed during the creation of the 2026 Plan. *Id.* at 20. The public also had no ability to provide input regarding the 2026 Plan's configuration before it was drawn or during the map drawing process. *Id.*

The 2026 Plan was first released to Fox News by the Governor, which displayed a partisan-shaded congressional map attributed to the Governor's office in its reporting, and only after its publication by the news outlet, sent to the Legislature. *Id.* at 19-20; Ex. 11. And just two days after it was released, the 2026 Plan was rammed through the Legislature with only two committee hearings, which provided less than two hours total for public comment. Ex. 1 at 20. This extremely rushed process deviates from past redistricting processes.

Transparency is not just an ideal to strive towards in Florida's redistricting processes. Rather, because of the FDA, "transparency became legally significant under the Florida Constitution." *LWVFL*, 172 So. 3d at 374. In spite of this, the Legislature eschewed any attempts at transparency in the 2026 mid-decade congressional redistricting. The Legislature's full abdication of map drawing responsibility to the Office of the Governor is almost invariably an attempt to misdirect and shield evidence regarding the map's partisan intent from disclosure. But the Legislature cannot shield itself from unconstitutional partisan intent by relying on another party to import that intent into a map—particularly where, as here, the creator of the map does not try to hide its partisan intent. Indeed, the Florida Supreme Court has "stated that the 'existence of a

separate process to draw the maps with the intent to favor or disfavor a political party or an incumbent is precisely what the Florida Constitution now prohibits,' and that evidence of this separate process would 'clearly' be 'important' to help support a 'claim that the Legislature thwarted the constitutional mandate.'" *LWVFL*, 172 So. 3d at 394 (quoting *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 149 (Fla. 2013) ("*Apportionment IV*")).

In 2015, the Florida Supreme Court affirmed a lower court's ruling that the 2012 congressional redistricting ran afoul of the FDA "based extensively on the existence of a 'different, separate process that was undertaken contrary to the [Legislature's public] transparent [redistricting] effort in an attempt to favor a political party or an incumbent.'" *Id*. at 394 (quoting *Apportionment IV* at 149. In that instance, a group of operatives:

> . . . obtain[ed] the necessary cooperation and collaboration from the Legislature to ensure that the redistricting process and the resulting map were taint[ed] with improper partisan intent. Indeed, the trial court specifically found that the operatives were successful in their efforts to influence the redistricting process and the congressional plan under review.

LWVFL, 172 So. 3d at 392 (internal quotations omitted). Based on that evidence, the Supreme Court had "little trouble concluding that competent, substantial evidence of unconstitutional intent exists in the record." *Id*. at 391.

Here there was once again "a separate process to draw the maps with the intent to favor or disfavor a political party or an incumbent," but the evidence of it is even more clear. *Apportionment IV*, 132 So. at 149. In 2026, the redistricting process shielded from the public was the *only* process. The Legislature permitted the Office of the Governor to facilitate the creation of the 2026 Plan with no apparent legislative involvement whatsoever. Thus, there can be no doubt that the crafters of the 2026 Plan "were successful in their efforts to influence the redistricting process and the

congressional plan under review," *id*. at 392, because the Legislature adopted the 2026 Plan wholesale, with no amendments, and as quickly as possible.

In 2012, some of the decisions regarding challenged district configurations were made in a non-public meeting. There was "either conflicting or vague testimony as to why certain decisions were made" and "no official record of the reason for these decisions, which ultimately benefitted the Republican Party." *LWVFL*, 172 So. 3d at 384. Here, *every single redistricting decision* was made in secret with minimal explanations for the underlying reasoning. This deliberate attempt to hide the decision-making process provides compelling evidence that the intent underlying the redistricting was infirm. *See id.* ("the lengths to which the legislators went to avoid triggering the requirements for a public meeting in the final stages of negotiating and making changes to the districts raises questions as to the motivation of the Republican leadership.").

The partisan intent included in the 2026 Plan, which can be inferred by the context in which the mid-decade redistricting was conducted and the effect of the map, *see* Sec. I.A.i, was ultimately openly declared by the map drawer. There is no evidence that the mid-decade redistricting of the entire map, including the districts in the Tampa Bay or Central Florida regions, was done for any purpose related to compliance with the U.S. or Florida constitutions. Indeed, the map adopted by the Legislature was admittedly drawn in open *defiance* to the requirements of the Florida Constitution. The 2026 Plan was created unbound by any restraint on partisan intent with the map drawer testifying that he considered partisan data "for every district that [he] drew." Ex. 10 at 1:39:00-31.

The Legislature was aware of the partisan context in which they engaged in mid-decade redistricting; the open partisan intent of the map drawer; *see* Background Sec. III-IV; and the projected partisan impact of the 2026 Plan, *see* Sec. I.A.iii. The Legislature nonetheless ratified

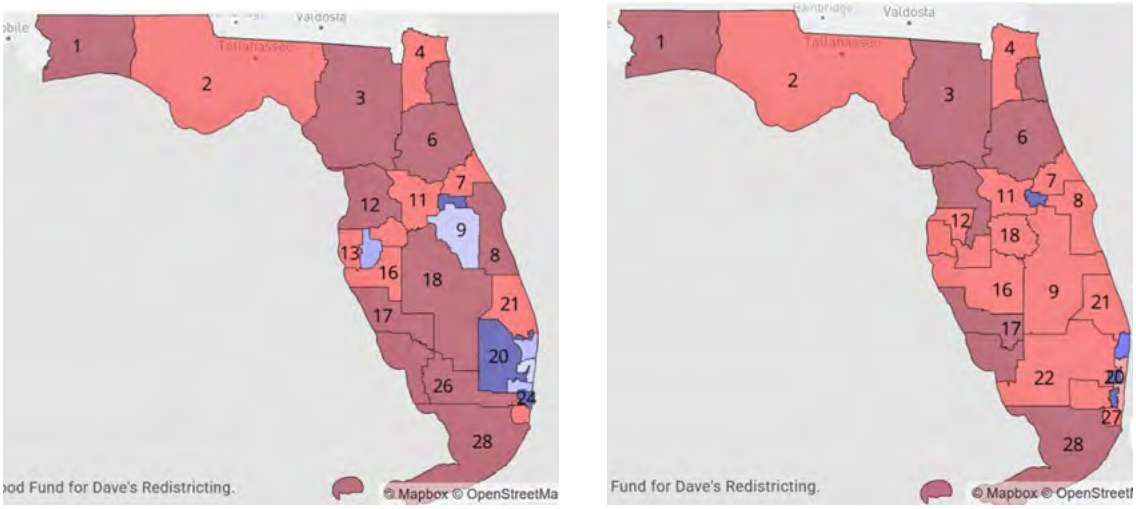
the 2026 Plan, and individual CDs 9, 10, 11, 12, 13, 14, 15, 16, or 18, anyway. The lack of regularity and transparency—and the conscience effort to shield decision-making from the public eye—in the redistricting process that resulted in the 2026 Plan therefore provides powerful circumstantial evidence that the Legislature was motivated by unconstitutional partisan intent.

iii. The partisan effect of the 2026 Plan creates an inference of partisan intent.

The extreme partisan skew of the 2026 Plan as a whole, as well as the intentional cracking of individual districts in the Tampa Bay and Central Florida regions for Republican advantage, provide further compelling evidence of improper partisan intent in the 2026 Plan. While Florida's standard does not require a showing of partisan effect to find a constitutional violation, the Florida Supreme Court has held that "political…effects of the plan, the shape of district lines, and the demographics of an area are all factors that serve as objective indicators of intent." *Apportionment I*, 83 So. 3d at 617; *see also LWVFL*, 172 So. 3d at 400-01 (considering the partisan breakdown of districts based on election results in assessing intent); *Matter of 2021 Redistricting Cases*, 528 P. 3d 40, 92-93 (Alaska 2023) (finding unconstitutional partisan intent in part based on "the contrasting political effects" of combining certain areas in a senate district, including the partisan lean of both). It is no surprise that the 2026 Plan, which was admittedly drawn in reliance on partisan data, drastically reduces the number of Democratic seats in order to favor the Republican Party and disfavor the Democratic Party in the 2026 midterm elections and beyond.

In measuring the partisanship of a district, the Florida Supreme Court has endorsed the use of election results, including recent Presidential election data. *See Apportionment I*, 83 So. 3d at 612, 642 (noting that "actual election results show" how votes "translate[]" into "victories in statewide elections" and that "voter registration is not necessarily determinative"); *LWVFL*, 172 So. 3d at 400-01 (using presidential results to evaluate partisanship of districts). Utilizing this data,

including the most recently available 2024 Presidential results, shows the extreme partisan skew of the 2026 Plan. The 2022 Plan had 20 Republican seats, and 8 Democratic seats. Ex. 2 ¶ 34. In distinct contrast, the 2026 Plan boosted the Republican seats to 24 of 28 seats, while slashing in half the number of Democratic seats to only 4. *Id*. In particular, the 2026 Plan carves up formerly Democratic CDs 9, 14, 22, and 25 into the surrounding areas and flips them into Republican districts. *Id*. at 4, 9-12, 14, 16-18 (Figures 1, 2, 3, 5, 9, Table 4, ¶¶ 20, 37, 39, 41). A comparison of the 2022 and 2026 Plans is included below:



The 2022 Plan (left) compared to the 2026 Plan (right) with 2024 Presidential election results.[15]

Indeed, there can be no doubt about the slanted partisan effect of the 2026 Plan. Governor DeSantis himself released a red and blue color-coded version of the map to Fox News, making the 2026 Plan's intent clear and visually demonstrating its stark reduction of Democratic seats from the prior plan. Ex. 11. Thus, despite the Republican Presidential candidate receiving only 56% of the vote in 2024, the 2026 Plan awards Republicans *86%* of Florida's congressional seats. Ex. 2 ¶

[15] The images of the 2022 and 2026 Plans are taken from Dave's Redistricting Application, a publicly available, reliable, and commonly used mapping software in redistricting litigation.

19. As a result, the 2026 Plan significantly tilts the partisan breakdown of Florida's congressional districts in favor of the Republican Party.

The 2026 Plan's skewed partisan effect was accomplished at the expense of traditional redistricting criteria. In order to crack and pack Democratic voters, the 2026 Plan split more counties more times than the 2022 Plan, and split almost double the number of municipalities. Ex. 16 at 1:01:32-1:02:06. The 2026 Plan also declined in terms of agreement with various boundaries under the Legislature's own metric. *See* Sec. I.A.iv; I.C.

Nor does the 2026 Plan limit its reach in accomplishing its overtly partisan goal. Despite being based on the same Census data as the 2022 Plan, in carving up Floridians to advantage the Republican Party, the 2026 Plan altered 75% the state's congressional districts (21 of 28). Ex. 2 at 18 (Table 4). Moreover, these substantial alterations disparately impacted Democrats. All seven districts that remained untouched between the 2022 and 2026 Plans were Republican. Meanwhile, 100% of the Democratic districts from the 2022 Plan were altered, and at extremely high rates. *Id*. Most extremely, CD 23, a Democratic district, was completely obliterated—it retained *none* of its previous population. *Id*. (showing a 0% core retention for 2026 CD 23). This was no accident—transferring Floridians between districts mid-decade was instead a central component of achieving the 2026 Plan's intended partisan effect.

The 2026 Plan accomplishes its drastic partisan skew through the surgical cracking and packing of Democratic voters in individual congressional districts. For this motion for temporary injunctive relief, Plaintiffs focus on the cracking of 2022 CDs 9 and 14 into surrounding districts in the 2026 Plan, as both were egregiously divided into multiple pieces to create two new Republican districts in the Tampa Bay and Central Florida regions.

Take CD 9—which in the 2022 Plan was visually compact and focused around the Orlando and Kissimmee areas of Central Florida.[16] The district covered only three counties (part of Orange, part of Polk, and all of Osceola Counties). The northwest portion of 2022 CD 9 unified Democratic voters in the Kissimmee, Poinciana, Meadow Woods, and Williamsburg areas into a district.[17] As a result, the Democratic Presidential candidate won in 2022 CD 9 per the 2024 election results. Ex. 2 ¶ 39.

In contrast, the 2026 Plan completely guts CD 9, cracking the district's population into *four* congressional districts and disregarding traditional redistricting criteria in order to flip it from Democratic to Republican.[18] 2026 CD 9 starkly fractures the previously unified Democratic voters in the Poinciana, Kissimmee, Meadow Woods, and Williamsburg areas into CDs 9, 10, 11, and 18.[19] Ex. 2 at 16 (Figure 7). The 2026 Plan then outnumbers Democratic voters in CDs 9, 11, and 18 with Republican voters, while keeping Democrats packed into CD 10, weakening their voting power and flipping CD 9 to a Republican district. *Id*. at 15-18 (Figures 6-8, Table 4, ¶¶ 38-39). What was recently a Democratic-majority district as measured by the 2024 Presidential election results in the 2022 Plan, is now firmly Republican. *Id*. at 16, 18 (¶ 39, Table 4).

To accomplish this cracking, what used to be a compact district was stretched beyond recognition in order to grab Republican voters. 2026 CD 9 now reaches from Orlando all the way to Lake Okeechobee to the south and to the Atlantic coast on its eastern boundary.[20] Mathematical

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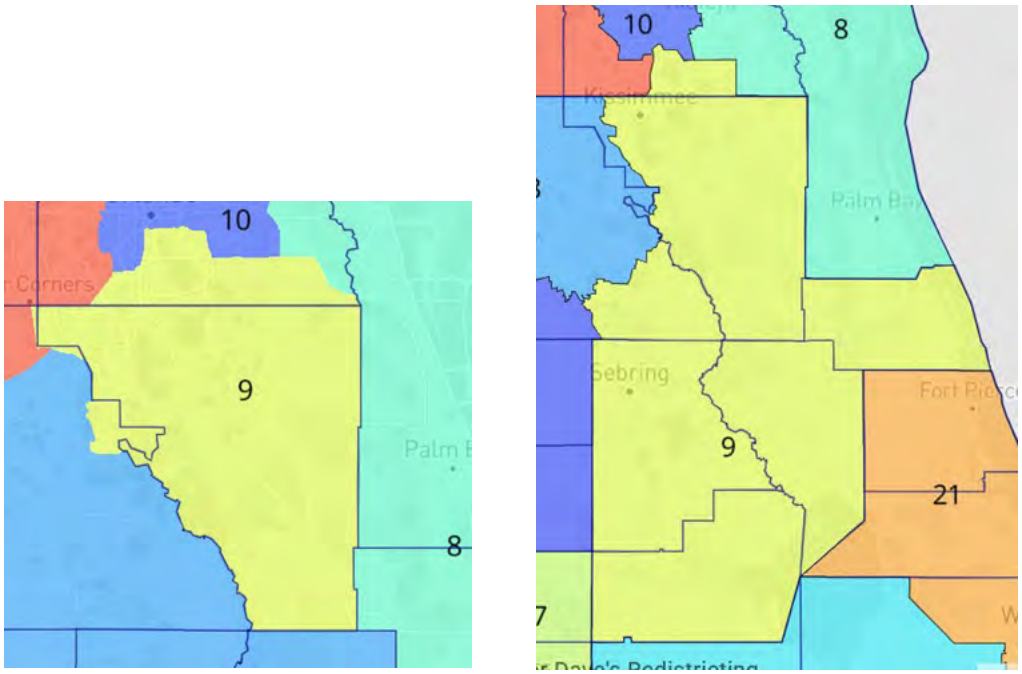
[16] FL 2022 Congressional, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::3a6791b9-a186-4691-a95c-5d51dbb3be1c.
[17] *Id*.
[18] 2026 Florida Congressional Plan from Senate Shapefile, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::2427364d-c5a5-4906-a817-fc59416f2031.
[19] *Id.*
[20] 2026 Florida Congressional Plan from Senate Shapefile, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::2427364d-c5a5-4906-a817-fc59416f2031.

measures confirm what is visually obvious—2026 CD 9 is markedly less compact than its predecessor. Ex. 2 at 19-20 (Table 5, ¶ 44). A comparison of the 2022 and 2026 versions of CD 9 is below:



2022 CD 9 (left) compared to 2026 CD 9 (right), with county boundaries displayed.[21]

As the visual comparison shows, CD 9 was completely transformed. 2026 CD 9 spreads across territory that includes more than *double* the number of counties (seven total).[22] The new 2026 CD 9 now also splits three counties, including a county that was kept whole by its predecessor (Osceola County).[23] The percentage of 2026 CD 9 that utilizes the Legislature's recognized boundary types also decreases as compared to the 2022 Plan—significantly so in its lack of alignment with road boundaries. *Compare* Ex. 20 *with* Ex. 14 at 49-50. And the extraordinary changes necessary to effectuate the 2026 Plan's partisan redistribution of CD 9 are reflected in the

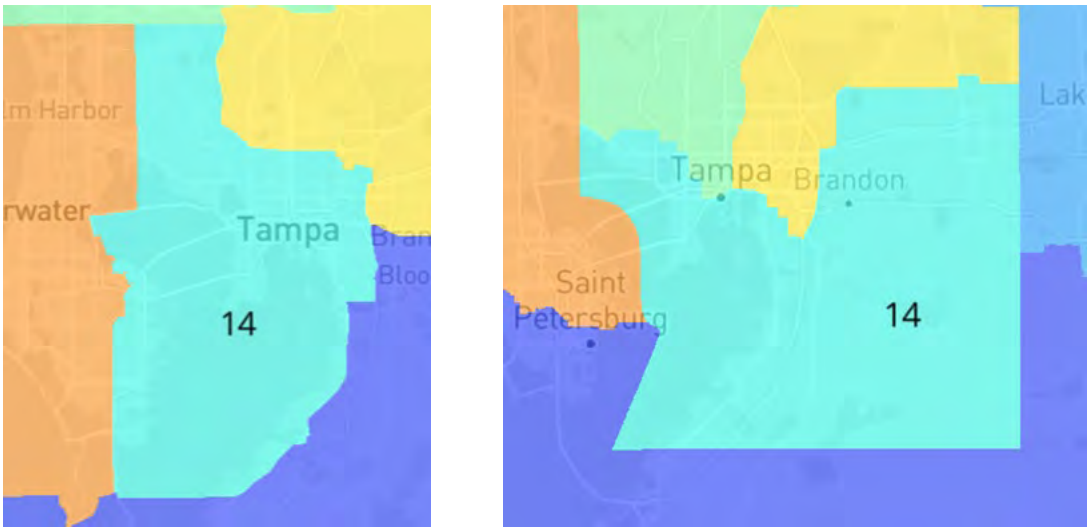
[21] Like the whole plan images above, the region and district-specific screenshots here and following that compare the 2022 and 2026 Plans are from Dave's Redistricting Application.
[22] 2026 Florida Congressional Plan from Senate Shapefile, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::2427364d-c5a5-4906-a817-fc59416f2031.
[23] *Id.*

district's core retention score, which measures the amount of population from the old CD 9 that remains in the new CD 9. Under this metric, CD 9 retains only 57.79% of its population, and altogether over 900,000 Floridians were uprooted from CDs 9, 10, 11, and 18 combined to flip CD 9 to Republican in the 2026 Plan. Ex. 2 at 18 (Table 4).

Moving west, CD 14 and the districts surrounding provide another egregious example of the 2026 Plan's cracking of Democratic voters for partisan gain. In the 2022 Plan, the number of Democratic seats in the Tampa Bay region was consolidated from two to just one—CD 14. Ex. 3. The 2022 CD 14 combined Democratic voters in St. Petersburg and Tampa in a district that voted for the Democratic Presidential candidate in the 2024 Presidential election.[24] Ex. 2 at 11-12 (Figures 1-2).

The 2026 Plan surgically cracks Democratic voters in the Tampa Bay region into *five* districts, to flip CD 14 from Democratic to Republican. *Id*. at 9-13 (Figures 1-4). Thus, 2026 CD 14 completely sheds Democratic voters in St. Petersburg, splitting them into CDs 13 and 16, and overwhelming them with Republican voters in the remainder of those districts. *Id*. 2022 CD 14's Democratic voters in Tampa are then split into three additional districts, 2026 CDs 12, 14, and 15. The result is a 2026 CD 14 that, using the 2024 Presidential election data, flips from majority-Democratic to majority-Republican. *Id*. at 6-8 (Tables 2-3). A comparison of the 2022 and 2026 versions of CD 14 is below, with 2026 CD 14, now resembling a teapot, becoming visually less compact:

[24] FL 2022 Congressional, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::3a6791b9-a186-4691-a95c-5d51dbb3be1c.

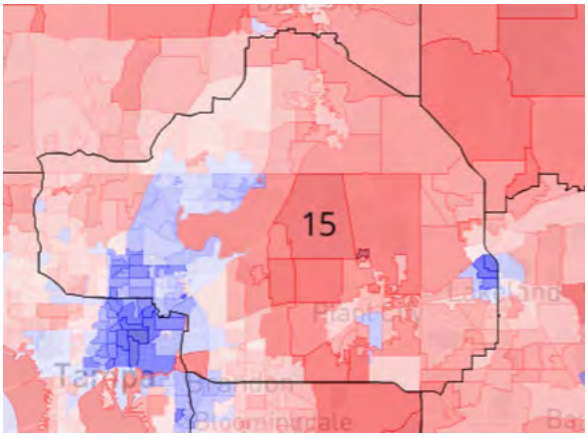


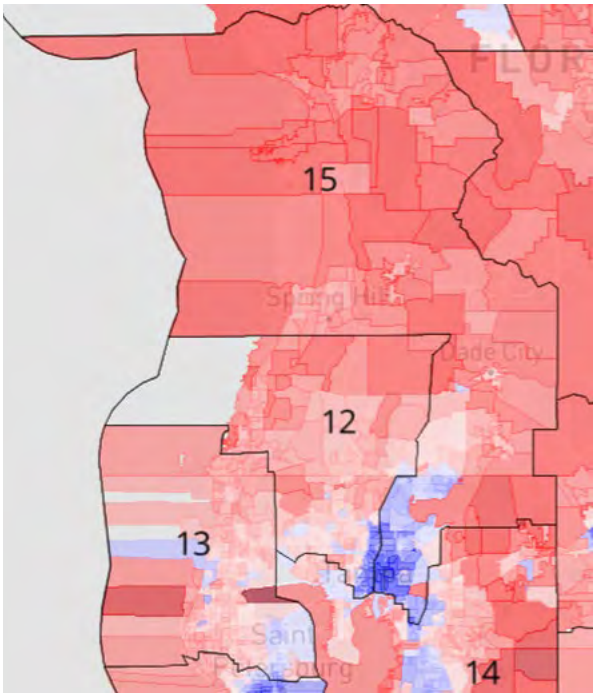
2022 CD 14 (left) compared to 2026 CD 14 (right).

To accomplish this severe partisan restructuring of voters in the Tampa Bay region, an astonishingly large number of Floridians had to be swapped between districts. 2026 CD 14 retains only 31.48% of its former population; CD 15 only 36.21%, and CD 12 only 41.45%. *Id.* at 18 (Table 4). CD 16 fares little better, still retaining only around 52% of its prior population. *Id*. As a result, between CDs 12, 13, 14, 15, and 16 in the Tampa Bay region alone, *over 2 million Floridians* were displaced mid-decade from their previous district in order to flip CD 14 from blue to red. *Id*.

This immense shuffling of population in the Tampa Bay region for partisan gain also decreased the districts' compliance with traditional redistricting criteria. One flagrant example is the compactness of districts in the region. CDs 13, 15, and 16 became visually and mathematically less compact than their 2022 versions. Ex. 2 at 19-20 (Table 5). In particular, CD 15 became significantly less compact, decreasing by 0.32 on the Polsby-Popper measure and 0.25 on the Reock score. *Id*. CD 15's decrease in compactness is the result of cracking Democratic voters previously in CD 14 in Tampa into CD 15 to combine them with Republican areas as far north as

Pine Ridge. A comparison of the vast difference in shape of the 2022 and 2026 CD 15s with partisan shading is below:





2022 CD 15 (left) compared to 2026 CD 15 (right) shaded by 2024 precinct election results.

This textbook cracking of Democratic voters in the Tampa Bay region also led to new county splits. Ex. 2 at ¶ 50. CD 13 used to be contained wholly within Pinellas County in the 2022 Plan. But 2026 CD 13 is now split between Pinellas and Pasco Counties (which in turn results in Pasco County being split three times in the 2026 Plan, as opposed to twice in the 2022 Plan).[25] As another example, CD 16 in the 2022 Plan was split between only two counties—Manatee and Hillsborough.[26] In the 2026 Plan, CD 16 balloons in size, now including territory in *seven counties*,

[25] 2026 Florida Congressional Plan from Senate Shapefile, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::2427364d-c5a5-4906-a817-fc59416f2031.

[26] *See also* FL 2022 Congressional, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::3a6791b9-a186-4691-a95c-5d51dbb3be1c.

including Pinellas, Manatee, Hillsborough, Sarasota, DeSoto, Hardee, and Polk Counties.[27] In doing so, the 2026 Plan introduces a split in Sarasota County that was not there before. *Id*.

In addition, districts in the region also perform poorly with respect to municipal splits. Ex. 2 ¶ 47. For example, in the 2022 Plan, Tampa, the region's population center, was split between two districts (CDs 14 and 15). *Id.* at 10 (Figure 1).[28] In the 2026 Plan, it is now fractured among three (CDs 14, 12, and 15). *I*d.[29] Palm River, Progress Village, and Thonotosassa are also now split between CDs 14 and 15 in the 2026 Plan, whereas they were wholly contained in either CD 14 or 15 before.[30]

This evidence demonstrates the acute partisan intent and resulting effect behind the redrawing of CDs 9 and 14, and the surrounding CDs 11, 12, 13, 15, 16 and 18 in the 2026 Plan. The precise cracking of Democratic voters from CDs 9 and 14 into the neighboring districts, and packing of Democratic voters into CD 10, demonstrates that the flipping of 2022 CDs 9 and 14 to Republican in the Central Florida and Tampa Bay regions was no accident.

Further, this overwhelming evidence of significant partisan effect is particularly probative of intent in this case for several reasons. To begin, the alleged map drawer of the 2026 Plan acknowledged that he considered electoral performance data in the drawing of *every single district*. Ex. 10 at 43:45-44:06. But there was no reason to consider this data *except* to further an improper partisan intent. In *Apportionment I*, the Florida Supreme Court noted that "mere access to political data cannot presumptively demonstrate prohibited intent because such data is a necessary

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[27] 2026 Florida Congressional Plan from Senate Shapefile, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::2427364d-c5a5-4906-a817-fc59416f2031.
[28] *See also* FL 2022 Congressional, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::3a6791b9-a186-4691-a95c-5d51dbb3be1c.
[29] 2026 Florida Congressional Plan from Senate Shapefile, Dave's Redistricting Application, https://davesredistricting.org/maps#viewmap::2427364d-c5a5-4906-a817-fc59416f2031.
[30] *Id.* supra notes 23-24.

component of evaluating whether a minority group has the ability to elect representatives of choice." 83 So. 3d at 619. But the utilization of partisan data for that purpose was expressly disclaimed here. Indeed, the Axelman Memo states that the 2026 Plan "does not take race into consideration at all" and "makes no attempt to adhere to the race-based requirements of the FDA." Ex. 13 at 3. Moreover, the Axelman Memo extraordinarily declares the *entire* FDA unconstitutional, leaving the process and the 2026 Plan free from any restraint on improper partisan intent. *Id.* It is thus no surprise that the evidence categorically shows the 2026 Plan, drawn with partisan data, accomplishes the intended partisan effect. In fact, it would be "even harder to believe in anything else." *LWVFL*, 172 So. 3d at 385-386. The 2026 Plan disfavors only one political party—accomplished through the cracking and packing of Democratic voters to eliminate solely Democratic districts, and significantly so (by 50%)—resulting in an extreme partisan skew in favor of Republicans. Ex. 2 at 3-4, 9-17. As a result, the 2026 Plan's partisan effect could have *only* been the result of an intent to favor the Republican Party and disfavor the Democratic Party.

Indeed, these same factors demonstrate that the Legislature was undoubtedly aware of the improper partisanship behind the 2026 Plan, as well as the Plan's skewed partisan effect. Before the special session even began, Governor DeSantis' publicly released, color-coded map of Florida's new congressional districts made the extreme partisan effect—and true aim of the 2026 Plan—obvious to all. Ex. 11. Shortly thereafter, the Legislature then received the Axelman Memo, which simultaneously disclaimed any consideration of the only other viable justification for utilizing partisan election data besides partisan intent, while declaring open season for partisan gerrymandering in the 2026 Plan by disavowing the applicability of governing state law preventing it. Ex. 12 at 3. The alleged map drawer then testified *to the Legislature* about relying on partisan election results to draw every single district in the 2026 Plan. Ex. 10 at 43:45-44:06, 1:39:00-31.

And, if the partisan aim of the 2026 Plan wasn't yet glaringly apparent, in what limited time they were given, the public and Democratic lawmakers testified to the intentional and extreme partisan tilt of the 2026 Plan. Exs. 10, 16, 18, 19. There can be no question that the 2026 Plan was passed with the awareness and intent of favoring Republicans and disfavoring Democrats.

iv. The 2026 Plan's violations of the Tier II requirements create an inference of improper intent.

Failure to adhere to the FDA's Tier II requirements is further evidence of the Legislature's violation of the partisan favoritism prohibition in Tier I. "[T]he goal of the tier-two requirements is 'to guard, as far as practicable . . . against a legislative evil, commonly known as 'gerrymander.'" *Apportionment I*, 83 So. 3d at 639 (citation omitted). Thus, "the extent to which the Legislature complies with the sum of Florida's traditional redistricting principles" in Tier II "serves as an objective indicator of the impermissible legislative purpose proscribed under Tier I (i.e., intent to favor or disfavor a political party or an incumbent)." *Id*. In other words, a violation of the Tier II requirements is both unlawful on its own, and also indicative of a violation of the Tier I intent prohibition, "which Florida prohibits by absolute terms." *Id.* at 640.[31]

Tier I requires that districts "shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries." Art. III, § 20(b), Fla. Const. Adherence to the Tier II requirements is mandatory, and deviation is permissible "only to the extent necessary" for Tier I compliance. *Apportionment I*, 83 So. 3d at 640; Art. III, § 20(b)-(c), Fla. Const. Where Plaintiffs can show "that it was possible for the Legislature to comply with the tier-two constitutional criteria while, at the same time,"

[31] Importantly, a finding of compliance with the Tier II requirements—or only minor deviations therefrom—does *not* rebut an independent finding of a Tier I violation. Tier II violations simply provide additional and independent evidence of a Tier I violation, and a "flagrant" Tier I violation is not required. *See LWVFL*, 172 So. 3d at 399, 407.

complying with the Tier I requirements, "the Legislature's plan becomes subject to a concern that improper intent was the motivating factor for the design of the district." *Apportionment I*, 83 So. 3d at 640. In such an instance, "further inquiry into the Legislature's intent becomes necessary." *Id.* at 641.

The 2026 Plan's lack of adherence to the Tier II factors of compactness and boundary utilization was not necessary for Tier I compliance and gives rise to a presumption of unlawful partisan intent.[32] The existence of alternative plans that achieve compliance with all the constitutional criteria without subordinating the Tier II requirements "demonstrates that it was not necessary for the Legislature to subordinate a standard in its plan." *Id.* at 641. Here, the 2022 Plan performs the same or better on compactness and boundary utilization, *see* Sec. I.A.iv; I.C, thus demonstrating that the 2026 Plan's departures on these metrics were not "necessary" for any Tier I compliance.

The 2026 Plan's lack of compactness was not necessary to comply with any other requirement and supports a finding of unlawful partisan intent. Evaluation of Tier II compliance "takes into consideration both the overall challenges" to the whole map, as well as "analysis of challenges to individual districts." *Apportionment I*, 83 So. 3d at 653. Both bolster improper intent here. "[C]ompliance with the tier-two principles is objectively ascertainable," *id.* at 640, and with regard to compactness, is ascertained via both a "visual assessment of the districts" and by consideration of "quantitative geometric measures." *In re Senate Joint Resol. of Legislative Apportionment 100*, 334 So. 3d 1282, 1287 (Fla. 2022) ("*Apportionment II*").

[32] There is no dispute that all districts are equally populated using the 2020 Census population data, as required by both Florida and federal law.

A "visual inspection" of the 2026 Plan "as a whole" reveals a lack of compactness. *See Apportionment I*, 83 So. 3d at 646. Compared to the 2022 Plan, more districts have winding and irregular boundaries, several districts have become larger and more sprawling, and more districts feature "visually unusual shapes." *Id.* This visual observation is supported by "standard mathematical measurements" of compactness. *Id.* at 636. These include commonly accepted quantitative measures of compactness, including Reock, Polsby-Popper, Convex Hull, and Schwartzberg scores. *Apportionment II*, 334 So. 3d at 1287 (utilizing Reock, Polsby-Popper, and Convex Hull scores). The 2026 Plan's average compactness across all districts saw decreases across all four compactness measures. Ex. 2 at 19-20 (Table 5). Though the decreases on some metrics are relatively minor, the existence of the 2022 Plan demonstrates that higher compactness plan-wide is possible and the Legislature points to no permissible Tier I criterion to justify the worsened compactness.

Examining some of the individually challenged districts demonstrates much the same thing. For instance, as described above, Sec. I.A.iii, the 2022 version of CD 9 was a visually compact district that exploded in size in the 2026 Plan to contain territory from more than double the number of counties. The numbers support what is evident visually: CD 9 in the 2026 Plan scored lower in compactness across all four measures compared to CD 9 in the 2022 Plan. *Id.* at 19 (Table 5).

The same is true with regard to the Tampa Bay region districts, including CDs 12, 13, 14, 15, and 16, *see supra* Sec. I.A.iii. In the 2022 Plan, these districts were visually compact and neatly nested, covering the area between Citrus and Manatee counties along Florida's west coast. The 2026 Plan disrupts this ordered arrangement. The teapot-shaped 2026 version of CD 14 is much less visually compact, and the surrounding districts have likewise been distorted. CD 15, previously a near-oval centered on the northeast part of Hillsborough County, now extends from

the center of the county, snakes up the eastern side of Pasco County, and continues across Hernando and Citrus counties to the north. CD 16, previously covering all of Manatee County and part of Hillsborough, now sprawls across seven counties. CDs 12 and 13 likewise have been stretched and altered to accommodate the changes of the surrounding districts. CDs 13, 14, 15, and 16 have lower compactness scores on nearly every one of the four quantitative metrics than in the 2022 Plan. Ex. 2 at 19-20 (Table 5).

The 2026 Plan's failure to utilize existing political and geographic boundaries where feasible also supports a finding of partisan intent. As described below, the 2026 Plan splits more counties and significantly more cites and utilizes fewer existing boundaries than the 2022 Plan. The 2026 Plan's disregard for the compactness and boundary utilization requirements in Tier II are "indicia of improper intent." *Apportionment I*, 83 So. 3d at 618. With no justification for these deviations, "impermissible intent may be inferred." *Id.* at 619.

v. Neither of the proffered justifications can explain the configuration of the 2026 Plan or the challenged districts.

Two primary justifications have been put forth to explain the configuration of the 2026 Plan. First, that the districts in the 2022 Plan are malapportioned, and second, that the 2022 Plan erroneously took into account the consideration of race in the drawing of certain districts. Both of these claims were laid out explicitly in a memorandum from David Axelman, General Counsel to Gov. DeSantis, that accompanied the transmittal of the 2026 Plan to the Legislature, Ex. 13; were repeated in the presentations of Mr. Poreda and Mr. Jazil to the House and Senate committees, Exs. 10, 16; and were subsequently echoed by the Legislature in the course of its (brief) debate on the plan, Exs. 18, 19. Yet neither of these claims can provide a valid or constitutionally permissible explanation for the configuration of the 2026 Plan or any of the challenged congressional districts.

According to the first justification, the 2026 Plan was needed to remedy malapportionment both because the 2020 Census undercounted Florida's population, Ex. 13 at 1, and to account for the growth in the state's population since the 2020 Census, Ex. 19 at 16:40-16:52. This argument suffers from a simple yet fatal flaw: the 2026 Plan was drawn with *exactly the same population data*—the 2020 Census population data—as the 2022 Plan (as is required by Florida law, § 11.031(1), Fla. Stat. (2025)).

Legislative Defendants may cite the testimony of Jason Poreda, the governor's map-drawer, in which he claimed that, in addition to the 2020 Census data, he used estimated county-level population data from the Office of Economic and Demographic Research ("EDR") to attempt to account for population growth that has occurred in Florida since 2020. However, as Mr. Poreda also noted, the 2026 Plan has the same number of districts as the 2022 Plan, and the districts in the 2026 Plan have *identical population totals*—769,221 people—to those in the 2022 Plan. Ex. 16 at 12:55-13:25, 1:07:40-1:07:58. In calculating and balancing those population totals, Mr. Poreda stated that he "used 2020 Census data *exclusively*" and did not overlay the map with any other population data at any point in the drawing process. Ex. 10 at 1:22:24-31. It is meaningless doublespeak to claim that the 2026 Plan, with the same number of districts, same per district population, and drawn using population data identical to that of the 2022 Plan, can somehow account for any population change of any kind.

Even if one accepts the argument that balancing population growth was one of the primary goals of this redistricting effort, issues with this justification abound. To start, the data shows that the population deviation actually *increased* from the 2022 Plan, which had a deviation of 8.2%, while the 2026 Plan has a deviation of 9.8%. Ex. 2 at 6-8 (¶¶ 30-33, Tables 2-3). Moreover, accounting for population growth mid-decade is not a redistricting criterion under the Florida

Constitution or any other relevant state or federal law. In fact, the U.S. Supreme Court has held that "before the new census, States operate under the legal fiction that even 10 years later, the plans are constitutionally apportioned." *Georgia v. Ashcroft*, 539 U.S. 461, 488 n.2 (2003).

Further undercutting the assertion that the 2026 Plan was drawn to account for population growth, Mr. Poreda admitted in the course of his testimony to the Legislature that he thought it "wasn't necessary" for the 2026 Plan to make any changes to the counties that experienced the most growth (St. John's County) and third most growth (Walton County) from 2020 to 2025. Ex. 10 at 2:13:38-17:31. According to Mr. Poreda, he claimed he left those areas untouched for purposes of maintaining core retention, which is not a consideration recognized by the FDA or any other relevant state or federal law, *id.*, but which is relevant for considering whether the 2026 Plan was drawn to favor the Republican incumbents in those areas.

The 2026 Plan's treatment of the regions which contain the majority of the specifically challenged districts, namely Tampa Bay (CDs 12, 13, 14, 15, and 16) and Central Florida (CDs 9, 10, 11, and 18), also undermines the already baseless malapportionment justification. The Axelman Memo claims that "[t]he most population growth appears to have occurred in the outlying areas surrounding Tampa and Orlando and north of Palm Beach County up the eastern coast" and that the 2026 Plan "attempts to account for these dramatic population changes by reconfiguring districts around the areas of high growth." Ex. 13 at 3. Senator Don Gaetz, the sponsor of the 2026 Plan, similarly claimed in the course of the Senate floor debate on the bill that the map's configuration of the Tampa area was a result of an attempt to account for population growth. Ex. 19 at 1:05:07-06:35. But the 2026 Plan's disparate treatment of high growth areas tells another story.

The source cited in the Axelman Memo identifies the top cities in Florida by population change from 2020 to 2025: the six cities with the greatest population growth are Jacksonville, Port St. Lucie, Miami, Orlando, Cape Coral, and Tampa.[33] Of these, the 2026 Plan leaves the districts around Jacksonville—which was already split between two Republican districts in the 2022 Plan—entirely unchanged and continues to keep both Port St. Lucie and Cape Coral intact in one Republican district each. However, rather than leaving untouched or further coalescing districts around the high-growth cities of Orlando and Tampa, the 2026 Plan instead needlessly splits both of those cities, which are both below the total population size of a congressional district. In fact, Mr. Poreda testified that the *only* two large cities in the state that were split into three districts in the 2026 Plan were Tampa and Orlando. Ex. 10 at 1:31:39-33:05. And, as with the 2026 Plan as a whole, the deviation for the specifically challenged districts *increased* as compared with the 2022 plan. Ex. 2 at 8 (¶ 33, Table 3). The 2026 Plan's configuration of these areas thus cannot be explained by efforts to account for population growth.

The second justification of a need for a race-neutral map similarly lacks explanatory efficacy. According to this justification, the prior congressional plan was "distorted by considerations of race," due to the FDA's Tier I requirement that "districts shall not be drawn . . . with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process." Ex. 13 at 1. Senator Gaetz also cited a need for a "race-neutral congressional plan" in his defense of the 2026 Plan during the Senate floor debate on April 29. Ex. 19 at 55:38-43.

[33] Bureau of Econ. and Bus. Rsch., Univ. of Fla., *Florida Estimates of Population 2025*, at 40 (Apr. 1, 2025), https://perma.cc/XR5W-Y7YE.

The Axelman Memo specifically cited CD 20 and other districts in the southeastern part of Florida as districts whose drawing was influenced by considerations of race. Ex. 13 at 2. But no court has found CD 20 or any other congressional district in southeastern Florida to be in violation of federal law, and Governor DeSantis himself—less than a year ago—publicly stated that the 2022 Plan is constitutional. Moreover, racial considerations have *no bearing* on the reconfiguration of CDs 9, 10, and 14 (or the surrounding CDs 11, 12, 13, 15, 16, and 18), because the map drawer of those 2022 districts explicitly disclaimed the consideration of race in their creation. *See, e.g.*, Ex. 3 at 1:10:43-1:11:02.

The Axelman Memo is clear that the 2026 Plan "does not take race into consideration at all" and "makes no attempt to adhere to the race-based requirements of the FDA." Ex. 13 at 3. However, to the extent the 2026 Plan seeks to "remedy" districts from the 2022 Plan that were drawn based on racial criteria, Mr. Poreda testified that those efforts were limited to the 2022 Plan's CDs 20, 26, 27, and 28. Ex. 10 at 58:02-23. As such, the Tier I requirements related to racial vote dilution cannot justify the configuration of CDs 9, 10, 11, 12, 13, 14, 15, 16, and 18 in the Tampa Bay and Central Florida regions.

Perhaps most tellingly, after outlining the two deficient justifications, the Axelman Memo unilaterally declares that, because Governor DeSantis does not believe the race-related provisions of the FDA to be lawful, there is no need for the Legislature to comply with any portion of the FDA. The Axelman Memo states:

> "The race-based requirements of the FDA also cannot be severed from the other requirements of the FDA. The FDA was sold to the voters as a package. There was no severability provision included in the FDA when it was presented to the voters. And because one part is unconstitutional, there's little reason to think that voters would have approved the remaining parts by themselves."

Ex. 13 at 3. To support this proposition, the Axelman Memo cites two comments made by the Chief Justice of the Florida Supreme Court during an oral argument related to a challenge to CD 5 based on the racial vote dilution provisions of the FDA. But no court, including the Florida Supreme Court, has held that any portion of the FDA is unconstitutional, let alone the entire provision. The Governor's unilateral declaration that a constitutional provision passed by Florida's voters is unlawful is the reverse of how the process works—courts review laws or statutes enacted by the Legislature and signed by the Governor for their constitutionality.

Moreover, there is no reason to believe that, even if the single provision of the FDA concerning race was invalidated, the remainder of Article III, § 20 would be too.[34] The Florida Supreme Court has held that, because "the initiative power of fully informed citizens to amend the Constitution must be respected as an important aspect of the democratic process," courts "must afford [] deference to constitutional amendments initiated by our citizens and uphold the amendment if, after striking the invalid provisions, the purpose of the amendment can still be accomplished." *Ray v. Mortham*, 742 So. 2d 1276, 1281 (Fla. 1999); *see also Apportionment I*, 83 So. 3d at 640 ("[T]he Court's obligation is to ensure that 'every clause and every part' of the language of the constitution is given effect where 'an interpretation can be found which gives it effect.'") (quoting *In re Apportionment Law Senate Joint Resol. No. 1305, 1971 Regular Session*, 263 So. 2d 797, 807 (Fla. 1972)).

The overarching purpose of the FDA could still be accomplished if Tier I were limited to a ban on partisan intent and the contiguity requirement along with the Tier II requirements. The Florida Supreme Court has said that "[t]here is no question that the goal of minimizing opportunities for political favoritism was the driving force behind the passage of the Fair Districts

[34] Plaintiffs do not concede that any provision of the FDA is unconstitutional.

Amendment." *Apportionment I*, 83 So. 3d at 639. The Court has also specifically referenced "the intent of the framers and voters who passed the Fair Districts Amendment to outlaw partisan political gerrymandering." *LWVFL*, 172 So. 3d at 415. These holdings by the Florida Supreme Court are supported by voluminous sources evidencing the voters' understanding of the FDA that the amendments were primarily targeted at ending partisan gerrymandering. Ex. 1 at 5-11. Therefore, the Governor and Legislature's preemptive abdication of the FDA is a violation of Floridians' constitutional rights.

In the end, the justifications put forth to explain the configuration of the 2026 Plan crumble in the face of the slightest scrutiny, and fail to provide a valid or constitutionally permissible explanation for the configuration of the 2026 Plan as a whole or any of the challenged congressional districts.

B. Plaintiffs are substantially likely to succeed on the merits of their claim that the 2026 Plan and the specifically challenged districts were drawn with the intent to disfavor incumbents from the Democratic Party and favor incumbents from the Republican Party (Count II).

Plaintiffs are substantially likely to succeed on the merits of Count II, which argues that the 2026 Plan and the specifically challenged districts were drawn with the intent to disfavor incumbents from the Democratic Party and correspondingly favor incumbents from the Republican Party.

The Florida Constitution requires that, "[i]n establishing congressional district boundaries . . . [n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor . . . an incumbent." Art. III, § 20(a), Fla. Const. The provision "explicitly requir[es] that lines not be designed to help or handicap particular candidates based on incumbency or membership in a particular party." *Apportionment I*, 83 So. 3d at 618. Especially in the case of the latter, Article III, § 20(a)'s prohibitions on partisan intent and intent to favor an incumbent are

closely linked; courts regularly evaluate the two standards in tandem and often consider evidence of one as evidence of both. *See, e.g.*, *id.* at 615-19. As a Tier I requirement, once incumbent favoritism is shown, the burden shifts to the Legislature "to justify its decisions in drawing the congressional district lines," with no deference afforded to the Legislature's decisions. *LWVFL*, 172 So. 3d at 396-397, 400.

The Florida Supreme Court has held that "[w]hile . . . th[is] standard does not prohibit political effect, the effects of the plan . . . are [] factors that serve as objective indicators of intent." *Apportionment I*, 83 So. 3d at 617. For establishing intent to favor incumbents in both the plan as a whole and with regard to individual districts, prior cases have considered, *inter alia*, levels of core retention as relevant and compelling circumstantial evidence. *Id.* at 618-619, 654; *id.* at 662, 669 (citing core retention rates of individual districts between 69.7% and 86.1% supporting a finding incumbent favoritism). And as with partisan favoritism, deviation from the criteria in Tier II can provide further supporting evidence. Ultimately, when analyzing a challenge based on incumbent favoritism, courts "must ensure that [they] do[] not disregard obvious conclusions from the undisputed facts." *Id.* at 619.

To start, the direct and circumstantial evidence described *supra*, regarding the political context, process, and partisan effect of the 2026 Plan, which supports a finding of intent to disfavor the Democratic Party, also supports a finding of intent to disfavor Democratic incumbents. Additionally, the Tier II deviations that support a finding of partisan intent to disfavor the Democratic Party, also described above, similarly support a finding of intent to disfavor Democratic incumbents.

The 2026 Plan's core retention numbers add further support for a finding of intent to disfavor Democratic incumbents (and to favor Republican incumbents) for both the plan as a whole

and for the specifically challenged districts. Regarding the plan as a whole, districts that leaned Republican in the 2022 Plan have an average core retention of 82.74%. Ex. 2 at 17-18 (¶ 41, Table 4). This high core retention percentage provides an "[o]bjective indicator[] of intent," because it reflects "the drawing of [] new district[s] so as to retain a large percentage of the incumbent's former district" for Republican incumbents in particular. *Apportionment I*, 83 So. 3d at 619. In contrast, districts that leaned Democratic in the 2022 Plan have an average core retention of just 41.35%, *less than half* the Republican-leaning districts' core retention. *Id.* at. Notably, of the seven districts left unchanged from the 2022 Plan, *all seven* have Republican incumbents. *Id*.

With regard to the challenged districts, those with Republican incumbents have a higher rate of core retention than those with Democratic incumbents. *Id.* at 17-18 (¶¶ 40-41, Table 4). For the challenged districts in the Central Florida region, the 2022-Republican-leaning districts, CDs 11 and 18, have core retentions of 84.60% and 63.31% respectively. *Id.* at 18 (Table 4). Meanwhile, the core retention score of the formerly Democratic-leaning CD 9 was just 57.79%, the lowest of the challenged districts in the region.[35] *Id*.

Moving to the challenged districts in the Tampa Bay region, the overall core retention rate is lower due to the massive shifts in population that were necessary to crack the formerly Democratic-leaning CD 14, but the districts that were Republican-leaning in 2022 nonetheless all had higher core retention scores than the sole Democratic-leaning district. *Id*. The 2022-Republican-leaning CDs 12 and 15, which were both substantially reconfigured to split the core Democratic voters in the Tampa area, have core retention rates of 41.45% and 36.21% respectively, while 2022-Republican-leaning CDs 16 and 13 have higher rates of 51.96% and 78.83%

[35] The relatively high 76.89% score of the 2022-Democratic-leaning CD 10 is unsurprising, because the harm associated with CD 10 was packing rather than cracking. Ex. 2 at 15 (¶ 38, Figure 6).

respectively. *Id*. The formerly-Democratic-leaning CD 14 has the lowest core retention score in the region of just 31.48%. *Id.*

This core retention data—combined with the direct and circumstantial evidence surrounding the political context, irregular and secretive process, partisan effect, and Tier II deviations of the 2026 Plan and the specifically challenged districts—is more than sufficient for Plaintiffs to meet their burden. And, as noted above, neither of the Legislature's purported justifications can explain the configuration of either the map as a whole or the challenged districts. As such, Plaintiffs' have shown a substantial likelihood of success on the merits of Count II.

C. Plaintiffs are substantially likely to succeed on the merits of their claim that the 2026 Plan fails to utilize existing boundaries where feasible (Count III).

Plaintiffs are substantially likely to succeed on the merits of their claim that the 2026 Plan fails to utilize existing boundaries as required by the FDA. "[T]he Legislature's obligation is to draw [] districts that comport with all of the requirements enumerated in Florida's constitution," including the Tier II requirements of the FDA. *Apportionment I*, 83 So. 3d at 615. "Strict adherence" to these standards is required, yielding only to the requirements in Tier I. *Id.* at 628.[36]

Among the Tier II standards is the requirement that "districts shall, where feasible, utilize existing geographic and political boundaries." Art. III, § 20(b), Fla. Const. "[T]he term 'political boundaries' primarily encompasses municipal or county boundaries." *Apportionment I*, 83 So. 3d at 637. The term "geographical boundaries" refers to those "that are easily ascertainable and commonly understood, such as 'rivers, railways, interstates, and state roads.'" *Id.* at 638. The use of the modifying phrase "where feasible" with reference to the boundary utilization requirement

[36] In addition to being grounds for Count III's independent challenge to the map, the 2026 Plan's failure to utilize existing boundaries where feasible also provides "indicia" from which the "impermissible intent" alleged in Counts I and II "may be inferred." *Apportionment I*, 83 So. 3d at 618-19.

indicates some degree of flexibility, but does not relieve the legislature of the obligation to adhere to this requirement. *See id.* at 636. "Feasible" is generally defined as "capable of being done, executed or effected." 4 Jones on Evidence § 21:21 (7th ed. 2025). The word has been similarly construed by courts in this state. *See, e.g.*, *Sw. Fla. Water Mgmt. Dist. v. Charlotte Cnty.*, 774 So. 2d 903, 916 (Fla. 2d DCA 2001) ("feasible" has a "plain and ordinary meaning" of "capable of being brought about") (quoting *The American Heritage College Dictionary* 499 (3d ed. 1993)). Use of the word "feasible" in the FDA allows some flexibility; it does "not vest unbridled discretion." *Sw. Fla. Water Mgmt. Dist.*, 774 So. 2d at 919.

Taken together, the boundary utilization clause thus requires that, where it is capable of being done, district lines must follow the boundary lines of municipalities, counties, significant roadways, waterways, and rail lines, and avoid the excessive splitting of municipality and county boundaries. The 2026 Plan fails to abide by this requirement.

The 2026 Plan exhibits an excessive splitting of municipalities and counties, that is unexplained by any permissible factor. According to the 2026 Plan's own map drawer, the 2026 Plan splits 19 counties 32 times, whereas the 2022 Plan splits only 17 counties 29 times. Ex. 16 at 1:01:32-1:02:06. The municipality splits in the 2026 Plan are even worse. The new district configuration splits 30 municipalities, a significant increase from the 2022 Plan which split only 16 municipalities. *Id.*

The 2026 Plan also features a lower utilization of political and geographic boundaries than the 2022 Plan, using the data and analysis provided by the Legislature. A lower percentage of district lines in the 2026 Plan follow existing boundary lines of municipalities or counties, or the recognized roads and waterways as compared to the 2022 Plan. Utilization of these boundary lines dropped by approximately 1.4% in the 2026 Plan. Ex. 14 at 50-51; Ex. 20. The 2026 Plan performs

slightly better than the 2022 Plan only on its utilization of rail lines as district boundaries, with a modest increase of less than half a percent. Overall, the 2026 Plan saw a 2.8% increase in the amount of its district boundaries that follow no existing political or geographic boundary. Ex. 14 at 50-51; Ex. 20.

The same decrease in boundary utilization is evident with regard to many of the specifically challenged districts. For instance, CD 9 saw a 0.8% decrease overall, including a 19% decrease in use of road boundaries; CD 12 saw double-digit decreases in its utilization of multiple different boundary types and a 12% increase in district lines that followed no pre-existing boundary lines; CDs 13 and 14 saw increases of 9% and 7% respectively in the amount of their district lines that followed no pre-existing political or geographic boundaries; and CD 18 saw a 24% increase on the same metric, the highest of any district in the 2026 Plan. Ex. 14 at 50-51; Ex. 20. The existence of the superior boundary utilization metrics in the 2022 Plan shows that the 2026 Plan failed to adhere to this criterion where feasible, thus violating Art. III, § 20(b), Fla. Const.

No Tier I standards or other Tier II standards explain the failure of the 2026 Plan to utilize existing boundaries where feasible. While the Tier II standards of compactness and boundary utilization must be balanced, and while courts must remain "sensitive to the complex interplay" of various redistricting considerations, *Apportionment I*, 83 So. 3d at 639, no such tradeoff can explain the district lines in the 2026 Plan. Indeed, the 2026 Plan features reduced compliance with *both* compactness *and* boundary utilization—in addition to the Tier I violations of improper partisan and incumbent intent. Because of the substantial evidence that the 2026 Plan fails to utilize existing political and geographic boundaries where it is feasible to do so, Plaintiffs have also demonstrated a likelihood of success on the merits of Count III.

II. The remaining factors support a preliminary injunction.

To obtain a preliminary injunction Plaintiffs must satisfy the following elements: first, that they lack "an adequate remedy at law;" second, that there is a "likelihood of irreparable harm" absent a preliminary injunction; and third, that injunctive relief "will serve the public interest." *Scott v. Trotti*, 283 So. 3d 340, 343 (Fla. 1st DCA 2018). Plaintiffs easily meet these standards.

A. There is no adequate remedy at law available.

Plaintiffs lack an adequate remedy at law absent their requested injunctive relief. *See id.* There is no adequate remedy at law for harm where monetary damages are difficult, if not impossible to prove. *Smart Pharmacy, Inc. v. Viccari*, 213 So. 3d 986, 990 (Fla. 1st DCA 2016) (finding no "adequate remedy at law for the irreparable harm . . . because 'monetary damages are difficult to prove with any certainty and . . . even if provable, would not adequately compensate for all aspects of the violation.'") (quoting *King v. Jessup*, 698 So. 2d 339, 340 (Fla. 5th DCA 1997)). Voting rights injuries raise considerable difficulties when searching for an adequate remedy, as time constraints limit options for legal remedies in the face of the immovable timing of elections. For that reason, "irreparable injury is presumed when [a] restriction on the fundamental right to vote is at issue" because "[o]nce the election comes and goes, there can be no do-over and no redress." *League of Women Voters of Fla., Inc., v. Detzner*, 314 F. Supp. 3d 1205, 1223 (N.D. Fla. 2018) (internal quotations omitted). Harms targeting constitutionally protected voting rights and injuries to voters in particular are routinely viewed as causing irreparable injury; once an election takes place, relief is virtually impossible. *See League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *see also Detzner*, 314 F. Supp. 3d at 1223 ("[t]his isn't golf: there are no mulligans.") (internal citation omitted).

Furthermore, as discussed *supra*, the 2026 Plan plainly violates the Florida Constitution and prevents Florida voters from exercising their right to vote in districts free from overt partisan

intent. If Florida's congressional primary and general elections are allowed to proceed under the 2026 Plan, Plaintiffs will suffer a severe constitutional harm with no legal remedy. Plaintiffs lack a legal remedy at law when there is a violation of a constitutionally protected right without pre-enforcement redress. *See Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1264 (Fla. 2017) (where law is "likely unconstitutional, there is no adequate legal remedy at law for the improper enforcement"), *overruled on separate grounds by Planned Parenthood of Sw. and Cent. Fla. v. State*, 384 So. 3d 67 (Fla. 2024). Plaintiffs, therefore, lack an adequate remedy at law absent the requested injunctive relief.

B. Plaintiffs face likely irreparable harm absent an injunction.

Plaintiffs will inevitably suffer irreparably harm absent an entry of preliminary injunctive relief preventing the 2026 Plan from being used in the upcoming elections. *Trotti*, 283 So. 3d at 343. Irreparable injury is presumed when there are potential restrictions on voting rights. *See Detzner*, 314 F. Supp. 3d 1205, 1223-24; *see also League of Women Voters of N.C.*, 769 F.3d at 247. Issues of elections and voting are unique in that "once the election comes and goes, 'there can be no-do over or redress." *Detzner*, 314 F. Supp. 3d at 1223-24 (internal quotations omitted). Absent a preliminary injunction, the Florida primary and general elections, scheduled for August and November of this year respectively,[37] will move forward under the unconstitutional 2026 Plan. After these elections take place, Plaintiffs have no opportunity for relief and must live with the results of an election that took place under an unconstitutionally gerrymandered map. *Id*. (quoting *Cunningham v. Adams*, 808 F.2d 815, 821 (11th Cir. 1987) ("An injury is 'irreparable' only if it cannot be undone through monetary remedies.") This harm of moving forward with elections under the 2026 Plan is irreparable.

[37] Fla. Dep't of State, *Election Dates* (Aug. 22, 2025), https://perma.cc/M8FH-3Q5B.

C. A preliminary injunction is in the public interest.

Granting a preliminary injunction barring the state from utilizing the 2026 Plan in the upcoming congressional elections is in the public interest. Public interest mandates this Court issue an injunction preventing the use of the unconstitutional 2026 Plan for the 2026 Florida congressional elections. Issues involving the fundamental right to vote are almost always presumed to be in public interest. *See League of Women Voters of N.C.* 769 F.3d at 247. Further, "[t]he vindication of constitutional rights…serves[s] the public interests almost by definition." *Detzner*, 314 F. Supp. 3d at 1224. (internal quotations omitted); *see also Gainesville Woman Care, LLC*, 210 So. 3d at 1263-64; *Green v. Alachua Cnty.*, 323 S. 3d 246, 254-55 (Fla. 1st DCA 2021); *Newsom v. Albemarle Cty. Sch. Bd*., 354 F.3d 249, 261 (4th Cir. 2003) ("Surely, upholding constitutional rights serves the public interest.").

Preventing the unconstitutional implementation and use of the 2026 Plan is of particular public interest. The people themselves, exercising the "power to propose . . . revision or amendment" of their Constitution adopted the Fair Districts Amendment at the ballot box. Art. XI, § 3, Fla. Const.[38] The People's interest in obedience to their constitutionally enacted command cannot be easily discarded. The Fair Districts Amendment, approved by 62.9% Florida voters,[39] signaled that the People were ready to "[a]ddress the problem of partisan gerrymandering" and "restore the core principle of republican government, namely that the voters should choose their representatives, not the other way around." *LWVFL*, 172 So. 3d at 370 (citation modified). The People's intention to end partisan gerrymandering was clear and made manifest in the Constitution. *Id*. at 374 ("[T]here is no question that the goal of minimizing opportunities for political favoritism

[38] Fla. Dep't of State, *Constitutional Amends. Gen. Election Off. Results* (Nov. 2, 2010), https://results.elections.myflorida.com/Index.asp?ElectionDate=11/2/2010&DATAMODE=.
[39] *Id*.

was the driving force behind the passage of the Fair Districts Amendment."); Ex. 1 at 5-11. Thus, the public interest is served in honoring the People's intent in passing the Fair District Amendment.

In contrast, while Plaintiffs would suffer irreparable harm should elections move forward under the 2026 Plan, any burden and harm to the state is minimal. And strong deference is afforded in balancing interests when a party seeks to preserve voting rights. *See Gonzalez v. Governor of Ga*., 978 F.3d 1266, 1272-73 (11th Cir. 2020).

Here, temporary injunctive relief is feasible without undue hardship. While Defendants may argue they have little time to implement injunctive relief, the relief itself is simple, and only requires "the revival" of the prior map. *League of Women Voters of N.C.*, 769 F.3d at 248. ("[F]or some of the challenged changes…systems have existed, do exist and simply need to be resurrected."). Utilizing the 2022 Plan rather than the 2026 Plan poses little to no burden. The 2022 Plan has been in place for years and was previously used for congressional elections in the state; whereas the 2026 Plan was hastily adopted and its implementation will require more change and work on the part of the state and local election officials to implement, in addition to the additional burden imposed on voters.

The 2026 primary elections are approximately three months away. While this deadline is quickly approaching, it is far from too soon to implement changes. *See League of Women Voters of Fla., Inc. v. Fla. Sec'y of State*, 32 F.4th 1363, 1372 n.7 (11th Cir. 2022). If the State of Florida found no issue with implementing an entirely new map in early May, reviving a map that has already been in place for years should pose minimal burdens.

CONCLUSION

Plaintiffs respectfully request that this Court temporarily enjoin the implementation of HB 1-D, the 2026 Plan as *void ab initio*, which will revive the 2022 Plan for the 2026 congressional

primary and general elections. In light of the impending deadlines for the primary election, Plaintiffs request that this Court expedite consideration of this emergency motion and set it for hearing at the same time as the related hearing already scheduled before this Court on May 15 at 10:00 AM in *Equal Ground Education Fund, Inc., et al., v. Byrd*, Case No. 2026-ca-000914 to ensure that a remedy will be in place in a timely manner and the 2026 congressional elections will be conducted under a lawful plan.

Respectfully submitted this 8th day of May, 2026,

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*motions for admission *pro hac vice* pending
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record through the Florida Courts E-Filing Portal on this 8th day of May, 2026.

/s/ *Simone T. Leeper*
Attorney for *Thompson-Wynn* Plaintiffs
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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

VONDA THOMPSON-WYNN; **GINO VACCARI**; **EMMA JANE RUBINI**; **SHELBY MCGUIRE-SMITH**; **MARK TABER**; and **SAIGE WISBY**, Plaintiffs, v. **CORD BYRD**, in his official capacity as Florida Secretary of State; the **FLORIDA SENATE**; and the **FLORIDA HOUSE OF REPRESENTATIVES**, Defendants.	Case No. 2026-ca-000925

PLAINTIFFS' NOTICE OF FILING EXHIBITS IN SUPPORT OF PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY MOTION FOR TEMPORARY INJUNCTION

Plaintiffs hereby give notice of the filing of Exhibits 1 through 19 to Plaintiffs' Memorandum of Law in Support of Motion for Temporary Injunction, as follows:

Exhibits	
Exhibit 1	May 8, 2026 Declaration of Dr. Sharon D. Austin
Exhibit 2	May 8, 2026 Declaration of Dr. Tye Rush
Exhibit 3	April 19, 2022 Senate Committee on Reapportionment, 2022C Special Session https://thefloridachannel.org/videos/4-19-22-senate-committee-on-reapportionment
Exhibit 4	December 3, 2025 Memorandum from Sen. Ben Albritton to All Senators and Senate Professional Staff
Exhibit 5	December 4, 2025 House Select Committee on Congressional Redistricting Meeting, 2026 Regular Session https://flhouse.gov/VideoPlayer.aspx?eventID=10724
Exhibit 6	December 10, 2025 House Select Committee on Congressional Redistricting Meeting, 2026 Regular Session https://flhouse.gov/VideoPlayer.aspx?eventID=10752

Exhibit 7	January 7, 2026 Press Release, Executive Office of the Governor, Governor Ron DeSantis Announces Special Legislative Session on Congressional Redistricting
Exhibit 8	January 7, 2026 Proclamation, Governor Ron DeSantis
Exhibit 9	April 15, 2026 Proclamation, Governor Ron DeSantis
Exhibit 10	April 28, 2026 Senate Rules Committee Meeting https://thefloridachannel.org/videos/4-28-26-senate-committee-on-rules/
Exhibit 11	Preston Mizell, *Ron DeSantis unveils new Florida congressional map that would give the GOP an extra four seats*, Fox News (Apr. 27, 2026)
Exhibit 12	Apr. 27, 2026 Memorandum from Sen. Ben Albritton to All Senators and Senate Professional Staff
Exhibit 13	April 27, 2026 Memorandum from David Axelman to Sen. Don Gaetz and Rep. Mike Redondo
Exhibit 14	April 27, 2026 Data Packet for 2026 Plan, Executive Office of the Governor
Exhibit 15	April 27, 2026 Memorandum from Rep. Daniel Perez to Members of the Florida House of Representatives
Exhibit16	April 28, 2026 House Select Committee on Congressional Redistricting Meeting https://thefloridachannel.org/videos/4-28-26-house-select-committee-on-congressional-redistricting/
Exhibit 17	Alex Lanfranconi (@AlexLanfran), X (Apr. 28, 2026, 7:03 PM)
Exhibit 18	April 29, 2026 House Floor Debate https://thefloridachannel.org/videos/4-29-26-house-session/
Exhibit 19	April 29, 2026 Senate Floor Debate https://thefloridachannel.org/videos/4-29-26-senate-session/
Exhibit 20	2022 Plan Boundary Analysis Report
Exhibit 21	Declaration of Simone T. Leeper in Support of Plaintiffs' Emergency Motion for Temporary Injunction

Respectfully submitted this 8th day of May, 2026,

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***motion for admission pro hac vice forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record through the Florida Courts E-Filing Portal on this 8th day of May, 2026.

/s/ *Simone T. Leeper*
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Florida Bar No. 1020511

Exhibit 1

May 8, 2026 Declaration of Dr. Sharon D. Austin

Declaration from Dr. Sharon D. Wright Austin

Professor of Political Science at the University of Florida

I. Introduction

I have been retained as an expert in this case by counsel for Plaintiffs. As part of my expert retention in this case, I have been asked to analyze information and to opine on issues relevant to the litigation, including but not limited to the requirements and background of the Fair Districts Amendments and evidence indicating the intent underlying Florida's 2026 congressional district boundaries. I am being compensated for my work on this report at an hourly rate of $250/hour. No part of my compensation is dependent on the outcome of this case or on the nature of the opinions that I provide.

II. Summary of Opinions

In this expert report, I reach the following conclusions:

- By voting in support of the Fair Districts Amendments (F.D.A.), Florida voters made it clear that their primary purpose was to oppose partisan gerrymandering.
- Florida's mid-decade redistricting is part of, and appears to have been motivated by, a national push for partisan gerrymandering.
- The 2026 redistricting process lacked public input and transparency and was incredibly rushed.

- The 2026 map was drawn using partisan data behind closed doors and the circumstances surrounding its passage strongly indicate that it was drawn with partisan intent.

III. Qualifications

I am a Professor of Political Science at the University of Florida, Gainesville, where I teach courses in American Government, Urban Politics, and African American Politics. Prior to joining the faculty at the University of Florida, I taught at the University of Louisville, the University of Michigan, and University of Missouri at Columbia. Details about my professional qualifications and experience are described below and in the copy of my curriculum vitae attached as Exhibit A.

I received a Ph.D. in political science from the University of Tennessee at Knoxville in 1993. I have authored or co-authored numerous articles that have been published in peer-reviewed journals in the social sciences field, including multiple articles analyzing American elections, campaigns and elections, Southern election, American voting behavior, and minority voter participation. I have also published books and book chapters on these subjects. My curriculum vitae provides a list of all of my publications.

Since 1992, my research and work has focused on various aspects of American politics and public policy. These include American elections, with an

emphasis on congressional elections, gubernatorial elections, mayoral elections, racial voting behavior, African American women's political behavior, barriers to African American political participation, rural political behavior, presidential politics, American civil rights, and political activism and participation in Florida. Since 1992, I have taught numerous courses, including courses that emphasize American government, African American politics, Black women's politics, urban politics, and state and local politics. When teaching my American government and African American politics courses include units about the redistricting process.

I have written numerous op-eds in newspapers, magazines, and on CNN's website. I have been cited as an expert on politics in newspapers including the Los Angeles Times, New York Times, Washington Post, and USA Today. I am the Senior Political Correspondent for the Today with Dr. Kaye syndicated radio show (based in Baltimore) and have provided analysis regarding civil rights and political topics on news shows in Australia, Canada, Great Britain, Korea, Pakistan, Russia, and Singapore.

I have served on editorial boards and advisory committees in the field of African American Studies, minority civil rights, politics, and voting. I have been an invited speaker and won numerous awards in this area. I am also a member of the editorial team of the American Political Science Review which was founded in 1903 and is the most prominent journal in the political science discipline. In 2023,

I served as the first African American editor of this prestigious journal. While serving as an editor of this journal, I reviewed numerous articles about ballot initiatives and redistricting. I am also the editor of the Government and Politics in the South series of the University Press of Florida and I am a former editor of the National Review of Black Politics.

In addition, I have served as an expert witness for the following cases: *Black Voters Matter Capacity Building Institute, Inc. v. Byrd* (formerly *v. Lee*), Case No. 2022-CA-000666 (N.D. Fla. April 22, 2022) which alleged that the state's congressional plan violated the Florida Constitution's Fair Districts Amendment; *Jacksonville Branch of the NAACP v. City of Jacksonville*, No. 3:22-cv-00493-MMH-LLL (M.D. Fla. 2022) which involved a challenge to the city of Jacksonville's City Council and Duval County School Board redistricting plans and alleged that several districts were racial gerrymanders and also violated the City Charter's "logical and compact" redistricting requirement; and *League of Women Voters of Florida, Inc. v. Byrd* (formerly *v. Lee*), Case No. 4:2021-cv-186 (N.D. Fla. March 31, 2022) which alleged that Florida Law SB90 (which reduces access to ballot drop boxes, bans organizations and volunteers from returning absentee ballots for voters, and forbids anyone but election workers from giving food and water to voters waiting in line) violated the First and Fourteenth

Amendments of the U.S. Constitution. In each of these cases, I conducted a factual analysis of the intent behind the challenged legislation and/or maps.

IV. Methodology and Sources

In this report, I utilize the standard methodology that I and other political scientists use when investigating the history of redistricting. When analyzing political decision-making, political scientists examine the circumstantial evidence regarding the political, institutional, and social context in which a decision is made, as well as direct evidence of the reasons asserted for the decision. We examine relevant scholarly studies; newspaper coverage of events; reports of local, state or federal governments; and relevant court decisions. In preparing this report, I relied on my own knowledge and experience as outlined above. In keeping with the common practices outlined above, I have also reviewed articles, court cases, the legislative record, primary and secondary sources, historical information pertaining to the Fair Districts Amendment and the history of redistricting in Florida, and social media posts.

V. The Fair Districts Amendments

Prior to the adoption of the F.D.A., Florida legislators had long engaged in partisan gerrymandering. For example, in expressing his support for the F.D.A., then-Florida Governor Charlie Crist talked about the partisan polarization that characterizes Florida politics and said, “Some people have gotten so rigid about

their adherence to the party before doing what's right for the people, it's hurting our country" (Klas 2010).

The Florida Constitution provided voters with an avenue to combat partisan gerrymandering. Article 11, section three of the Florida Constitution gives Floridians "The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people . . . ." Amendments can be placed on the general election ballot if the required number of signatures in support of it are received. They pass if approved by at least sixty percent of voters.

On September 28, 2007, FairDistrictsFlorida.org proposed a constitutional amendment to Article III of the state constitution, the F.D.A., that would set standards for the legislature to use in the congressional redistricting process. Fair Districts Now (formerly known as Fair Districts Florida) gathered over 1.6 million signatures in support of placing the amendment on the ballot (Common Cause 2021).

It was placed on the November 2, 2010 general election ballot. Voters had the choice of voting yes or no on the Amendment as it was stated on the ballot:

> Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the

> political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries".[1]

By voting in favor of the F.D.A., the majority of Florida voters thought that they had voted to end partisan gerrymandering and ensure fairer elections. When assessing the understanding that voters had of ballot initiatives, it is informative to consider the sources of information that were available to those voters. Chief among those sources are statements of proponents of the ballot initiative and newspaper editorials which voters frequently consider to make an informed decision.

Proponents of the F.D.A. largely focused on the F.D.A.'s ban of partisan gerrymandering in their statements advocating for the initiative. A sample of those statements are below.

Fair Districts Florida: "Politicians who control the Legislature, also control redistricting. They design districts to protect incumbents and to make sure they can maintain power. They make deals to draw favorable districts for their allies and they try to draw their political adversaries out of office. They pack large numbers of unfavorable voters in into a few districts to minimize the opposition's chance to win. Florida needs Amendments 5 and 6 to establish rules to curb this effect" (Fair Districts Florida 2010).

Former Florida Governor and U.S. Senator Bob Graham and Former State Comptroller Bob Milligan: "Under our current system, elections are essentially

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[1] Florida Department of State, Constitutional Amendment Petition Form, https://initiativepetitions.dos.fl.gov/InitiativeForms/FulltextPDF/43605-1.pdf

rigged before the ballots are even printed. Districts are assigned to a particular party, and voters who will be favorable to that party are allocated accordingly. Or even worse, districts are designed to favor a particular incumbent" (Graham and Milligan 2010; On Top of the World Communities Info 2010).

Ellen Friedin, who chaired the F.D.A. initiative campaign: "The whole point here is to draw districts that make sense geographically and that are not rigged to accomplish a particular political result" (On Top of the World Communities Info 2010).

AARP Florida State Director Lori Parham: "AARP believes that voters should choose their representatives, rather than having government representatives choose their voters" (AARP Florida 2010).

Every major Florida newspaper also endorsed F.D.A. (Harris 2010). Those endorsements largely focused on the initiative's ban on partisan gerrymandering. Included below are excerpts from the newspapers' editorials endorsing the Amendment (Ballotpedia 2010).

Miami Herald: "Taking the rigging out of redistricting and reapportionment would give voters real choices closer to home come election time...Amendments 5 and 6 will give control of elections back to Florida's voters, where it belongs."

Orlando Sentinel: "The power establishment acts as if this would be the world's end. It wouldn't. It'll just help end the power establishment's stranglehold on voters."

Florida Today: "Florida voters have a major opportunity to stand up for the cause of good government and improve the health of democracy Nov. 2. They can do it by approving Amendments 5 and 6, which would end the gerrymandering of Florida legislative and congressional districts and create more fair representation in Tallahassee and Washington. That's something everyone should want regardless of party or political ideology, and why we strongly urge voters to vote "yes" on both measures. The issue involves the redistricting process that takes place after the

Census every 10 years, but has been corrupted by politicians redrawing boundaries to quash competition and keep a lock on power" (Florida Today 2010).

The Tampa Tribune: "The current system empowers politicians, not voters. Approving the proposed standards would bring order to the process. Wedges should not be driven between communities, counties and voters...Voters have good reason to support amendments 5 and 6. A logical electoral map that keeps neighborhoods together could reinvigorate a healthy election system where voters pick their politicians rather than the other way around."

The Palm Beach Post: "Under Amendments 5 and 6, legislators could not draw districts "to favor or disfavor an incumbent or political party"...To voters, these rules make sense. To the ruling political and lobbying classes in Tallahassee, they're terrifying because they could change a system that benefits insiders...Florida voters deserve more competitive districts and more chance to pick their politicians. Amendments 5 (for the Legislature) and 6 (for Congress) would give them that chance."

The Bradenton Herald: "Amendments 5 and 6 drive a stake into gerrymandering by requiring district lines follow existing geographic and political boundaries and be as compact and contiguous as possible...The amendments — 5 covers legislative seats and 6 congressional districts — also protect racial and language minorities...The amendments are common sense approaches that put voters, not politicians, first and foremost. We recommend yes votes on Amendments 5 and 6."

The Pensacola News Journal: "These are the two most important amendments on the ballot, governing the redrawing of legislative and congressional districts every 10 years after the Census. . . . They would restrict gerrymandering, which is the drawing of districts for strictly political purposes and is all too common today. Democrats and Republicans alike have gerrymandered for generations to, first, protect incumbents, and second, to protect the party in power. The amendments would provide simple, commonsense rules to guide the drawing of geographically compact districts that follow local political and geographical boundaries." (Pensacola News Journal 2010).

The Naples Daily News: "We are not naive enough to believe politics will ever be totally removed from redistricting. Yet, when we see an opportunity to restore

some common sense to legislative districts that snake up and down our state — often connecting communities with few common interests — we say ‘go for it.’”

The (Panama City) News Herald: “If it implements these standards, Florida wouldn’t be setting an extreme precedent. It would be catching up to much of the rest of the nation. Forty-four states already require that redistricting adhere to local boundaries; 36 require compactness; and 12 prohibit protecting incumbents....Vote "yes" on Amendments 5 and 6, which will send a big "no" to Tallahassee politicians who seek to win elections at the drawing table, not the ballot box.”

The Northwest Daily News: “AMENDMENT 5 would establish fairness standards to use in redrawing Florida’s legislative districts; the new lines couldn’t favor any incumbent or political party. This is common sense. Vote yes on Amendment 5," said the editorial board.”

The St. Petersburg Times: “Florida is a purple state, not red or blue. Its elected lawmakers in the Legislature and Congress should mirror that diversity and work together for a state and a nation that are neither far left nor far right. The Times recommends voters approve Amendments 5 and 6."

The South Florida Sun-Sentinel: “It's time for fair districts, time for voters to pick their candidates, not for politicians to pick their voters. Vote yes on Amendments 5 and 6.”

The Florida Times-Union: “These amendments probably would make the districts a little less contorted - maybe a lot less so. That is why we recommend that voters should support the reasonable Amendments 5 and 6.”

The Ledger: “Gerrymandering defeats the purpose of representative government. The Ledger recommends fighting it by voting Yes on Amendments 5 and 6.”

In 2010, voters overwhelmingly approved the Fair Districts Amendments by a 62.9% to 37.1% margin (Florida Department of State 2010). As reflected by the materials available to voters casting their ballots, the Fair Districts Amendments were intended to prevent the members of Florida’s majority parties from drawing

district boundaries that favored their party. These amendments can be found in Article III, Sections 20 and 21. Section 20 provides standards for establishing congressional district boundaries for Florida's federal representation in the U.S. House of Representatives. The amendment requires the legislature to comply with the standards stated below in the redistricting process.

SECTION 20. In establishing congressional district boundaries:

> (a) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.
>
> (b) Unless compliance with the standards in this subsection conflicts with the standards in subsection [1](a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
>
> (c) The order in which the standards within subsections [1](a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Courts have struck down maps that violated the F.D.A. In *League of Women Voters of Florida v. Detzner* (2015), the Florida Supreme Court struck down the 2012 congressional map. In their decision, they concluded that the purpose of the Fair Districts Amendment was to eliminate partisan gerrymandering and took issue

with the lack of transparency in the process. *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363 (Fla. 2015).

VI. A History of Redistricting in Florida

The Florida Constitutions that were ratified before the 1968 Constitution placed few restrictions on redistricting. Because of the lack of a standard, the Pork Chop gang, a group of rural North Florida legislators, dominated the legislature from the 1930s to the 1960s. Because the state failed to redistrict to account for population increases in urban areas, they were able to impose segregation and rural interests on the state (The Florida Timeline 2026). The current Florida Constitution was ratified in 1968, but does not mention mid-decade redistricting. It required that redistricting had to be carried out every ten years (after the U.S. census), requires that districts be contiguous, and that they have consecutive numbering (https://www.flsenate.gov/laws/constitution).

In 1992, the legislature failed to adopt a map. As a result, a court-ordered plan was put in place. This plan was later successfully challenged, leading to another court-ordered interim plan for the 1996 elections. After redistricting in 2012, the Florida Supreme Court ruled that several congressional districts violated the Fair Districts Amendments [*League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363 (Fla. 2015)].

VII. Florida's Mid-Decade Redistricting in 2026

The 2026 redistricting effort marks the first time that a Florida governor and legislature ordered voluntary/additional redistricting without a court order (Pew Research Center 2025). The recent attempt by Florida Republicans and Governor Ron DeSantis is part of a larger campaign to increase the number of Republicans in the U.S. House of Representatives. In July 2025, President Donald Trump urged Texas Gov. Greg Abbott (R.-TX) to redistrict his state congressional districts in the middle of the decade (Cappelletti and Riccardi 2025). The objective was to create five additional Republican-leaning congressional districts to increase the party's changes of holding its Republican House majority in 2026.

On July 15, 2025, Trump said the following:

> "On Texas, how many more seats do you want the Republicans to draw?" PRESIDENT TRUMP: "Five." REPORTER: "And then, what if California, New York, Illinois and other blue states..." TRUMP: "Yeah, well, that's OK, too. But five. I think we get five, and there could be some other states. We're going to get another three or four or five in addition. Texas would be the biggest one, and that will be five." REPORTER: "Are you calling then for a complete redrawing of the congressional map?" TRUMP: "No, just a simple redrawing. We pick up five seats. But we have a couple of other states where we'll pick up seats also".[2]

[2] https://www.c-span.org/clip/white-house-event/user-clip-president-trump-says-he-wants-a-simple-redrawing-of-the-texas-congressional-map-so-republican-pick-up-five-house-seats/5167813

In August 2025, Trump used Truth Social to demand that Florida follow Texas's lead in redrawing maps to gain more Republican seats and said, "Florida, Indiana, and others are looking to do the same thing. More seats equals less Crime, a great Economy, and a STRONG SECOND AMENDMENT" (Fields 2025).

Since then, the president has continued to pressure state legislators to redistrict their congressional maps with the objective of gaining additional GOP seats. On May 3, 2026, he posted the following on Truth Social, "We should demand that State Legislatures do what the Supreme Court says must be done. That is more important than administrative convenience. The byproduct is that the Republicans will receive more than 20 House Seats in the upcoming Midterms!" (Greene 2026). In the next section, I include a timeline with a number of relevant statements and events preceding, and through the course of, Florida's mid-decade redistricting.

VIII. 2026 Redistricting Process Timeline

July 17, 2025: At 1:52pm, Governor DeSantis posted. "This was always the constitutionally correct map — and now both the federal courts and the FL Supreme Court have upheld it".[3]

July 24, 2025: At a press conference in Bradenton, FL, the Governor indicated that he would consider mid-decade redistricting for the first time when he said, "I think the state is malapportioned. So I do think it would be appropriate to do a redistricting in the mid-decade. So we're working through what that would look

[3] https://x.com/GovRonDeSantis/status/1945904446283632827

like, but I can tell you just look at how the population has shifted in different parts of the state over a four-to-five year period. It's been really significant" (Perry 2025a).

July 29, 2025: Governor DeSantis indicated that he supported mid-decade redistricting by saying, "I do think it would be appropriate to do a redistricting here in the mid-decade" (Delgado 2025).

August 7, 2025: The Florida House announced creation of the House Select Committee on Congressional Redistricting (Wood 2025a).

August 20, 2025: In a Truth Social post, Trump praised Texas for its redistricting effort and posted, "Big WIN for the Great State of Texas!!! Everything Passed, on our way to FIVE more Congressional seats and saving your Rights, your Freedoms, and your Country, itself. Texas never lets us down. Florida, Indiana, and others are looking to do the same thing. More seats equals less Crime, a great Economy, and a STRONG SECOND AMENDMENT. . .".[4]

August 20, 2025: The Texas House of Representatives passed their congressional map with a vote that fell along party lines (Oppenheim et al. 2025).

August 23, 2025: The Texas Senate also passed the map with a vote that split along partisan lines (Blaise 2025).

August 29, 2025: Governor Greg Abbott signed the Texas map. After redistricting, the revised Texas map created an additional five Republican seats.

After the Texas legislature enacted its new congressional map, a "redistricting arms race" occurred. Several states followed their lead and redrew their congressional maps to gain partisan advantages before the 2026 midterms. These include red states such as North Carolina and Missouri, but also blue states such as California and Virginia (Lieb 2026a).

October 29, 2025: At a meeting before the Capitol Tiger Bay Club, Republican Party of Florida Chair Evan Power predicted that redistricting would result in as many as five additional Republican congressional seats. He stated, "You are looking at a place in Florida where we can pick up three, four seats and that would

[4] https://truthsocial.com/@realDonaldTrump/posts/115064705209848959

bring us more in line to where we are in our voting population" said Power, who then upped the total to five when talking to reporters (Fineout 2025).

November 16, 2025: On Truth Social, Trump posted a warning that Republicans who refused to support redistricting efforts should be voted out of office:

> Very disappointed in Indiana State Senate Republicans, led by RINO Senators Rod Bray and Greg Goode, for not wanting to redistrict their State, allowing the United States Congress to perhaps gain two more Republican seats. The Democrats have done redistricting for years, often illegally, and all other appropriate Republican States have done it. Because of these two politically correct type "gentlemen," and a few others, they could be depriving Republicans of a Majority in the House, A VERY BIG DEAL! California is trying to pick up five seats, and no one is complaining about that. It's weak "Republicans" that cause our Country such problems — It's why we have crazy Policies and Ideas that are so bad for America. Also, a friend of mine, Governor Mike Braun, perhaps, is not working the way he should to get the necessary Votes. Considering that Mike wouldn't be Governor without me (Not even close!), is disappointing! Any Republican that votes against this important redistricting, potentially having an impact on America itself, should be PRIMARIED. Indiana is a State with strong, smart, and patriotic people. They want us to see our Country WIN, and want to, "MAKE AMERICA GREAT AGAIN!" Senators Bray, Goode, and the others to be released to the public later this afternoon, should DO THEIR JOB, AND DO IT NOW! If not, let's get them out of office, ASAP.[5]

December 1, 2025: DeSantis announces that he will call for a special session and said in an interview with the *Floridian Press*, "'Yeah, yeah, so we're going to redistrict. The issue is that there is a Supreme Court decision that we are waiting on the argument in October about Section 2 of the VRA impacts Florida's maps, so we're going to do it next Spring. I am going to talk to Sen. Albritton about when it makes sense to do, but that will be done. I think we are going to be required to do it because of this court decision.'" (Costeines 2025).

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[5] https://truthsocial.com/@realDonaldTrump/posts/115560208774541030

December 4, 2025: The Florida House Select Committee on Congressional Redistricting met for the first time for 25 minutes and did not allow any public comments or input. The Committee's Chairman U.S. Representative Mike Redondo (R.-FL) said, "Given the fact that we are less than a year away from the election, not to mention the fact that the candidate qualifying period for federal offices is in late April, it would be irresponsible to delay the creation and passage of a new map, especially until after session. It would also be irresponsible to any who are called for civil service, and most importantly, it would be irresponsible to the citizens of Florida" (Perry 2025b).

December 10, 2025: State Senator Joe Gruters reposted a tweet predicting that Florida would add up to five seats through mid-decade redistricting.[6] About a month later at the Republican Party of Florida's annual meeting, Senator Gruters claimed that redrawing Florida's congressional districts would give President Trump "a full four years" (Leonard and Fineout 2026).

December 10, 2025: The House select committee met for the second time. U.S. Rep. Bruce Antone (D.-FL) of Orlando asked a redistricting expert, "There's been some statements made that if we redraw districts, they are intended to favor a particular party. What are your thoughts on that, as we talk about the potential for redistricting this time around?" Committee Chairman Redondo didn't allow the expert to answer the question and said, "We're talking about statements by unknown folks and hypotheticals. Let's try and keep it to the presentation if we can, terms of questions" (Wood 2025b). Chair Redondo said that there would be opportunities for public comments at later meetings of the Committee. However, the committee didn't meet again until the special session.

December 11, 2025: The predominantly Republican Indiana State Senate rejected a redistricting bill (House Bill 1032) in a 31-19 vote. 21 Republicans joined all 10 Democratic senators in blocking the bill (Davies and Smith 2025).

December 13, 2025: On Truth Social, President Trump posted, "Republicans in the Indiana State Senate, who voted against a Majority in the U.S. House of Representatives, should be ashamed of themselves. Headed by a total loser named

[6] https://x.com/MattMorseTV/status/1998541820285145219/retweets

Rod Bray, every one of these people should be "primaried," and I will be there to help! Indiana, which I won big, is the only state in the Union to do this"![7]

January 7, 2026: Governor DeSantis called for a Florida legislative special session that would take place between April 20th and April 24th "for the sole and exclusive purpose of considering legislation relating to the drawing of congressional districts for the State of Florida and any legal challenges thereto, including the appropriation of additional funding for such litigation" (Florida Senate 2026). He also issued a press release that said, "Today, I announced that I will be convening a Special Session of the Legislature focused on redistricting to ensure that Florida's congressional maps accurately reflect the population of our state and to comply with an upcoming U.S. Supreme Court ruling" (Executive Office of the Governor 2026).

After Governor DeSantis announced the special session, Florida State Representative Tom Fabricio reposted the Governor's Twitter post about the special session and stated that Florida's congressional redistricting "[d]one correctly…will strengthen Republican seats, [and] help keep a GOP majority in Congress….".[8]

April 13, 2026: Florida Gubernatorial Candidate and U.S. Representative Byron Donalds said that Florida should respond to Virginia's plan in a public statement and said, "You have California and Virginia responding to Texas and we've been watching all this kind of happen in Florida. . . . Because of what now has been done in Virginia, now Florida needs to respond" (Heddles 2026).

April 15, 2026: Governor DeSantis delayed a special congressional redistricting session to approve new congressional districts from April 20–24 to April 28–May 1, 2026. The special session would now occur after a Virginia election takes place with the potential for four additional Democratic seats (Fineout and Leonard 2026).

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[7] https://trumpstruth.org/statuses/34215

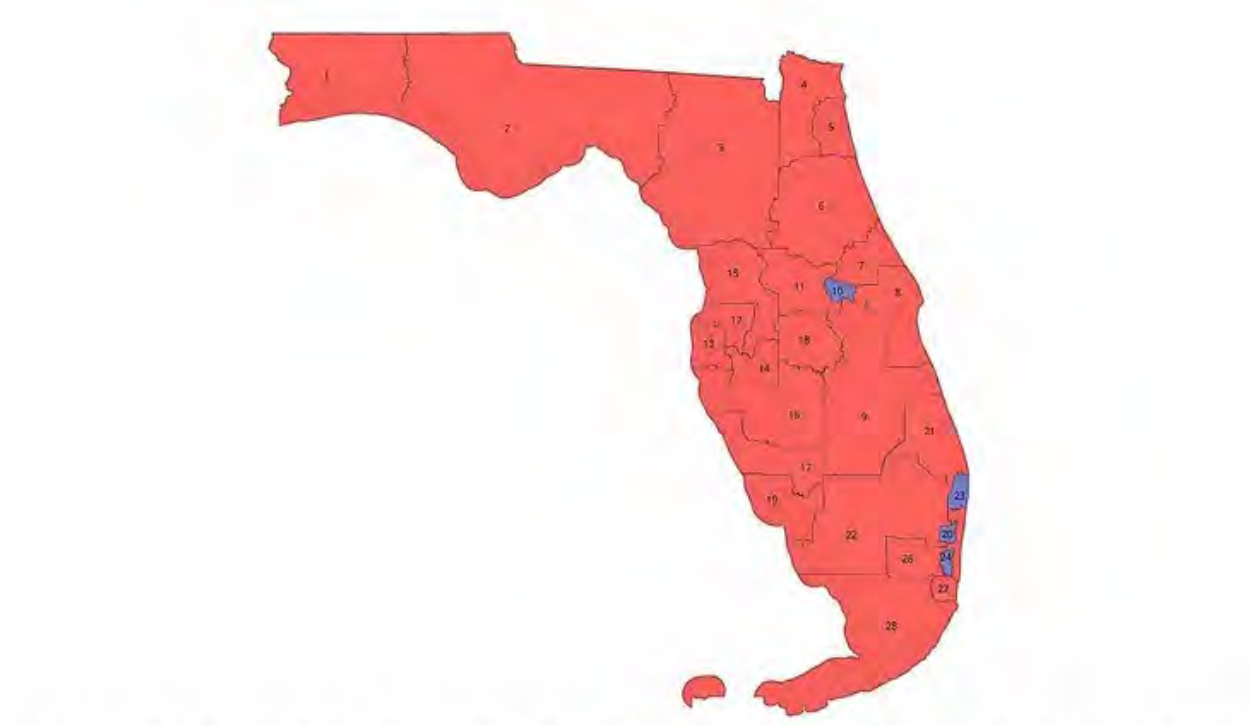
[8] https://web.archive.org/web/20260108015152/https://x.com/tpfabricio/status/2009054133740007744

April 21, 2026: Virginia voters voted in favor of mid-decade redistricting (Lieb 2026b).

April 22, 2026: U.S. House Speaker Mike Johnson (R.-LA) urged Florida to conduct congressional redistricting and said, “Florida has the right and the intention to do it. And my view is that they should” (Ferris et al. 2026).

April 23, 2026: U.S. Representative Kat Cammack (R.-FL) “told CNN she is eager to see Florida Republicans redraw their maps and believes the GOP could pick up two or three seats and still ‘maintain compactness and fairness’” (Ferris et al. 2026).

April 27, 2026 at 10am EST: Governor DeSantis gave the congressional district map to Fox News (10am) before he gave it to the legislature (11:15am). The map that was provided by the governor’s office to Fox News is below with the caption that was included with the image. It was also partisan shaded red and blue (Mizell 2026).



The proposed map redraws Florida's congressional districts to reflect population shifts, consolidating GOP-leaning areas and creating four additional Republican-favored seats. (Office of Governor Ron DeSantis)

April 27, 2026 at 11:15am EST: David Axelman (General Counsel to the Office of the Governor) submitted the congressional district map that was created by the Office of Governor DeSantis to the Florida Senate and House. The letter provided two justifications – the population justification and also stated that "Florida's representation in the U.S. House has also been distorted by considerations of race." The letter claims that all parts of the F.D.A. are invalid because of the governor's claim that the race provision is invalid. It states the belief that there was no need to abide by any of the F.D.A. because of the race provision (Albritton 2026).

April 28, 2026: There were two meetings held to consider the proposed plan. One was in the House Select Committee on Congressional Redistricting and another in the Senate Rules Committee. At both meetings, the Governor's map drawer (Jason Poreda) gave a presentation along with Mohammad Jazil (redistricting counsel for the governor's office). They asserted the same interpretation of the F.D.A. as that given in the Axelman memo. Poreda testified that he used partisan data to draw the map (including in every single district) [S. Rules Comm. Meeting, at 43:45-44:06 and at 1:39:00-31 (April 28, 2026)]. Poreda said he drew the map over the course of two weeks and only consulted with staff and counsel from the Office of the Governor.

There was limited opportunity for public input at these meetings. The two meetings combined allowed for less than two hours for public input. In the limited time available, the individuals who spoke were overwhelmingly in opposition to redistricting and the plan. However, no amendments were made to the plan before its adoption.

April 29, 2026: The U.S. Supreme Court handed down the *Louisiana v. Callais* decision. The decision did not relate to state-level bans on partisan gerrymandering.

April 29, 2026: The House and Senate voted to approve the plan. The House Sponsor Jenna Persons-Mulicka (R.-FL) pushed back on the idea that the legislature was simply deferring to the Governor stating, "We are the ones considering the map. We are the ones voting on the map. We have not deferred our duties under the Constitution" (House Floor Debate, 16:40-16:52). The Senate Sponsor Senator Don Gaetz (R.-FL) said something similar, "We have the

authority to accept it, to reject it, or to amend it" (Senate Floor Debate, 1:34:54-1:35:12). Neither the House nor the Senate adopted any amendments.

May 4, 2026: Governor DeSantis approved the congressional district map.

IX. Conclusion

The public record indicates that voters intended to ban partisan gerrymandering when they overwhelmingly voted in favor of the Fair Districts Amendments. The statements of the F.D.A.'s proponents and the editorials in newspapers across the state are representative of, and strongly support, the understanding of voters that the primary purpose of the F.D.A. was to ban partisan gerrymandering.

As the timeline above reflects, the 2026 congressional map was passed in an incredibly rushed process that lacked transparency and reveals signs of a blatant partisan bias. The Florida Constitution requires the Legislature to redraw district boundaries at its Regular Session in the second year after each decennial census. When doing so, the legislature receives feedback from the public about the redistricting process.[9] The 2026 redistricting process was carried out in a completely different manner. The map was created entirely hidden from any public view or scrutiny. No public input was solicited in the development of the plan,

[9] For more information on this requirement, see https://www.floridaredistricting.gov/.

extremely limited public input was permitted during committee meetings, and ultimately even that limited public input was ignored.

In addition, the process of creating the 2026 congressional plan demonstrates its partisan goals. The Florida mid-decade redistricting effort was initiated amidst pressure and statements from state and national elected and party officials urging Florida to redraw its congressional map for partisan gain. The Governor first sent a partisan shaded version of the map to Fox News before even sending it to the legislature. He then announced that the map did not have to comply with any provision of the Fair Districts Amendment. In addition, the map drawer testified to the legislature that he used partisan data while drawing every single district in the map. Taken together, all of this evidence shows that the 2026 congressional plan was created to achieve partisan advantage.

Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true.

Executed this 8th day of May 2026.

Dr. Sharon Austin

Dr. Sharon Austin

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DR. SHARON D. WRIGHT AUSTIN
PROFESSOR OF POLITICAL SCIENCE
UNIVERSITY OF FLORIDA
234 ANDERSON HALL
GAINESVILLE, FL 32611
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Education:

The University of Tennessee at Knoxville
Earned doctorate in political science in August 1993
Major areas of emphasis: American Government (Public Law; Congress, the Presidency, and the Judiciary, and Minority Politics)
Minor areas of emphasis: Comparative Politics and Public Administration
Dissertation: *Aftermath of the Voting Rights Act of 1965: Racial Voting Patterns in Memphis Mayoral Elections, 1967-1991*

The University of Memphis
Earned master's degree in political science with a minor in education in December 1989

Christian Brothers University
Earned bachelor's degree in history with a minor in political science in May 1987

Teaching:

The University of Florida
Professor, August 2018-Present
Director of the African American Studies Program, July 2012-August 2019
Interim Director of the African American Studies Program, August 2011-July 2012
Associate Professor, August 2004-August 2018.
Undergraduate Coordinator, August 2008- August 2010
Visiting Associate Professor, August 2001-August 2004. Received tenure in June 2007
Courses offered:

African American Politics	American Government	Latino Politics and Policy
African American Studies Seminar	African Americans in Paris	Asian American Politics
Black Horror and Social Justice	Community Analysis	Honors American Government
Key Issues in Black Atlantic Thought	Politics of Race at UF	Presidential Inauguration Seminar
Race, Gender, and Politics	Urban Politics	Women of Color and the Law

The Junior Statesman Program at Yale University
Associate Professor of American Government from July 1-26, 2002

The University of Michigan at Ann Arbor
Visiting Scholar of Political Science from August 2000-May 2001
Courses offered:
Political Participation and Pressure Groups State and Local Government Urban Analysis

The University of Missouri at Columbia
Associate Professor of Political Science and Black Studies from July 2000-August 2002
Assistant Professor of Political Science and Black Studies from August 1995-July 2000
Courses offered:

American Government	Black Political Thought	Black Women in Politics
Community Analysis	Introduction to Black Studies	Municipal Problems
State and Local Government	Urban Politics	Women and the Law

The University of Louisville
Assistant Professor of Pan African Studies from August 1992-May 1995
Courses offered:

Black Nationalist Politics in America	Civil Rights and the Law, Parts I and II
Constitutional Law-Civil Rights and Civil Liberties	Constitutional Law-Powers of Government
Contemporary African American Political Topics	Politics of the Black Community
Race, Class, and Gender in the U.S.	Southern Politics

Grants for My Research and Teaching:

Primary Investigator, "The Political Economy Cooperatives of Women of Color in the African Diaspora" for $1,000, UF Center for the Humanities and the Public Sphere, Awarded on February 13, 2024.

Co-Primary Investigator, "Critical Conversations in the Humanities: The War in Israel/Palestine" for $4,900, UF Center for the Humanities and the Public Sphere, Awarded on February 13, 2024. Dr. Malini Schueller, Professor of English, is the Primary Investigator.

Primary Investigator, "Violence Against Black Female Mayors," Denied grant for $241,440 from the Bloomberg Harvard City Leadership Initiative.

Awarded $500 Virtual Exchange Project Professional Development Grant on May 8, 2023 from the UF International Center to participate in a five-week virtual exchange project to internationalize my Community Analysis class. I collaborated with Dr. Levy Odera of Kenya, East Africa in the fall 2024 and spring 2025 semesters. I also collaborated with Professors and Students from Sheffield-Hallam University in Sheffield, England and from the St. Mira College for Women in Pune, India.

Awarded $5000 Global Learning Grant on November 14, 2022 from the UF International Center to participate in the spring 2023 Global Learning Institute program.

Co- Primary Investigator, "Challenging Racism at UF: Using History to Create a Welcoming University and a Vibrant Intellectual Atmosphere" for $62,699, UF Research 2022: Advancing Racial Justice Through Inclusion, Diversity, Equity, and Access at the University of Florida October 2022.

Co- Primary Investigator, "Feminist Futures of Economic Cooperation among the Global African Diaspora" Project for $449,818, Social Science and Humanities Research Council's Race, Gender, and Diversity Initiative, Submitted in November 2021. Denied Funding.

Primary Investigator, University of Florida Racial Justice Grant for $60,000 to conduct research on Black faculty recruitment and retention, November 2020.

Primary Investigator, University of Florida Racial Justice Grant for $60,000 to conduct research on the university's ties to slavery, November 2020.

University of Florida Department of Political Science Grant for $1,000 to conduct research on "Racial Group Consciousness and the Haitian Immigrant Quest for Political Incorporation" with Doctoral Student Danielle King, April 2010.

University of Florida Graham Center Case Study Grant for $4,000 to conduct research on "Taking Back the Land: The Battle of Liberty City's Resident against Gentrification." Coauthored by undergraduate student Leonard J. Laurenceau, April 2009.

University of Florida Graham Center for $3,000 to develop a Latino Politics and Policy course, April 2008.

University of Florida Department of Political Science Grant for $3,000 to conduct research on "Concentrated Poverty, Social Isolation, and Political Participation in the Southern Black Belt" during the summer of 2006, March 2006

University of Florida College of Liberal Arts and Sciences Humanities Enhancement Grant for $4,000 to conduct research on "Concentrated Poverty, Social Isolation, and Political Participation in the Southern Black Belt," December 2005

Summer Research Fellowship for $7,000 from the University of Missouri in June 1996 to conduct research on "An Analysis of a New Generation of Black Mayors"

Research Council Grant for $2,000 from the University of Missouri in June 1996 to conduct research on "An Analysis of a New Generation of Black Mayors"

Faculty Development Grant for $3,300 from the University of Missouri in June 1997 to attend the Inter-Consortium for Political and Social Science Research at the University of Michigan

Research Grant for $2,000 from the Office of the Provost at the University of Louisville in June 1994 to conduct research at the University of West Indies at Cave Hill, Barbados, West Indies

Research Grant for $500 from the University of Louisville in May 1993 to conduct research on "Black Women in Kentucky Politics"

Received Dissertation Fellowship for $2,000 from the University of Louisville in August 1992

Grants for the African American Studies Program:

Received a $3,000 "Support for Workshops and Speaker Series in the Humanities" Grant from the Center for the Humanities and Public Sphere in February 2016. This grant funded "The Black Women in the Academy" workshop in February 2017 at the University of Florida.

Received a $3,500 "Support for Workshops and Speaker Series in the Humanities" Grant from the Center for the Humanities and Public Sphere in March 2015. This grant funded "The Legacy and Influence of President Barack Hussein Obama" workshop in February 2016.

Received a $1,500 "Civil Debate Wall" Grant from the Bob Graham Center for Public Service in July 2012. This grant funded an online discussion of African American views about same-sex marriage.

Received a $3,500 "Support for Workshops and Speaker Series in the Humanities" Grant from the Center for the Humanities and Public Sphere in February 2012. This grant funded "The Education and Identity of African American Men" workshop in February 2013.

Honors, Awards, and Recognitions:

Awarded the Global Learning Excellence Award for Synergy from the UF International Center on November 17, 2025 for my "dedication to implementing internationalization at home strategies that have had a unique and significant impact on our UF community. The selection committee was particularly impressed by the innovative nature of your virtual exchange projects and by your long-term commitment to providing access to global learning opportunities for all students."

Received the Beyond120 Research Mentorship in Humanities Award from the UF College of Liberal Arts and Sciences on May 8, 2023. This award was created to recognize the excellent work of CLAS faculty in supporting undergraduate research in the humanities, helping students overcome obstacles to participation in research, and adopting a holistic mentoring approach that fosters both personal and professional growth in their students.

Received the Fannie Lou Hamer Outstanding Community Service Award from the National Conference of Black Political Scientists annual meeting on March 10, 2023. This award is named in honor of the civil rights activist, Fannie Lou Hamer, who was the soul of the movement for racial justice in Mississippi. Mrs. Hamer was a SNCC field secretary and a major pillar of the Mississippi Freedom Democratic Party. She was instrumental in "breaking the back" of the racist caste system in the Black Belt. The award is given to a member of NCOBPS, who has made exemplary contributions to the growth and development of the African American community in the United States.

Graduate Education Diversity Champion for 2021-22, April 2022. This award recognizes faculty members who have enhanced and contributed to the overall graduate environment by actively and positively promoting the concept of diversity and improving cross-cultural understanding and inclusivity in the university environment.

David King Defender of Democracy Award, *League of Women Voters of Florida*, January 2022.

Science Defender Award, *Union of Concerned Scientists*, December 2021.

Selected as a University Term Professor, 2021-2024, for excellence in scholarship, teaching, and service at the University of Florida.

Selected for induction into the Edward A. Bouchet Graduate Honor Society's UF Chapter on February 8, 2021 because of my "scholarship, leadership, character, service, and advocacy" on behalf of under-represented graduate students.

Selected as a University Term Professor, 2018-2021, for excellence in scholarship, teaching, and service at the University of Florida.

Selected as a 2010-2011 Colonel Allen R. and Margaret G. Crow Term Professor of Liberal Arts and Sciences for excellence in scholarship, teaching, and service at the University of Florida, April 2010.

Winner of the Erika Fairchild Award of the Women's Caucus of the Southern Political Science Association on January 8, 2009. The award is given to a female scholar with a strong record of scholarship who is committed to students, teaching, and mentoring other female scholars, is a thoughtful, caring good citizen of the discipline, and has a collegial spirit.

Best Paper on Blacks and Politics Award for "Black Group Consciousness in South Florida". Paper Presented at the Annual Meeting of the Western Political Science Association, San Diego, California, March 18-21, 2008.

2006 SAVANT UF Honorary Membership Award. SAVANT UF was established in 1967 to recognize those "who have attained a high standard of leadership in collegiate activities and outstanding service to the University of Florida and the surrounding community." Its approximately 140 members granted an honorary membership to me during the spring 2006 semester.

2004-2005 University of Florida University-wide Advisor of the Year

2004-2005 College of Liberal Arts and Sciences Advisor of the Year at the University of Florida

2004-2005 Student Activities Center Student Organization Advisor of the Year at the University of Florida for my work with the Black Political Science Association

Fellow, "Analyzing Poverty and Welfare Trends Using Census 2000 Data" Workshop at the University of Michigan, Ann Arbor, June 23-27, 2003.

Outstanding Mentor of the Gatorlaunch Program during the 2002-2003 academic year.

Best Paper on Blacks and Politics Award for "The 2001 Los Angeles Mayoral Election: An Analysis of the Racial Threat Hypothesis and Black-Latino Electoral Coalitions" by Sharon D. Wright and Richard T. Middleton IV. Paper Presented at the Annual Meeting of the Western Political Science Association, Long Beach, CA, March 22, 2002.

My chapter "Clinton and Racial Politics" is published in *The Postmodern Presidency: Bill Clinton's Legacy in U.S. Politics*, which was selected by *CHOICE* AS ONE OF THE "Outstanding Academic Books of the Year" for 2001.
Outstanding Mentor of the McNair Scholars Program during the 2001-2002, 2002-2003, and 2004-2005 academic years

Freedom Journal Award, "The Voice Magazine Recognizes Dr. Sharon D. Wright as an Exemplar of Outstanding Service to the Students of the University of Missouri-Columbia, April 25, 1999

Profile in the *Columbia Missourian* newspaper, "The Wright Stuff: MU Professor Spearheads Civil Rights Education," October 19, 1997

Certificate of Recognition, "The Association of Black Graduate and Professional Students Recognizes Dr. Sharon D. Wright for Dedicating her Time and Expertise to the 1998 Graduate Professional Development Workshop," April 3, 1999

Certificate of Appreciation, "The Association of Black Graduate and Professional Students Recognizes Dr. Sharon D. Wright for Participating in the 1997 Graduate Professional Development Workshop," April 9, 1998

"A Case Study in Intra-Racial Divisions: The 1994 Shelby County Mayoral Election" received the Rodney Higgins Best Paper Award of the National Conference of Black Political Scientists, March 6-10, 1996
Fellow, Sixth Annual Africana Studies Summer Institute at the University of Ghana at Legon, West Africa. The four-week institute (July 9-August 6, 1995) was sponsored by the National Council for Black Studies and a grant from the Ford Foundation

Fellow, Summer Institute at the University of West Indies, Cave Hill in Barbados, West Indies. The four-week institute (July 19-August 22, 1994) was sponsored by the University of Louisville and the University of West Indies

Manuscripts-Published:

Sharon D. Wright Austin, editor. 2023. *Political Black Girl Magic: The Elections and Governance of Black Female Mayors*. Philadelphia: Temple University Press.

Caroline Shenaz Hossein, Sharon D. Wright Austin, and Kevin Edmonds, editors. 2023. *Beyond Racial Capitalism: Cooperatives in the African Diaspora*. New York: Oxford University Press.

Sharon D. Wright Austin. 2018. *The Caribbeanization of Black Politics: Group Consciousness and Political Participation in America*. State University of Albany Press, 2018.

Sharon D. Wright Austin. *The Transformation of Plantation Politics in the Mississippi Delta: Black Politics, Concentrated Poverty, and Social Capital in the Mississippi Delta*. Albany, NY: State University of New York Press, 2006.

Sharon D. Wright. 2000. *Race, Power, and Political Emergence in Memphis*. New York: Routledge Press.

Manuscripts In Press:

Caroline Shenaz-Hossein, Talia Esnard and Sharon Wright Austin. *Inventorying African Diaspora Economics: Community Banks in US, Canada and Trinidad and Tobago.* Cambridge University Press. Elements Series for Business and Economics. Expected publication in 2027.

Manuscripts in Progress:

Black European Politics
At the early stages of an edited book about Black politics in Britain, France, Germany, and Sweden. To be submitted to the Imagining Black Europe Series at Peter Lang Publishers.

Politics in the Classroom: The Assault on Blackness in the Battle for Academic Freedom.
Manuscript in progress.

Say It to My Face: Black Women, Social Justice, and the Presidency.
Manuscript in progress to be submitted a Cambridge History of Black Women in the Unites States series at Cambridge University Press in August 2027.

Women of Color and the Law.
Textbook in progress to be submitted to DeGruyter Press.

Refereed Journal Articles-Published:

Sharon D. Wright Austin. Racial Capitalism, the Black Radical Tradition, and Black Women's Activism. *Polity* 57, no. 3 (July 2025): 474-482.

Yiorgo Topalidis and Sharon D. Wright Austin. 2023. "Documenting Black Faculty Experiences in the 'Stop Woke' Era." *Sociology of Race and Education* 0 (0) https://doi.org/10.1177/23326492231201501.

Sharon D. Wright Austin. 2023. "Contemporary Black Populism and the Development of Multiracial Electoral Coalitions: The 2018 Stacey Abrams and Andrew Gillum Gubernatorial Campaigns." In *Current Perspectives on American Politics*, edited by Marylena Mantas and Robert Y. Shapiro. New York: The Academy of Political Science.

Sharon D. Wright Austin. 2021. Contemporary Black Populism and the Development of Multiracial Coalitions: The 2018 Stacey Abrams and Andrew Gillum Gubernatorial Campaigns. *Political Science Quarterly*. June 15. https://onlinelibrary.wiley.com/doi/epdf/10.1002/polq.13203.

Sharon D. Wright Austin, Editor of a special issue of *The National Political Science Review: The Journal of the National Conference of Black Political Scientists* entitled *The Caribbeanization of Black Politics*. Volume 19.1: 2018.

Sharon D. Wright Austin, "The Group Consciousness and Political Participation of African Americans and Black Ethnics." *The Caribbeanization of Black Politics* special issue of *The National Political Science Review: The Journal of the National Conference of Black Political Scientists*. Volume 19.1: 2018.

Sharon D. Wright Austin, Sekou M. Franklin, and Angela K. Lewis. "The Effects of Concentrated Poverty on Black and White Political Participation in the Southern Black Belt." *National Political Science Review* 15 (2013): 57-69.

Sharon D. Wright Austin, Richard T. Middleton IV, and Rachel Yon. The Effect of Racial Group Consciousness on the Political Participation of African Americans and Black Pan-Ethnics in Miami-Dade County, Florida. *Political Research Quarterly* 65, 3 (September 2012): 629-641.

Baodong Liu, Sharon D. Wright Austin, and Byron D'Andra Orey. Church Attendance, Social Capital, and Black Voting Participation. *Social Science Quarterly* 90, 3 (September 2009): 576-592.

Sharon D. Wright Austin and Richard T. Middleton IV. The Limitations of the Deracialization Concept in the 2001 Los Angeles Mayoral Election. *Political Research Quarterly* 57, 2 (June 2004): 283-293.

Sharon D. Wright and Richard T. Middleton IV. The 2001 Los Angeles Mayoral Election: Implications for Deracialization and Biracial Coalition Theories. *Politics and Policy* (formerly known as the *Southeastern Political Review*) 29, 1 (2002): 692-707.

Sharon D. Wright. The Tennessee Caucus of Black State Legislators. *The Journal of Black Studies* 31, 1 (September 2000): 3-19.

Sharon D. Wright. Political Organization or Machine: The Impact of Harold E. Ford's Endorsements in Memphis Mayoral Elections. *National Political Science Review: The Journal of the National Conference of Black Political Scientists* 7(Fall 1999): 210-220.

Sharon D. Wright. Electoral and Biracial Coalition*:* Possible Election Strategy for African American Candidates in Louisville, Kentucky. *The Journal of Black Studies* 25, 6 (July 1995): 749-758.

Refereed Book Chapters-Published:

Sharon D. Wright Austin. The Vicious Politics of Tenure and Promotion for Black Female Candidates. In *Disrupting Political Science: Black Women Transforming the Discipline*, edited by Angela Lewis-Maddox. (Albany: State University of New York Press 2024).

Sharon D. Wright Austin. My Battle to Preserve Academic Freedom at the University of Florida. In *Resisting the Ed Scare: Higher Education's Battle for Academic Freedom in a Multiracial Democracy*, edited by Valerie Johnson, Jennifer Ruth, and Ellen Schrecker. (New York: Beacon Press 2024).

Sharon D. Wright Austin. Andrew Gillum's Quest to Become Florida's First Black Governor. In *Historic Firsts in U.S. Elections: Gubernatorial, Congressional, and Mayoral Campaigns, 2018-2019*, edited by Evelyn M. Simien. (Routledge Press 2022).

Sharon D. Wright Austin. Selected Works of African American Studies Faculty at the University of Florida. In *African American Studies: 50 Years at the University of Florida*, eds. Jacob U'Mofe Gordon and Paul Ortiz. (University Press of Florida 2021).

Sharon D. Wright Austin. African American, Black Ethnic, and Dominican Political Relations in Contemporary New York City. In *Black Politics in Transition: Immigration, Suburbanization, and Gentrification*, eds. Candis Watts Smith and Christina M. Greer. (New York: Routledge, 2018).

Sharon D. Wright Austin and Danielle King. President Barack Obama and Racial Politics. In *Barack Obama's Historic Legacy: A Two Year Assessment*, ed. John Davis. (New York: Palgrave Macmillan, 2011).

Sharon D. Wright Austin and Richard T. Middleton IV. Racial Politics of Gaming in the Delta. In *Resorting to Casinos: The Mississippi Gaming Industry*, ed. Denise von Hermann (Oxford, MS: University Press of Mississippi, 2006).

Sharon D. Wright Austin and Richard T. Middleton IV. The 2001 Los Angeles Mayoral Election: Implications for Deracialization and Biracial Coalition Theories. In *Black and Latino/a Politics: Issues in Political Development in the United States*, eds. Jessica Lavariega Monforti and William E. Nelson Jr. (Miami, FL: Barnhardt and Ash, 2006) [reprint of "The 2001 Los Angeles Mayoral Election: Implications for Deracialization and Biracial Coalition Theories." *Politics and Policy* (formerly known as the *Southeastern Political Review*) 29, 1 (2002): 692-707.]

Sharon D. Wright Austin and Richard T. Middleton IV. Sustainability in the Twin Cities of Biloxi-Gulfport, Mississippi. In *Governing Middle-Sized Cities: Studies in Mayoral Leadership*, eds. Wilbur C. Rich and James Bowers (Boulder, CO: Lynne Rienner Publishers, 2000).

Sharon D. Wright and Minion K.C. Morrison. The African American Political Experience. In *The Historical and Bibliographical Guide to the African American Experience*, eds. Arvarh Strickland and Robert E. Weems Jr. (Westport, CT: Greenwood Press, 2000).

Sharon D. Wright. Clinton and Racial Politics. In *The Postmodern Presidency: Bill Clinton's Legacy in U.S. Politics*, ed. Steven Schier (Pittsburgh, PA: University of Pittsburgh Press, 1999).
Sharon D. Wright. The Activism of Black Women in Congress, 1967-1997. In *African American Women's Activism Since the Civil Rights Movement*, ed. Kimberly Springer. (New York: New York University Press, 1999).

Sharon D. Wright. The Deracialization Strategy and African American Candidates in Memphis Mayoral Elections. In *Race, Politics and Governance in the United States*, ed. Huey L. Perry (Gainesville, FL: University of Florida Press, 1997).

Forthcoming Publications:

Sharon D. Wright Austin, Vincent Edward Oluwole Adejumo, and Tarini Panidepu. "Won't Back Down": Florida's Complex Interpretation of DEI and Racial Pedagogy. In *Authoritarian U: Florida as the Testing Ground for the Future of Higher Education*, edited by Robin Goodman and Jordan Scott. Bloomsbury Press. Submitted in February 2026.

Sharon D. Wright Austin, Ananya Bhargava, and Leah Edwards. Ladies Let's Vote. In *The History of Voting in the United States*, edited by Gilda R. Daniels. Cambridge University Press. Submitted in December 2026.

Sharon D. Wright Austin and Lucca Carlson. Meghan Markle, Royal Feminism, and Black Feminism in Post-Brexit Britain. In *Racism and the British Monarchy: A Meghan Markle Reader*, edited by Duchess Harris and Julie Schwietert Collazo. University of Arizona Press. In Press.

Dario Moreno and Sharon D. Wright Austin. Race, Ethnicity, and Politics in Florida. In *Government and Politics in Florida. Fourth Edition*, edited by J. Edwin Benton. Gainesville: University Press of Florida. Submitted in April 2026.

LaRaven A. Temoney, Angela K. Lewis-Maddox, and Sharon D. Wright Austin. Black Lives Matter: How Black Women Lead the Movement for Global Transformational Change. In *The Cambridge History of Black Women in the U.S.*, edited by Karen Cook-Bell. Cambridge University Press. Submitted in April 2026.

Research Report:

Sharon D. Wright. Casino Gaming in the Delta: Race, Politics, and Gaming in Tunica County, Mississippi. In *The Trotter Review of the University of Massachusetts, Boston* 38 (Summer 2000).

Encyclopedia Entries:

Sharon D. Wright Austin. 2022. The Black Social Economy and Social and Solidarity Economics. In *Social and Solidarity Economy Encyclopedia*, edited by the UN Inter-Agency Task Force on Social and Solidarity Economy. Edward Elgar Publishing.

Sharon D. Wright Austin. Constance Baker-Motley. In *An Encyclopedia of American Civil Rights and Liberties*, eds. Otis H. Stephens Jr., John M. Scheb II, and Kara E. Stooksbury (Westport, CT: Greenwood Press, 2006).

Sharon D. Wright Austin. Rosa Parks. In *An Encyclopedia of American Civil Rights and Liberties*, eds. Otis H. Stephens Jr., John M. Scheb II, and Kara E. Stooksbury (Westport, CT: Greenwood Press, 2006).

Book Reviews:

Sharon D. Wright Austin. *Long Distance Runners: Black Women Radicals and the Struggle for Liberation* by Tionne Parris. Bloomsbury Press. April 8, 2026.

Sharon D. Wright Austin. *Black Politics and the Deconstruction of Race* by Theodore Davis Jr. September 8, 2025.

Sharon D. Wright Austin. *New Directions in Black Political Psychology* by Camille Burge-Hicks, Christine Slaughter, and Jas Sullivan. University of Michigan Press. August 26, 2025.

Sharon D. Wright Austin. Reviewed "Expect Fentanyl: The Crisis, Politics, and Future of Synthetic Opiods" by Suzette R. Grillot. Proposal for a Book Series at DeGruyter Press. June 2, 2025.

Sharon D. Wright Austin. *Black Feminist Politics: From Kennedy to Harris* by Duchess Harris. Palgrave Macmillan. May 19, 2025.

Sharon D. Wright Austin. *No Longer Fly Over Country: The Politics of Rural America*, edited by Karen M. Kedrowski and Leah Murray. Routledge Press. May 21, 2025.

Sharon D. Wright Austin. *The Politics of Black Millennials* by Donovan Watts. University of Michigan Press. May 19, 2025.

Sharon D. Wright Austin. *Identity in Red and Blue: An Exploration of Identity Politics in the United States* by George Yancey. Routledge Press. May 16, 2025.

Sharon D. Wright Austin. *Riling Up the Base: Examining Trump's Use of Stereotypes through an Interdisciplinary Lens*, DeGruyter Press, February 14, 2024.

Sharon D. Wright Austin. *An Unfinished Project: Democracy in the United States* by Steven J.L. Taylor, DeGruyter Press, February 6, 2024.

Sharon D. Wright Austin. Race, Ethnicity, and Political Communication Series Proposal, edited by Stephen Maynard Caliendo of, North Central College and Charlton D. McIlwain of New York University, DeGruyter Press, November 19, 2023.

Sharon D. Wright Austin. *Reparations in California: Towards Actualizing Repair and Redress for Black People* by Tiffany Caesar, Mychal Odom, and Martin L. Boston. DeGruyter Press, October 27, 2023.

Sharon D. Wright Austin. *Shirley Chisholm: Her Life, Her Words, Her Time*. Glenn L. Starks and F. Erik Brooks (Manuscript reviewed for Columbia University Press in September 2021).

Sharon D. Wright Austin. *Somalis in the Neo-South: African Immigration, Politics and Race*. Dorian Brown Crosby. Peter Lang, 2020. (Book reviewed for the *National Political Science Review* in July 2021).

Sharon D. Wright Austin. *Political Volatility in the United States: How Racial and Religious Groups Win and Lose*. (Manuscript reviewed for Lexington Books in April 2021).
Sharon D. Wright Austin. *The Black Banker Ladies: Mutual Aid and Rotating Savings and Credit Associations of Racialized Women*. Caroline Shenaz Hossein (Manuscript reviewed for University of Toronto Press in November 2019).

Sharon D. Wright Austin. *Latino Politics in America: Community, Culture and Interests*. John A. Garcia (Manuscript reviewed for Rowman and Littlefield in November 2019).

Sharon D. Wright Austin. *Redefining the Political: Poor Black Women in Chicago and New Understandings of Political Identity and Action*. Alexandra Moffett-Bateau (Manuscript reviewed for Temple University Press in October 2019).

Sharon D. Wright Austin. *Much Sound and Fury, or the New Jim Crow? The Twenty-First Century's Restrictive New Voting Laws and their Impact in the States*. Edited by Michael A. Smith (Manuscript reviewed for State University of New York at Albany Press in September 2019).

Sharon D. Wright Austin. *Losing Power: African Americans and Racial Polarization in Tennessee Politics, 2000-2012*. Sekou M. Franklin and Ray Block Jr. (Manuscript reviewer for the University of Georgia Press in August 2017).

Sharon D. Wright Austin. American Politics and the African American Quest for Universal *Freedom*. *Eighth Edition*. Hanes Walton Jr., Robert Smith, and Sherri Wallace (Manuscript reviewed for Routledge Press in June 2015).

Sharon D. Wright Austin. *African American Politics*. Andra Gillespie and Shayla Nunnally. (Manuscript reviewed for Routledge Press in December 2012).

Sharon D. Wright Austin. *Contemporary Southern Politics*. Seth McKee. (Manuscript reviewed for Routledge Press in August 2012).

Sharon D. Wright Austin. *Ciencia Politica: The Scientific Analysis of Latino Politics in the United States*. Edited by Tony Affigne, Evelyn Hu-DeHart, and Marion Orr. (Manuscript reviewed for Routledge Press in March 2011).

Sharon D. Wright Austin. *To the Right and Misunderstood: Conservatism in the Black Community*. Angela K. Lewis. (Manuscript reviewer for SUNY Albany Press in 2009).

Sharon D. Wright Austin. *Whose Black Politics? Case Studies in Post-Racial Black Leadership*. Edited by Professor Andra Gillespie. (Manuscript reviewed for Routledge Press in January 2009).

Sharon D. Wright Austin. *African American Politics in the 21st Century*. Andra Gillespie, Editor. (Manuscript reviewed for the Congressional Quarterly Press and Routledge Press in 2007).

Sharon D. Wright Austin. W*here Have You Gone, Horatio Alger? A Convergence of Race and Poverty in the Memphis City Schools*. Marcus Pohlmann (Manuscript reviewed for the University of Tennessee Press in 2007).

Sharon D. Wright Austin. *Freedom Is a Constant Struggle: The Mississippi Civil Rights Movement and Its Legacy* by Kenneth T Andrews (Chicago: University of Chicago Press, 2004) for the *Journal of Southern History.*

Sharon D. Wright Austin. *Black Feminist Voices in Politics* by Evelyn Simien for the State University of New York Press, 2004.

Sharon D. Wright Austin. *The Politics of the New South: Representation of African Americans in Southern State Legislatures* by Charles E. Menifield and Stephen D. Shaffer (eds.) for the State University of New York Press, July 2003.

Sharon D. Wright. *The Encyclopedia of Memphis* by Timothy Huebner and Michael Nelson (eds.) for the University of Tennessee, Knoxville Press, October 2002.

Sharon D. Wright. *Red Lines, Black Spaces: The Politics of Race and Space in a Black Middle-Class Suburb* by Bruce D. Haynes (New Haven, CT: Yale University Press, 2001) for the *Journal of Politics*.

Sharon D. Wright. Comparison Review of *Enforcing Civil Rights: Race Discrimination and the Department of Justice* by Brian K. Landsberg (Lawrence, KS: University Press of Kansas, 1997); *Reaching Beyond Race* by Paul M. Sniderman and Edward G. Carmines (Cambridge, MA: Harvard University Press, 1997), and *Racism in the post-Civil Rights Era: Now You See It, Now You Don't* (Albany, NY: State University of New York Press, 1995) for the *Policy Studies Journal*.

Sharon D. Wright. *Racial Politics at the Crossroads: Memphis Elects Dr. W.W. Herenton* by Marcus Pohlmann and Michael Kirby (Knoxville, TN: University of Tennessee Press, 1996) for

the *National Political Science Review: The Journal of the National Conference of Black Political Scientists*.

Sharon D. Wright. *Government in America, Brief Version, Third Edition* by Edwards, Wattenberg, and Lineberry (New York: Longman , 1995) for Longman Publishing.

Sharon D. Wright. *African Americans at the Crossroads: The Restructuring of Black Leadership and the 1992 Elections* by Clarence Lusane (Boston, MA: South End Press, 1995) for the *Social Science Quarterly*.

Sharon D. Wright. *Abortion and American Politics* by Barbara H. Craig and David M. O'Brien (Chatham, NJ: Chatham House, 1994) for the *National Political Science Review: The Journal of the National Conference of Black Political Scientists*.

Sharon D. Wright. *Studying Politics* by Roderick Church, Terrence Carroll, and Nicolar Baxter-Moore (New York: Longman, 1994) for Longman Press.

Sharon D. Wright. Comparison Review of *the Year of the Woman: Myths and Realities* by Thomas Cook (Greenwood, CT: Westview Press, 1994); *Women, Elections and Representation. Second Edition* by Darcy, Welch, and Clark for the *Southeastern Political Review*.

Sharon D. Wright. *Empirical Political Analysis: Research Methods in Political Science. Third Edition* by Jarol B. Mannheim and Richard C. Rich (New York: Longman, 1993).

International Activities:

Instructor
African Americans in Paris spring break class has been offered several times since 2014.

Keynote Speaker
Second Annual International Conference on Cooperatives, Mutual Aid, and Solidarity Economics. Department of Economics. University of Kerala, India. January 14, 2022.

Reviewer and Doctoral Committee Member

For virtual defense of *Understanding African American Women State Judges: Political Behavior, Challenges, and Political Representation* by Mea Boykins. June 4, 2025. University of the West Indies.

For virtual defense of *Immigrant Political Integration in Finland: The Perspectives of Black African Immigrants at the Municipal Level* by Thaddeus C. Ndukwe. February 4, 2022. University of Jyvaskyla, Finland.

Presenter
Daring to Conceptualize the Black Social Economy. University of Toronto, Scarborough, November 12, 2025.

Presenter
Black History Month Presentation on the Black Social Economy. University of Toronto, Scarborough. February 16, 2022.

Presenter
The American University of Paris. Discussed publishing opportunities in the American Political Science Review. March 11, 2022.

Invited Lectures:

Guest speaker
"The DEI Battle," Matheson History Museum. Gave a presentation about the most recent anti-DEI legislation in Florida on March 14, 2026.

Guest speaker
"The Late Jesse Louis Jackson Sr." Gave an in-person presentation to the African American Club at the Villages Retirement Community as part of their "A Century of Black History Commemorations" program about the legacy of civil rights icon Jesse Jackson shortly after his death, February 25, 2026.

Panelist
"Beyond the Ballot: Forging Ahead to Serve Our Communities Post the 2024 Elections," Virtual presentation sponsored by the Eastern Area of The Links, Incorporated, November 20, 2025. Panelists discussed changes in the political landscape in the year following the November 2024 presidential election.

Panelist
"The Solidarity Economic Efforts of African American Women in the U.S." Wording Feminist Political Economics Series: Daring to Conceptualize the Black Social Economy at the University of Toronto, November 12, 2025.

Presenter
"The Battle to Preserve Academic Freedom in Florida and the Nation," Virtual presentation to the Jacksonville Urban League, November 6, 2025.

Presenter
"Political Science Research," Gave a presentation to the UF African American Studies Senior Seminar about the academic pioneers, dominant theories, and methods in African American politics research on September 19, 2025.

Panelist
"Getting Into Some Good Trouble," State of Black Studies Meeting at Florida State University. Gave an in-person presentation about the assault on academic freedom on May 13, 2025.

Guest speaker
"Real Talk Virtual Presentation About The Stop Woke Act and SB 266," University of Florida Athletes., March 26, 2025.

Panelist
"Welcoming Black Faculty to Higher Education: A Racial Justice Town Hall," Sponsored by the UF Racial Justice Grant, Samuel C. Proctor Oral History Program, and the Cotton Club Museum." October 12, 2023. Discussed the experiences and challenges for Black faculty that were findings from the racial justice grant on Black faculty recruitment and retention of which I served as primary investigator.

Participant
"Meet UF," Sponsored by the Office of Academic Support, September 28, 2023. Talked to undergraduate students from first-generation, limited-income, or under-resourced backgrounds (UF Promise and UF-SSS students) about succeeding in college.

Guest speaker
UF FiND Professional Panel, Sponsored by the UF Center for Inclusion and Multicultural Engagement, August 19, 2023.

Panelist
"Exemplifying C.L.A.S.S. (Character, Leadership, Advocacy, Scholarship, and Service) in research, academy, and community to preserve democracy" panel, University of Florida's Edward A. Bouchet Graduate Honor Society. May 12, 2023.

Panelist
"Fostering Inclusive Partnerships to Promote Women into Leadership Roles" on March 29, 2023 during the UF Women's Diversity and Leadership Summit.

Panelist
Roundtable discussion, Academic Freedom in the Sunshine State, New College of Florida, Sarasota, Florida, April 1, 2023.

Presenter
"The Backlash Against Black Studies," February 28, 2023 at Penn State University in State College, PA. The lecture was sponsored by the African American Studies and Political Science departments and the Penn State Humanities Institute.

Presenter
"The Importance of Teaching Black History and Politics," Black History Month livestream panel along with the other plaintiffs in the *Pernell v. Florida Board of Governors* plaintiff. This event was sponsored by the American Civil Liberties Union.

Presenter
"Fostering Inclusive Partnerships to Promote Women into Leadership Roles" panel during the Women's Diversity and Leadership Summit on March 29, 2023.

Panelist
"Anti-racism Legislation in the EU and the Efforts to Create a Union of Equality." Sponsored by the UF Jean Monnet Center of Excellence (JMCE), December 16, 2022.

Guest Political Contributor
"The Caribbeanization of Black Politics in Chicago," The Perri Small Show on WVON (The Voice of the Nation), December 6, 2022.

Keynote Speaker
"The Importance of Debevoise and Plimpton's Pro Bono Work in the Fight for Social Justice," Pro Bono Institute Dinner, New York, New York, November 2, 2022.

Panelist
Advice from a Panel of Experts panel, UF New TA Orientation, August 19, 2022.

Conference Presentations:

Participant
International Student Engagement in U.S. Classrooms Roundtable at the virtual DA Global Conference, October 8, 2025.

Participant
A DuBois Reckoning: The Moral Dilemma of Black Scholarship and Research Roundtable at the American Political Science Association, Vancouver, Canada, September 11, 2025.

Participant
Author Meets Critics Roundtable for *Disrupting Political Science: Black Women Reimagining the Discipline*, edited by Angela K. Lewis-Maddox at the Southern Political Science Association at National Conference of Black Political Scientists. March 21, 2025.

Chair and Discussant
University of Florida Undergraduate Research Panel at the Southern Political Science Association, January 11, 2025.

Participant
Author Meets Critics Roundtable for *Disrupting Political Science: Black Women Reimagining the Discipline*, edited by Angela K. Lewis-Maddox at the Southern Political Science Association, on January 10, 2025.

Participant
The Politics of DEI Roundtable at the Southern Political Science Association, January 9, 2025.

Participant
Nevertheless We Persist Roundtable at the American Political Science Association meeting on September 6, 2024.

Presenter
Evaluating and Addressing the Effects of Attacks on Higher Education and Academic Freedom at the American Political Science Association meeting on September 5, 2024.

Participant
Author Meets Critics Panel: *Political Black Girl Magic: The Elections and Governance of Black Female Mayors* with Professors Natasha McNeeley and Stefanie Chambers at the Southern Political Science Association meeting on January 13, 2024.

Chair and Discussant
Race/Ethnicity, Campaigns, and Candidate Evaluations Panel at the Southern Political Science Association meeting on January 12, 2024.

Chair and Discussant
Grassroots and Political Economy Campaigns in Communities Panel at the Southern Political Science Association meeting on January 11, 2024.
Denise Quinlan, University of Florida doctoral student, presented "The Political Economy of Foreign Direct Investments (FDI) in Local Communities." University of Florida undergraduate students Lucca Carlson and Reed Jeffries presented "Grassroots: Messaging, Mobilization, and Legitimacy" that they completed as Askew Scholars with the U.F. Bob S. Graham Center for Public Service.

Presenter
Florida's War on Diversity, Equity, and Inclusion: How to Promote Diversity in Study Abroad Programs. Diversity Abroad Annual Meeting. November 1, 2023.

Chair
African American Activism and Elections in the Global South panel at the National Conference of Black Political Scientists meeting on March 9, 2023.

Panelist
Tenure and Promotion Roundtable. National Conference of Black Political Scientists. March 9, 2023.

Panelist
"The Role of African-American Women in the Electoral Process," The Political Campaigning Program Spring Forum, March 3, 2023.

Panelist
"Academic Freedom and the Public University" Conference, Sponsored by the University of Oregon's Office of the Provost, October 14, 2022.

Chair and Discussant
Native American Politics Panel. Southern Political Science Association. San Antonio, TX. January 15, 2022.

Presenter
Black Female Mayors in America. Southern Political Science Association. San Antonio, TX. January 15, 2022.

Chair and Discussant
Black Women in Legislatures. Southern Political Science Association. San Antonio, TX. January 13, 2022.

Discussant
Author Meets Critics Panel on The Great Migration and the Democratic Party: Black Voters and the Realignment of American Politics in the 20th Century by Keneshia Grant. American Political Science Association Virtual Panel. September 30, 2021.

Chair and Discussant
Partisanship and Voting among Black Americans. American Political Science Association Virtual Panel. September 29, 2021.

Commentator
Virtual Haywood Millbauer Symposium sponsored by the UF history department for a lecture entitled ""Mr. Muhammad Says All of This is Possible for You and Me': Elijah Muhammad, Muhammad Speaks, and Black Nationalism during the Space Age" by Professor D'Weston Haywood. April 15, 2021.

Panelist
Virtual Panel on The Editor's Guide to Book and Journal Publishing. National Conference of Black Political Scientists. March 13, 2021.

Discussant
Black Women as the Conscience in Business and Society: Understanding Collective Power in a Comparative Perspective Panel. National Conference of Black Political Scientists virtual meeting, March 12th, 2021.

Panelist
Virtual Tenure and Promotion Roundtable. National Conference of Black Political Scientists. March 12, 2021.

Discussant
Black Women in Politics Panel. Southern Political Science Association virtual meeting. January 8, 2021.

Organizer and Panelist
Tenure and Promotion Panel. Southern Political Science Association virtual meeting. January 9, 2021.

Discussant
Mobilization, Civic Engagement, and Resilience Panel. American Politics in the 20th Century. American Political Science Association virtual meeting. September 13, 2021.

Organizer and Panelist
The Editors' Guide to Book and Journal Publishing Roundtable, National Conference of Black Political Scientists virtual meeting, March 12th, 2021.

Panelist
Author Meets Critics: The Great Migration and the Democratic Party: Black Voters and the Realignment of American Politics in the 20th Century. American Political Science Association virtual meeting. September 11, 2021.

Presenter
Andrew Gillum's Quest to Become Florida's First Black Governor, *Historic Firsts in U.S. Elections* Panel. National Conference of Black Political Scientists virtual meeting, March 12th, 2021.

Presenter
The Legacy of Plessy v. Ferguson at Predominantly White Institutions: The Politics of Defining "Black" Students for Admissions Purposes
Russell Sage Journal Conference: The Legacy of Separate But Equal: Policy Implications for the 21st Century, New York, New York, September 27, 2019.

Chair and Presenter
The Campaigns, Elections, and Governance of Black Female Mayors
American Political Science Association, Washington, D.C., August 28-September 1, 2019.

Presenter
Afro-Cuban Group Consciousness and Political Participation in Miami-Dade County
National Conference of Black Political Scientists, Baton Rouge, Louisiana, March 14-17, 2019.

Discussant
Black Women as Elected Officials Panel
National Conference of Black Political Scientists, Baton Rouge, Louisiana, March 14-17, 2019.

Panelist on Roundtable Panel
The Politics of Faculty Diversity and Tenure Panel
National Conference of Black Political Scientists, Chicago, Illinois, March 14-17, 2018.

Chair and Discussant
Pan African Thought and Method Panel
National Conference of Black Political Scientists, Chicago, Illinois, March 14-17, 2018.

Panelist on Roundtable Panel
National Political Science Review: A Standard-Driven Academic Refereed Journal of Black Politics
National Conference of Black Political Scientists, Jackson, Mississippi, March 14-17, 2016

Chair and Discussant
Descriptive Representation Without Substance: Black Inclusion in the Era of Racial Animus
National Conference of Black Political Scientists, Jackson, Mississippi, March 14-17, 2016

Chair and Discussant
Schools, Cities, and Cradle-to-Prison Pipeline
National Conference of Black Political Scientists, Jackson, Mississippi, March 14-17, 2016

Chair and Discussant
African American Archival Research
Associate for the Study of Afro American Life and History, Jacksonville, Florida, October 2-4, 2013.

Chair and Discussant
African American Political and Policy Issues
Associate for the Study of Afro American Life and History, Jacksonville, Florida, October 2-4, 2013.

Discussant
Urban Political Empowerment
Southern Political Science Association, Orlando, Florida, January 3-5, 2013.

Chair and Discussant
African and African American Policy Issues
National Council for Black Studies, Atlanta, Georgia, March 8, 2012.

Chair and Discussant
African and African American Political Leadership
National Council for Black Studies, Atlanta, Georgia, March 9, 2012.

Chair and Discussant
The Politics of African American Educational and Identity Issues
National Council for Black Studies, Atlanta, Georgia, March 9, 2012.

Presenter
Church Attendance, Social Capital, and Black Voting Participation
Midwest Political Science Association, Chicago, Illinois, April 1-3, 2008.

Presenter
Black Group Consciousness in South Florida
Western Political Science Association, San Diego, California, March 18-21, 2008.

Chair and Discussant
Latino Politics Panel
Southern Political Science Association, New Orleans, Louisiana, January 4-6, 2007

Discussant
The New Politics of Multiracial Cities Panel
American Political Science Association, Philadelphia, Pennsylvania, August, 31-September 3, 2006

Discussant
Emerging Issues in African American Opinion Panel
American Political Science Association, August 28-September 1, 2005, Washington, D.C.

Chair and Discussant
The Political Research of Dr. Ronald McNair Scholars
Panel participants included four University of Florida students: Gloria Bowens, James Holloway III, Natassia Kelly, and Funmi Olorunnipa.
National Conference of Black Political Scientists, Oakland, California, March 8-12, 2003

Chair
Getting Through the Tenure and Promotion Process
National Conference of Black Political Scientists, Oakland, California, March 8-12, 2003

Presenter
"Coping with the Graduate School Experience"
Western Political Science Association, Long Beach, California, March 23, 2002

Presenter
"The 2000 Los Angeles Mayoral Election: An Analysis of the Racial Threat Hypothesis and Black-Latino Electoral Coalitions"
Western Political Science Association, Long Beach, California, March 23, 2002

Chair and Discussant
The Role of Race in Southern Elections and Public Policies
National Conference of Black Political Scientists, Atlanta, Georgia, March, 8, 2002

Section Chair
State and Local Politics Section
National Conference of Black Political Scientists, Atlanta, Georgia, March, 6-1-, 2002; March 8-12, 2003

Presenter
"Coping with the Graduate School Experience"
Western Political Science Association, Las Vegas, Nevada, March 22, 2001

Chair
Racial Contexts and Representations in the Political Space
Students of Color of Rackham Conference, University of Michigan, Ann Arbor, February 17, 2001

Presenter
"Women of Color in Academia"
Students of Color of Rackham Conference, University of Michigan, Ann Arbor, February 16, 2001

Chair
Political Empowerment and Racial Minorities: Where We Are at Century's End
American Political Science Association, Washington, D.C., August 31-September 3, 2000

Discussant
Representation, Redistricting, and Race in Electoral Politics
American Political Science Association, Boston, Massachusetts, September 3-6, 1998

Chair
Issues Related to Teaching
American Association of Behavioral and Social Sciences, Las Vegas, Nevada, January 13-15, 1998

Presenter
"Developing Black Studies Programs in Order to Enhance Diversity"
American Association of Behavioral and Social Sciences, Las Vegas, Nevada, January 13-15, 1998

Presenter
"America's Ethiopia: The Politics of Casino Gambling in Tunica County, Mississippi"
Urban Affairs Association, Toronto, Canada, April 19, 1997

Presenter
"The Elections of the Nineties: An Analysis of a New Generation of Black Mayors"
American Political Science Association, San Francisco, California, August 30-September 2, 1996

Chair and Discussant
Black State Legislative Politics
National Conference of Black Political Scientists, Savannah, Georgia, March 6-10, 1996

Presenter and Chair
Challenges to Governance: The Freeman Bosley Administration of St. Louis
Southern Political Science Association, Tampa, Florida, November 1995

Presenter
"A Case Study in Black Activism: The Freeman Bosley Mayoral Election in St. Louis"
Missouri Political Science Association, Columbia, Missouri, October 1995

Presenter
"A Case Study in Intra-racial Divisions: The 1994 Shelby County Mayoral Election"
National Conference of Black Political Scientists, Baltimore, Maryland, March 1995

Presenter
"The Political Economy of Racism Revisited: The Relationship between the Black Political Establishment and the White economic Community in Memphis, Tennessee"
American Political Science Association, New York, New York, September 1994

Discussant
Blacks as the Old Minorities or Role Model?
Annual Conference on Minority Relations, Wellesley College, April 1994

Presenter
"The Effect of Majority Vote Requirements on Black Candidate Success in At-Large Memphis Elections"
National Conference of Black Political Scientists, Hampton, Virginia, March 9, 1994

Presenter
"Organization or Machine: The Power of Ford Endorsements in Memphis Mayoral Elections"
Southern Political Science Association, Savannah, Georgia, November 1993

Presenter
"Independent Black Political Leadership: The Presidential Campaigns of Dr. Lenora B. Fulani"
Southern Political Science Association, Savannah, Georgia, November 1993

Presenter
"Racial Gerrymandering in Louisville: The Effect of Legislative Reapportionment on African American Legislative Representation"
Women's Studies Conference, Bowling Green, Kentucky, September 1993.

Presenter
"Deracialization and Biracial Coalition: Possible Election Strategy for African American Candidates in Louisville, Kentucky"
American Political Science Association, Washington, D.C., September 1993

Presenter
"We Can't Hackett Anymore: The Failure of the Deracialization Strategy in Memphis Mayoral Campaigns"
Southwestern Political Science Association, New Orleans, Louisiana, March 1993

Presenter
"Racial Voting Patterns in Memphis Mayoral Elections: An Analysis of the 1991 Election of Dr. Willie W. Herenton"
Southern Political Science Association, Atlanta, Georgia, November 1992

Presenter
"The Application of the Voting Rights Act of 1965 to State Judicial Elections: Implications for Judicial Selection Systems"
Southwestern Political Science Association, Austin, Texas, March 1992

Service for the Political Science Department, University of Florida:

Mentor for Several Junior Fellows every semester since 2021.

Chair of the Chair Advisory Committee, 2023-24

Member of American Politics Search Committee, 2023-24

Member of the Campbell and Gonzalez Award Committees, 2023-24

Member of Graduate Student Admissions Committee, 2023-24

Member of Search Committee for Assistant Director of the Samuel Proctor Oral History Committee, 2023-24

Member of Search Committee for Director of the UF Quest Program, 2023-24

Member of the Political Science Lecturer Committee, 2019

Chairman of the Latino Politics Search Committee, 2015

Member of the Strategic Planning Committee, 2010-2011

Chairman of Curriculum Committee, 2009-2011

Chairman of the Department's Speakers Series, 2007-2008

Chairman of the James W. Button/Barbara Roth Memorial Award Committee, 2006-2025

Chairman of the Rolda L. Darlington Memorial Scholarship Committee, 2026-Present

Chairman of the Best Undergraduate Paper Committee, 2009-2010

Master's and Doctoral Committee Member for Several Graduate Students Since 2003 and Chair of Committee for Several Students

Member of Chair Advisory Committee, 2004-2005, 2005-2006

Supervised Independent Research Projects for Several Students Since 2003.

Supervised the selection of the recipients of the Multicultural Scholar Award from the department of political science each year since March 2006.

Undergraduate Coordinator during the 2008-2009 and 2009-2010 academic years.

Service for the Profession:

Vice President and President-Elect of the National Conference of Black Political Scientists, 2025-Present

Chair and Committee Member
Heinz Eulau Award Selection Committee for 2025-26. Worked with other faculty to select the best paper published in the *Perspectives on Politics* and *American Political Science Review* articles in 2025.

Section Chair for the Teaching Section of the 2026 Annual Meeting of the Southern Political Science Association.

Senior Coordinator
2025-26 Women of Color Symposium. Coordinator of the 2026 Women of Color Symposium that will take place on September 2, 2026 before the APSA meeting in Boston.

Committee Member
Norton Long Career Achievement Award, American Political Science Association March 31, 2023.

Keynote Speaker (with Dan Smith and Michael McDonald)
Phi Sigma Alpha Address, Southern Political Science Association, January 12, 2022.

Virtual Presenter
The Caribbeanization of Black Politics at the University of Tennessee, Knoxville's Black History Month Program. Sponsored by the UT Africana Studies Department. February 17, 2022.

Virtual Presenter
Publishing in Political Science at the University of Tennessee. Sponsored by the UT Africana Studies and Political Science Departments. February 18, 2022.

Virtual Presenter
Understanding What Voter Suppression Is and Why We Should Care. Virtual Presentation. Palm Beach, FL County Library System. August 18, 2021.

Panelist
Virtual Stephanie Tubbs Jones Symposium on Black Female Mayors sponsored by Delta Sigma Theta Sorority. April 25, 2021.

Author: "The Mayoral Elections of the Nineties: An Analysis of a New Generation of Black Mayors." *Urban News Newsletter of the Urban Politics Section of the American Political Science Association*. 11,3 (Autumn 1997): 1-2, 4.

Editorial Work:

Member
Editorial Board for *Polity*, 2025-Present

Co-editor
Government and Politics in the South series. University Press of Florida. 2020-Present

Co-lead editor
American Political Science Review, December 1, 2022 to November 30, 2023.

Member
American Political Science Review Editorial Team, June 1, 2020-June 1, 2024 (Lead editor during the 2022-23 academic year)

Member
Editorial Board of the *Ralph Bunche Journal of Public Affairs*, 2013-2017

Member
National Political Science Review, Editorial Team, 2016-2020.

Member: American Political Science Association, 1992-Present
Council Member of the Urban Politics Section, 2005-2008
Member of the Race and Ethnicity Section, 2000-Present
Chair of the Byran Jackson Dissertation Support Committee, 2005-2006
Chair of the Best Book in Urban Politics Committee, 2006-2007
Member of the Emerging Scholar Award Selection Committee. American Political Science Association. 2022
Member of the Best Book in Urban Politics Selection Committee. American Political Science Association. 2022
Member of the Doctoral Dissertation Research Improvement Grant Selection Committee. American Political Science Association. 2021
CLAS Teacher of the Year Award Selection Committee, 2017-18 Academic Year
National Conference of Black Political Scientists, 1992-Present
Member of the Anna Julia Cooper Teaching Award Committee, 2005-2009
Southern Political Science Association, 2000-Present
Program Chair. Race and Ethnicity Panels. 2022
Member of the Executive Council, 2005-2008
UF Provost's Student Retention and Success Task Force, May 2017-2018

Reviewer: *National Review of Black Politics*, 2020-Present
Journal of Black Studies, 1996-Present
Journal of Politics, 2020-Present
Journal of Women, Politics, and Policy, 2006-Present
National Political Science Review, 2005-Present
Political Research Quarterly, 2005-Present
Polity, 2005-Present
State and Local Government Review, 2005-Present
Social Science Quarterly, 2005-Present
Social Sciences, 2023-Present
Transforming Anthropology, 2011
Western Journal of Black Studies, 1996-2000

Service for the African American Studies Program and CLAS:

Mentor for Center for European Studies Fellows during the 2025-26 academic year.

Mentor for several Graham Center Fellows (Haskell and Askew Fellows Programs), including during the 2025-26 academic year.

Mentor for several McNair Scholars since 2022.

Speaker
The Integration of the University of Florida
February 22, 2017, Naval Air Station, Jacksonville, Florida Multicultural Awareness Day.

Member
Reitz Union Storytelling Committee, Spring 2017.

Organizer
Black Women in the Academy Symposium which included lectures by Dr. Pearl Ford Dowe of the University of Arkansas, Fayetteville and Dr. Beverly Guy Sheftall of Spelman College, February 2017.

Chair and Member
College of Liberal Arts and Sciences Diversity Steering Committee March 2016-2019.

Organizer
Symposium on the Presidency of Barack Hussein Obama which included lectures by Dr. Michael Jeffries of Wellesley College and Dr. Fredrick Harris of Columbia University, February 2016.

Organizer and Moderator
Dr. Ronald Foreman Lecture by Dr. Fredrick Harris of Columbia University, February 2016.

Organizer and Moderator
Dr. Ronald Foreman Lecture by Dr. Paula McClain of Duke University, February 2015.

Organizer and Moderator
Dr. Ronald Foreman Lecture by Dr. Abdul Alkalimat of the University of Illinois, University of Florida, February 2014.

Campus Event Panelist
Panelist on *Trouble the Water* documentary panel, January 15, 2014.

Organizer and Moderator
Lecture by Dr. David J. Garrow of the University of Pittsburgh, January 2014.

Campus Event Moderator
Passing the Torch Career and Information Session, University of Florida, October 2013.

Campus Event Speaker
"Graduate and Law School Opportunities"
James E. Scott Leadership Conference, University of Florida, February 2013.

Organizer and Moderator
Dr. Ronald Foreman Lecture by Dr. Marc Lamont Hill of Columbia University, University of Florida, February 2013.

Campus Event Speaker and Moderator
"Integration Efforts at the University of Florida from 1958-One Florida"
The Integration of the University of Florida and the Challenges that Remain Panel, University of Florida, January 2013.

Campus Event Speaker
"Abraham Lincoln and Obama"
Grand Opening Event for Lincoln and the Constitution Exhibit, University of Florida, February 2012

Campus Event Speaker
"The Activism of Mrs. Fannie Lou Hamer of the Mississippi Freedom Democratic Party"
Women in the Civil Rights Movement Panel, University of Florida, January 2012

Campus Event Speaker
"How to Gain Acceptance to and Succeed in Graduate School"
Campus Visitation Program, Office of Graduate Minority Programs, November 2011

Campus Event Speaker
"Are Asian Americans a Model Minority?"
Lunch Series for the Asian American Student Union, University of Florida, November 2010.

Campus Event Speaker
"Graduate and Law School Forum"
Panel Discussion Sponsored by the Black Political Science Association. University of Florida, October 2009.

Campus Event Moderator
"A Mock Debate Between Presidential Candidates Barack Obama and John McCain"
Event Sponsored by the Black Political Science Association. University of Florida, October 2008.

Campus Event Speaker
"Latino and Latin American Politics"
Panel Discussion Sponsored by the Latin American Studies Collection in Smathers Library, November 2008.

Campus Event Speaker and Moderator
"Should Asian Americans Support Affirmative Action?"
Southeastern Conference on Asian American Leadership, University of Florida October 2005

Campus Event Speaker and Moderator
"Contemporary Issues in Asian American Politics"
Southeastern Conference on Asian American Leadership, University of Florida October 2004

Campus Event Speaker and Moderator
"African and African American Race Relations at the University of Florida"
Black Political Science Association and Association of African Studies Forum, April 2003

Additional Service and Committee Memberships:

Committee Memberships: Coast Social, Behavioral, and Economic Sciences (ACSBE) Alliance Committee to recruit minority graduate students and provide them with additional travel and research funding, 2005-2019

CLAS Humanities Scholarship Enhancement Grant Selection Committee, Fall 2006

Faculty Affiliate for the African American Studies Program, 2008-2011.

Faculty Affiliate for the Women's Studies Program, 2007-2017.

Member of the 2010 and 2011 Dr. Martin Luther King Jr. Program Committee

Member of the Search Committee for the Assistant Director of Multicultural Affairs, March 2011.

Member of the Search Committee for the Director of the U.S. Senator Bob Graham Center, 2006-2007.

The Graham Center Advisory Committee (Develops curriculum for the Center with other committee members).

University-wide Teacher and Adviser of the Year Selection Committee, 2006.

Expert Witness for:

Testifying Expert for Racial Gerrymandering Case, Election Law Clinic at Harvard Law School, May 2022

Black Voters Matter Capacity Building Institute v Lee v. Laurel M. Lee, Case No. 4:22-cv-00109-AW-MAF. March 2022-Present.

League of Women Voters of Florida, Inc. v. Lee, Case No. 4:2021-cv-186 (N.D. Fla. Mar. 31, 2022). July 2021-March 2022.

Faculty Mentor for several students since 2001:
(Supervised their research projects and served as their mentor in Gatorlaunch, Minority Mentoring, McNair Scholars, and University Scholars Programs).

Organizational Advisor for:
Black Women Leaders in the Law, 2025-Present
Gator Chapter of the NAACP, 2025-Present
The Black Political Science Association, 2001-2018
Nu Alpha Lambda Christian Service Organization, 2005-2010

Recruiter:
Ralph Bunche Summer Institute, Duke University, June 2004, June 2006

Service for the University of Missouri:

Author:
"Barbara Jordan: A Champion of Civil and Human Rights"
The *African Americanist Newsletter*
Winter 1996, volume six, number five

Author:
"Black Students and Professors: The Need for Communication and Understanding"
The Legion of Black Collegians Newsletter
February 26, 1997, volume 1

Author:
"Gender and Race in 1996 Presidential Campaign Strategies"
The MU School of Journalism Web Page, October 1996

Author:
"The 25th Annual Congressional Black Caucus Legislative Conference"
The Voice of Black Studies Newsletter
Spring 1996, volume 20, number one

Author:
"The 6th Annual Africana Studies Summer Institute"
The Voice of Black Studies Newsletter
Spring 1996, volume 20, number one

Author:
"The Mayoral Elections of the Nineties: An Analysis of a New Generation of Black Mayors"
Urban News: The Newsletter of the Urban Politics Section of the American Political Science Association
Volume II, Number 3
Fall 1997

Commentator:
KOMU-TV 8 News-Columbia, Missouri
"Saturday Caucus: The Issue of Gender in the 1996 Presidential Election"
April 21, 1996

Commentator:
"Sexual Harassment in the Workforce"
KOMU-TV 8 News
Columbia, Missouri
February 16, 1999

Commentator:
"Black Women in the Civil Rights Movement: 1950-1980"
KOMU-TV 8 News
Columbia, Missouri
October 24, 1997

MU Committees: Black History Month Committee, 1996-1997
Honors and Awards Committee-Department of Political Science
McNair Scholars Program Committee, 1996-1997
Women's Studies Executive Committee, 1996-1997

Editorial Advisory Board Member for: The *Western Journal of Black Studies* (winner of the 1996 National Council for Black Studies CLR James Award for Outstanding Publication)

A Turbulent Voyage: Readings in African American Studies. San Diego: Collegiate Press

Moderator
City of Columbia Race Relations Task Force Symposium
Panelists included Attorney Gary Oxenhandler, Attorney Al Plummer, Mayor Darwin Hindman, Professor Robert Bailey of the MU School of Law, Professor Angela Bartee of Stephens College, and Ms. Monica Naylor of the Columbia Public Schools.
November 7, 1996

Reader
Government and Politics Advanced Placement Exams
Sponsored by the Educational testing Service
University of Nebraska, Lincoln, June 10-17, 2000; June 11-18, 2001, June 12-19, 2002
Colorado State University, June 13-20, 2003

Regional Member of the Board of Directors
National Council for Black Studies
One of the representatives of NCBS at the Congressional Black Caucus Legislative Conference, Washington, D.C., September 1995

Speaker
"African American Politics Today: The 1996 Presidential Election"
1996 Black History Month Brown Bag Lunch Series
The University of Missouri, Columbia
February 26, 1996

Speaker
"How to Handle Joint Appointment Responsibilities"
Association of Black Graduate and Professional Students
Graduate Professional Development Workshop
The University of Missouri, Columbia
October 18, 1997

Speaker
"The Activism of Black Women in Congress Since the Civil Rights Movement"
1997 Black women in the Civil Rights Movement Conference
The University of Missouri, Columbia
October 24, 1997

Moderator
"The Black Experience at MU"
Sponsored by the Black Faculty and Staff Organization
The University of Missouri, Columbia
February 11, 1998

Speaker
"How to Handle Joint Appointment Responsibilities"
Association of Black Graduate and Professional Students
Graduate Professional Development Workshop
The University of Missouri, Columbia
October 24, 1998

Speaker
"Black Issues in Higher Education"
Sponsored by the Black Culture Center
The University of Missouri, Columbia
January 25, 1999

Service for the University of Louisville:

Author
"Voting Patterns of the 1991 Mayoral Election: Herenton's Victory Maximized Racial Voting Factors that Had Eluded Previous Candidates"
Article published in the *Memphis Commercial Appeal* newspaper
November 15, 1992

Commentator
"The O.J. Simpson Trial: Will Race Be a Factor?
WAVE 3 News
Louisville, Kentucky
January 28, 1994

Discussion Leader
Film: A Place of Rage: Black Women and the Civil Rights Movement
Women's History Month
The University of Louisville
March 3, 1994

Guest Speaker
Symposium: The Evolving Roles of Men and Women
Topic of Speech: "Men, Women, and the Dilemmas of the Youth"
The University of Louisville
October 11, 1994

Guest Speaker
Symposium: Racism: America's Most Challenging Issue
Topic of Speech: "The Dual Oppression: Racism, Sexism, and the Black Woman"
The University of Louisville
October 27, 1993

Keynote Speaker
Awards and Recognition Banquet: Keep Growing in Girl Scouts
Topic of Speech: "Yes I can"
Kentuckiana Girl Scouts
May 13, 1994

Lecturer
Multicultural "Coffee" Symposium
"A Comprehensive History of African American Politics in Louisville, Kentucky"
The University of Louisville
November 11, 1993

Panel Organizer and Participant
Symposium: The Political Activities of Louisville Women
Women's History Month
The University of Louisville
March 7, 1994

Panel Organizer and Moderator
Multicultural "Coffee" Symposium: An African American Congressional Debate
The University of Louisville
April 5, 1994

Exhibit 2

May 8, 2026 Declaration of Dr. Tye Rush Analysis Report

Declaration of Dr. Tye Rush

I. Introduction and Qualifications

1. Pursuant to 28 U.S.C. § 1746, I, Tye Rush, Ph.D. declare as follows:
2. My name is Tye Rush, and I am the President of The Rush Group, LLC. This report is submitted in my capacity as data scientist through The Rush Group, LLC.
3. I am currently an Assistant Professor of Political Science at the University of California, Davis, where I am also a Faculty Scholar through the Center for the Advancement of Multicultural Perspectives on Social Sciences, Arts, and Humanities (CAMPSSAH). Prior to this position, I was a University of California President's Postdoctoral Fellow at the University of California, San Diego, where I was also an affiliated scholar with the Yankelovich Center for Social Science Research, the Black Studies Project, and the Race and Ethnic Politics Lab. My work addresses questions in race and ethnic politics, voting rights, elections, and state politics.
4. I received my Ph.D. in Political Science from the University of California, Los Angeles in 2023. I received my B.A. in Public Service/Political Science from the University of California, Riverside in 2016. I received my M.A. in Political Science from the University of California, Los Angeles in 2019. My doctoral dissertation project concerning the Voting Rights Act was awarded the Dissertation Scholars Award from Princeton University Mamdouha S. Bobst Center for Peace and Justice.
5. At UC Davis, I teach undergraduate and graduate courses on racial politics that focus on political behavior, representation, electoral institutions, electoral politics, partisanship, public opinion, and policy on election law and voting rights. Prior to this, I designed and taught a full undergraduate course on voting rights, including political mapping and basics of districting at UCLA in the department of political science.
6. I am currently a Research Affiliate at UCLA Voting Rights Project (VRP), where my responsibilities include managing and processing data and maps, conducting statistical analysis of voting results, and working with census data or voter file data to assess racial/ethnic demographics. I lead projects on redistricting and mapping for the VRP using geographic information systems (GIS) and other relevant software. In this role, I also teach advanced courses and train undergraduate students, graduate students, and research fellows on how to properly draw maps to redistrict cities, counties, and states.

During my time with the VRP, I have collaborated with statisticians and political scientists to conduct mapping analyses in numerous jurisdictions. Prior to this position, I worked with the VRP as a Senior Policy Fellow, where my responsibilities were similar in scope.

7. My research has been published in peer-reviewed political science journals and in law reviews. I have received several external awards and honors in recognition of the merit, rigor, and promise of this work, including the American Political Science Association's 2025 Best Paper in Racial and Ethnic Politics Award. I've been invited to give talks about my research by Claremont Graduate University, University of California-Riverside, University of California-Merced, the LBJ School of Public Policy at University of Texas-Austin, and University of Georgia. In addition to my scholarly publications, to date I have published ten policy reports on various topics related to electoral institutions, voting rights, and the Census.
8. I have written expert reports and have been qualified as an expert witness several times in Federal and State redistricting and civil rights cases. I have given deposition testimony in *Navajo Nation et al. v. San Juan County* (2023), *Petteway, et al. v. Galveston County, et. al.*,(2023) and in *LULAC v. Abbott* (2025). In *Navajo Nation et al. v. San Juan County*, I submitted several expert reports and was deposed before the case was settled before trial. I was accepted as an expert on political geography, mapping, and electoral behavior in *Petteway, et al. v. Galveston County, et al*. In that matter, I submitted an expert report and testified in Federal Court in Texas. The court cited my testimony as credible. I submitted an expert report and was deposed in *LULAC v. Abbott* in October 2025.
9. I have extensive experience as a redistricting map consultant. I have been hired as a consultant to draw and evaluate redistricting maps at the local level and statewide for different organizations and advocacy groups over the last four years.
10. My full professional qualifications and activities are set forth in my curriculum vitae, which is attached hereto as Appendix A.

II. Scope of work

11. The Plaintiff's attorneys retained me to review the Congressional map that Florida adopted in 2026. I was asked to analyze the 2026 and 2022 maps to assess the partisan makeup of the maps and to conduct analysis comparing them across traditional

redistricting criteria[1] and the redistricting criteria outlined in Article III, Section 20 of the Florida Constitution.

12. To conduct this analysis, I used ArcGIS Online, ESRI Redistricting software, Dave's Redistricting Application (DRA), R studio, and qGIS. ESRI Redistricting is an online Geographic Information System (GIS) software that allows users to draw maps and district boundaries. It is the leading GIS mapping software and is commonly used by GIS specialists throughout the country.
13. I reviewed the Senate Committee on Rules meeting held at 2:00 PM on 4/28/2026[2] as well as the April 27, 2026 memo by David Axelman.[3]

III. Executive Summary

14. The stated claim of addressing population growth does not align with the 2026 Adopted map Florida produced. A map could have been drawn that both used 2020 population data and reduced population deviation in line with 2024 American Community Survey (ACS) data, however, the 2026 Adopted map does not do so.
15. Florida's new 2026 Adopted map (EOGPCRP2026) does not improve population equalization to account for population growth that has occurred over the past five years. Based on official Census data from the 2024 ACS, population deviation increases in the 2026 Adopted map from the 2022 benchmark map.
16. The 2026 Adopted map does not improve population deviation. The current benchmark map reports total population deviation of 8.2% and the new 2026 Adopted map reports total population deviation of 9.8%.
17. Focusing on the regions of Tampa Bay and Central Florida, where map drawers for Florida claim to be addressing population growth, the 2026 Adopted map makes the population deviation worse. Under the 2026 Adopted map, District 9 now becomes +0.7% more overpopulated; District 14 now goes from being underpopulated to

[1] National Conference of State Legislatures. "Redistricting Criteria." https://www.ncsl.org/redistricting-and-census/redistricting-criteria
[2] Senate Committee on Rules Meeting, 2:00 PM on 4/28/2026. https://www.flsenate.gov/media/VideoPlayer/6300
[3] https://www.flsenate.gov/PublishedContent/Offices/President/4_27_26_Combined_PDF_Congressional_Map_Submission_by_Governor_DeSantis.pdf

overpopulated (-1.5% to 2.1%); District 15 now becomes +0.9% more overpopulated; District 18 now becomes +1.3% more overpopulated.

18. Florida map drawers could have looked at areas of high or low growth in census blocks and adjusted those in and out of districts to balance population. Instead, populations were moved based on partisanship and with little regard to population deviation from the 2024 ACS.
19. In 2024 Democrat Kamala Harris won 43% of the vote statewide, while Republican Donald Trump won 56% of the vote statewide but under the 2026 Adopted map the number of Democratic Congressional seats was reduced to 14% while Republican Congressional seats are now 86%.
20. In Tampa Bay and Central Florida, analysis of new district boundary lines provides clear evidence that districts were drawn to create partisan advantage for Republicans.
    a. District 14 carefully excludes voting precincts shaded blue that were won by Democrat Kamala Harris in 2024 in both Central Tampa and St. Petersburg. In exchange for cutting out Democratic precincts, a large swath of eastern Hillsborough County that voted heavily for Republican Donald Trump was added.
        i. Under the 2026 Adopted map population deviation is now *worse* in District 14.
    b. District 10 packs Democrats by stretching its boundaries to the west and south to capture majority-Harris precincts.
    c. District 9, which had elected a Democrat, now carefully excludes majority-Harris Democratic precincts in the north and west and replaces those by pushing the boundary south to include precincts which voted heavily in favor of Trump.
21. The 2026 Adopted map moves twice as many people out of Democratic districts than Republican districts. The 8 districts represented by Democrats have a core retention of 41.3%, on average, as compared to the 20 districts represented by Republicans which have a core retention of 82.74%, on average, of their original 2020 population.
22. As compared to the 2022 benchmark map, the new 2026 Adopted map increases city splits and county splits.
23. Looking at traditional measures of compactness, the 2026 Adopted map reduces compactness scores especially in districts 9, 13, 14, 15, 16, 17, 24, 25.

IV. Population Changes

24. Since the 2020 Decennial Census, Florida's population has continued to grow, adding almost 2 million more residents as of July 1, 2025, an 8.9% increase in total population.[4]

25. Table 1, below, compares total population by district from the 2022 status quo map using the 2020 Decennial Census and the 2024 ACS 5-year estimates.

Table 1: 2022 Status Quo Map

District Name	District Number	2020 Population (Census)	2024 Population (ACS 5-year)	Population Change (2024 Minus 2020)
District 1	1	769,218	792,785	23,567
District 2	2	769,223	793,146	23,923
District 3	3	769,219	798,690	29,471
District 4	4	769,215	799,136	29,922
District 5	5	769,224	815,981	46,757
District 6	6	769,215	821,394	52,179
District 7	7	769,212	784,751	15,539
District 8	8	769,221	805,975	36,754
District 9	9	769,233	816,369	47,136
District 10	10	769,228	784,196	14,968
District 11	11	769,217	825,848	56,631
District 12	12	769,207	823,225	54,018
District 13	13	769,220	768,057	-1,163
District 14	14	769,226	788,178	18,952
District 15	15	769,212	810,724	41,512
District 16	16	769,230	830,585	61,355
District 17	17	769,224	828,536	59,313
District 18	18	769,235	831,592	62,357
District 19	19	769,215	808,934	39,719
District 20	20	769,212	794,189	24,977
District 21	21	769,220	811,684	42,465
District 22	22	769,221	785,512	16,290
District 23	23	769,215	777,287	8,073
District 24	24	769,254	791,851	22,597
District 25	25	769,207	781,215	12,008
District 26	26	769,218	805,508	36,290
District 27	27	769,240	765,998	-3,241
District 28	28	769,209	774,729	5,520

[4] "QuickFacts: Florida." Census Bureau QuickFacts, United States Census Bureau, 2024, www.census.gov/quickfacts/fact/table/FL/PST045224.

26. Population growth occurred across almost all regions of the states, with all but two districts growing in population.
27. The 2026 Adopted map is drawn based on the 2020 Decennial Census data but the 2026 map nevertheless claims to account for these dramatic population changes by reconfiguring districts around the areas of high growth.
28. "Target Population" is the total population goal for each district. It is computed by taking the total population for the state of Florida and dividing that by the total number of districts.[5] "Population Deviation" is how much the total population of a district differs from the Target Population. Percent deviation is computed by dividing Population Deviation by Target Population and then converting the result into a percent.
29. Table 2, below, shows information on the population and partisan composition of each district for the 2022 Status Quo map. For each district, the table shows the target population, total population, population deviation, and percent deviation, based on the 2024 ACS 5-year estimates and total population. It also shows the vote share by district for the 2024 Presidential Election.

Table 2: 2022 Status Quo Map Population Deviation and Partisan Lean

District	Target Population (2024)	2024 Population (ACS 5-year)	Pop Deviation	% Deviation	Harris 2024	Trump 2024	Partisan Lean (2024 President)
District 1	800,574	792,785	-7,789	-1.0%	30.8	67.8	37.0
District 2	800,574	793,146	-7,429	-0.9%	40.3	58.3	18.0
District 3	800,574	798,690	-1,884	-0.2%	38.9	59.8	20.9
District 4	800,574	799,136	-1,438	-0.2%	43.4	55.2	11.8
District 5	800,574	815,981	15,407	1.9%	38.5	59.8	21.3
District 6	800,574	821,394	20,820	2.6%	34.5	64.5	30.0
District 7	800,574	784,751	-15,823	-2.0%	43.0	55.4	12.4
District 8	800,574	805,975	5,401	0.7%	38.2	60.4	22.2
District 9	800,574	816,369	15,795	2.0%	51.0	47.5	-3.5
District 10	800,574	784,196	-16,378	-2.0%	60.4	37.8	-22.6
District 11	800,574	825,848	25,274	3.2%	41.3	57.5	16.2
District 12	800,574	823,225	22,651	2.8%	32.2	66.7	34.5

[5] All About Redistricting. "Redistricting: Key Terms." https://redistricting.lls.edu/wp-content/uploads/Basics-English10.pdf

District 13	800,574	768,057	-32,517	-4.1%	43.4	55.2	11.8
District 14	800,574	788,178	-12,396	-1.5%	53.0	45.4	-7.6
District 15	800,574	810,724	10,150	1.3%	43.5	54.7	11.2
District 16	800,574	830,585	30,011	3.7%	41.6	57.1	15.5
District 17	800,574	828,536	27,962	3.5%	37.5	61.4	23.9
District 18	800,574	831,592	31,018	3.9%	34.8	64.1	29.3
District 19	800,574	808,934	8,360	1.0%	34.9	64.0	29.1
District 20	800,574	794,189	-6,385	-0.8%	69.2	29.7	-39.5
District 21	800,574	811,684	11,110	1.4%	41.2	57.7	16.5
District 22	800,574	785,512	-15,062	-1.9%	52.2	46.6	-5.6
District 23	800,574	777,287	-23,287	-2.9%	50.3	48.4	-1.9
District 24	800,574	791,851	-8,723	-1.1%	64.4	34.4	-30.0
District 25	800,574	781,215	-19,359	-2.4%	52.0	46.7	-5.3
District 26	800,574	805,508	4,934	0.6%	32.1	67.0	34.9
District 27	800,574	765,998	-34,576	-4.3%	42.1	56.7	14.6
District 28	800,574	774,729	-25,845	-3.2%	36.9	62.2	25.3

30. Table 2 shows that, when using the 2024 ACS 5-year estimates for total population to account for population change, total deviation across the 2022 Status Quo map, the difference in percent deviation from the most populated district (3.9%) and the least populated district (-4.3%), is 8.2%.
31. Table 3, below, shows information on the population and partisan composition of each district for the 2026 Adopted map. For each district, the table shows the target population, total population, population deviation, and percent deviation, based on the 2024 ACS 5-year estimates and total population. It also shows the vote share by district for the 2024 Presidential Election.
32. Using the 2024 ACS 5-year estimates for total population to account for population change since the Decennial Census, Table 3 shows that total deviation across the 2026 Adopted map, the difference in percent deviation from the most populated district (5.2%) and the least populated district (-4.6%), is 9.8% and the total deviation across the 2026 Adopted map is larger than the total deviation across the 2022 Status Quo map. If the rationale for adopting a new map was to balance population changes, the map that was adopted (2026 Adopted map) has a larger total deviation than the prior map (2022 Status Quo map) did, according to data on population change since 2020.

Table 3: 2026 Proposed Map Population Deviation and Partisan Lean							
District	Target Population (2024)	2024 Population (ACS 5-year)	Pop Deviation	% Deviation	Harris 2024	Trump 2024	Partisan Lean (2024 President)
District 1	800,574	792,785	-7,789	-1.0%	30.8	67.8	37.0
District 2	800,574	793,146	-7,428	-0.9%	40.3	58.3	18.0
District 3	800,574	798,697	-1,877	-0.2%	38.9	59.8	20.9
District 4	800,574	799,136	-1,438	-0.2%	43.4	55.2	11.8
District 5	800,574	815,981	15,406	1.9%	38.5	59.9	21.4
District 6	800,574	821,396	20,822	2.6%	34.5	64.5	30.0
District 7	800,574	784,751	-15,823	-2.0%	43.0	55.4	12.4
District 8	800,574	794,742	-5,832	-0.7%	41.2	57.3	16.1
District 9	800,574	822,421	21,847	2.7%	40.5	58.2	17.7
District 10	800,574	792,506	-8,068	-1.0%	61.1	37.2	-23.9
District 11	800,574	814,150	13,576	1.7%	41.5	57.2	15.7
District 12	800,574	806,266	5,692	0.7%	41.6	56.9	15.3
District 13	800,574	775,206	-25,368	-3.2%	42.7	55.9	13.2
District 14	800,574	817,309	16,735	2.1%	44.0	54.5	10.5
District 15	800,574	818,169	17,594	2.2%	39.3	59.1	19.8
District 16	800,574	810,212	9,638	1.2%	42.6	56.2	13.6
District 17	800,574	817,669	17,095	2.1%	38.5	60.5	22.0
District 18	800,574	842,066	41,492	5.2%	40.9	57.8	16.9
District 19	800,574	816,674	16,100	2.0%	34.4	64.5	30.1
District 20	800,574	785,591	-14,983	-1.9%	67.9	30.9	-37.0
District 21	800,574	809,201	8,627	1.1%	41.4	57.5	16.1
District 22	800,574	806,622	6,048	0.8%	44.1	54.6	10.5
District 23	800,574	782,783	-17,791	-2.2%	56.3	42.5	-13.8
District 24	800,574	804,663	4,089	0.5%	68.7	30.1	-38.6
District 25	800,574	771,527	-29,047	-3.6%	44.8	53.9	9.2
District 26	800,574	781,681	-18,893	-2.4%	40.3	58.7	18.4
District 27	800,574	764,123	-36,451	-4.6%	42.2	56.7	14.5
District 28	800,574	776,605	-23,969	-3.0%	36.9	62.2	25.3

33. In the area where map drawers claim to be addressing population fluctuations (Tampa Bay and Central Florida), population deviation gets worse. In particular, looking at District 9 on Tables 2 and 3, deviation increases from 2.0% to 2.7%. Looking at District 14, deviation increases from underpopulated at -1.5% to overpopulated at 2.1%. In District 15, deviation increases from 1.3% to 2.2%.

IV. Partisanship

34. Looking at partisan lean, the difference in vote share between the two major parties, across the districts in the 2022 Status Quo map (Table 2) and across the districts in the 2026 Adopted map (Table 3), it is clear that in the districts in the 2026 Adopted map, favor Republicans more than the districts in the 2022 Status Quo map. In fact, in the 2026 Adopted map Republicans are favored in 24 out of 28 districts but in the 2022 Status Quo map Republicans were favored in just 20 out of 28 districts.
35. Using ArcGIS I examined each district using data from the 2024 Presidential Election and compared the partisan composition of the districts in the 2026 Adopted map with the partisan composition of the districts in the 2022 Status Quo map, looking more closely in areas with larger population growth.
36. Figures 1 through 8, below, show the partisan composition of precincts in the Tampa Bay and Central Florida regions, where precincts that lean Republican are shaded red and precincts that lean Democrat are shaded blue. The black lines are the boundaries for the 2022 Status Quo map districts and the white lines are the boundaries for the 2026 Adopted map districts.
37. Figures 1 through 4 focus on changes to District 14 from the 2022 Status Quo map to the 2026 Adopted map. In the Figures, the white dashed boundaries show the districts in the 2026 Adopted map, and the black boundaries show the districts in the 2022 Status Quo map. Here, noteworthy changes were made to the district boundaries that exclude Democrat leaning precincts in Central Tampa and St. Petersburg, and that now include Republican leaning precincts from Hillsborough County. These changes to District 14 come at the cost of increasing overall population deviation in the district. The changes to District 14 do not improve the population deviation issues that the state cites as motivating their efforts to draw a new map.

Figure 1: Tampa Bay and Central Florida regions

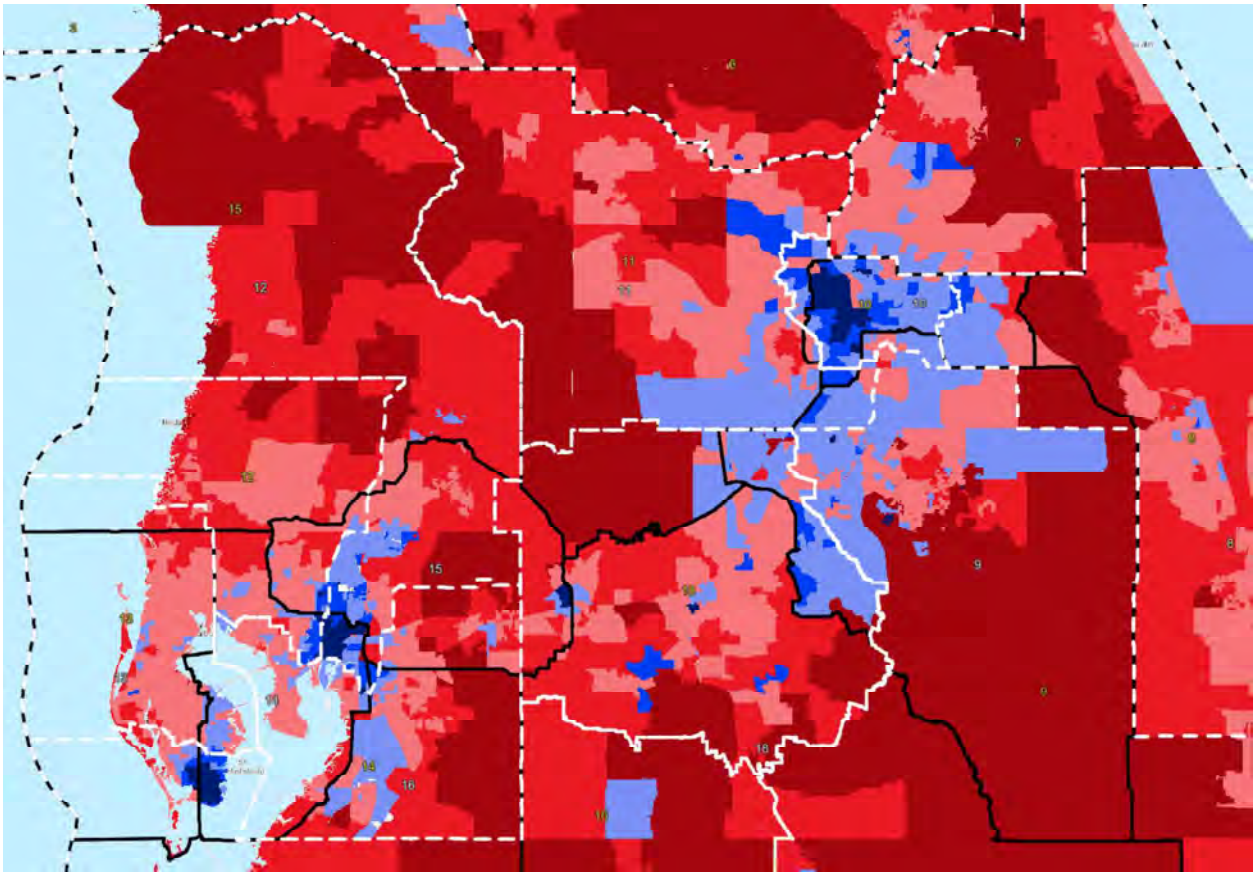


Figure 2: CD 14 (Tampa Bay area)

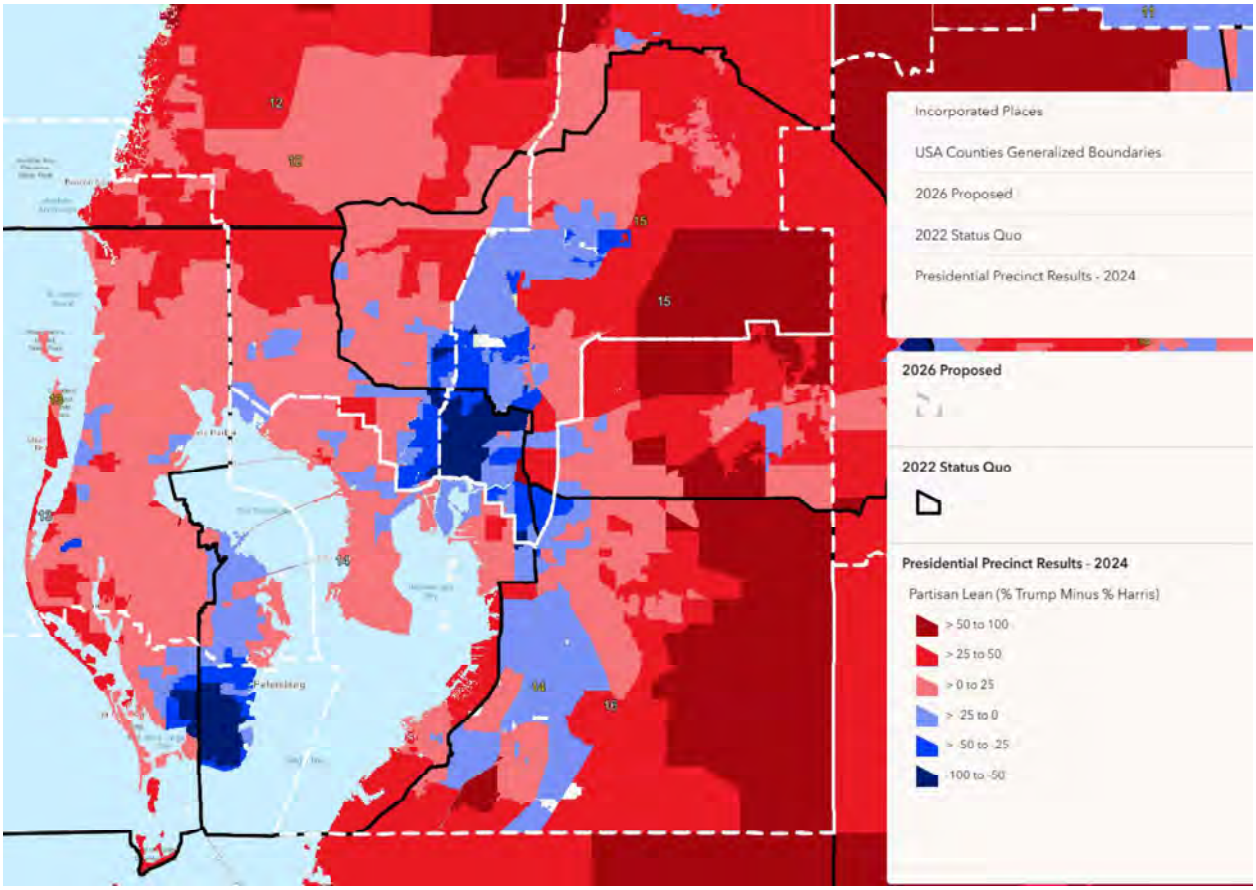


Figure 3: Tampa Zoom with more detail

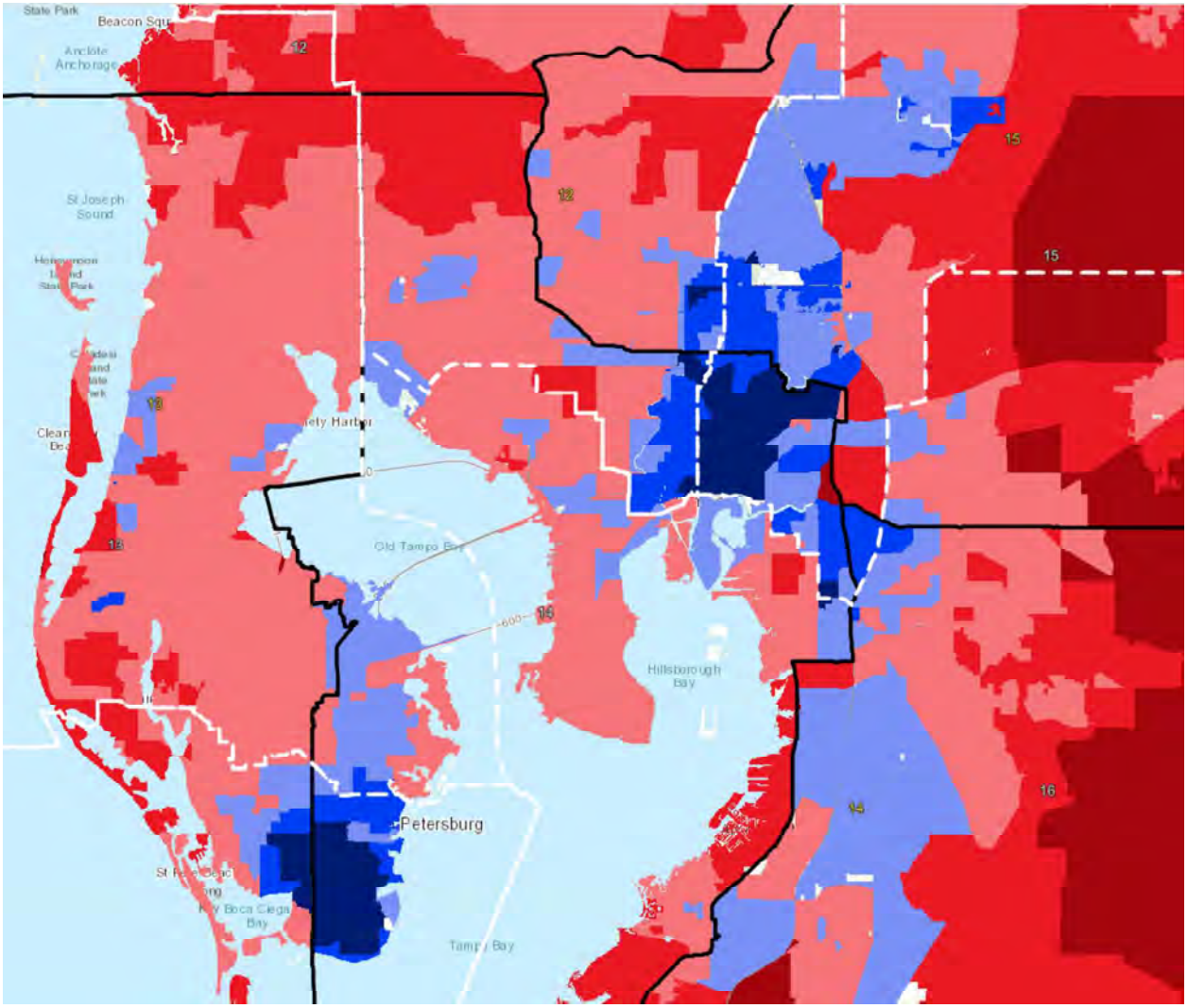


Figure 4: CD 12 (Tampa Bay area)

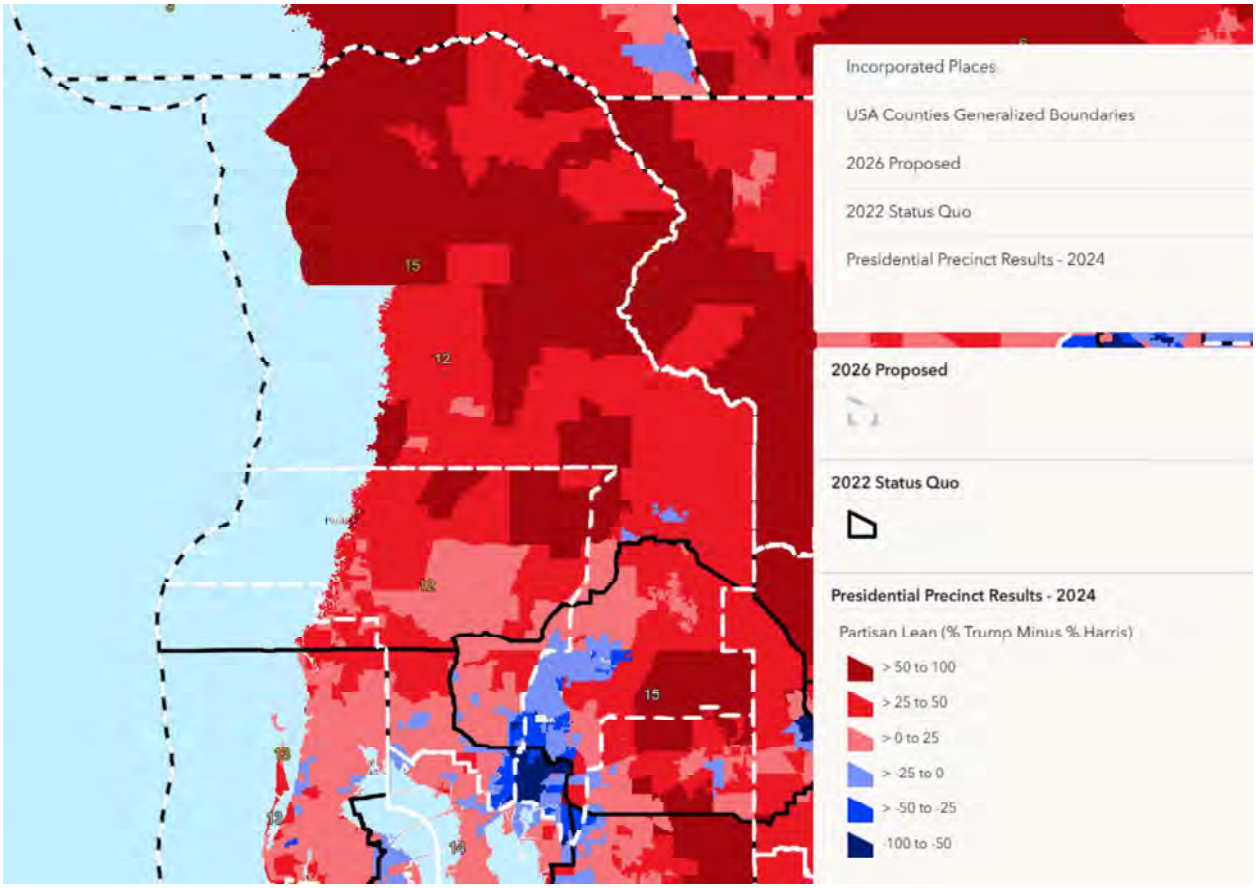


Figure 5: CD 9-10 (Orlando area)

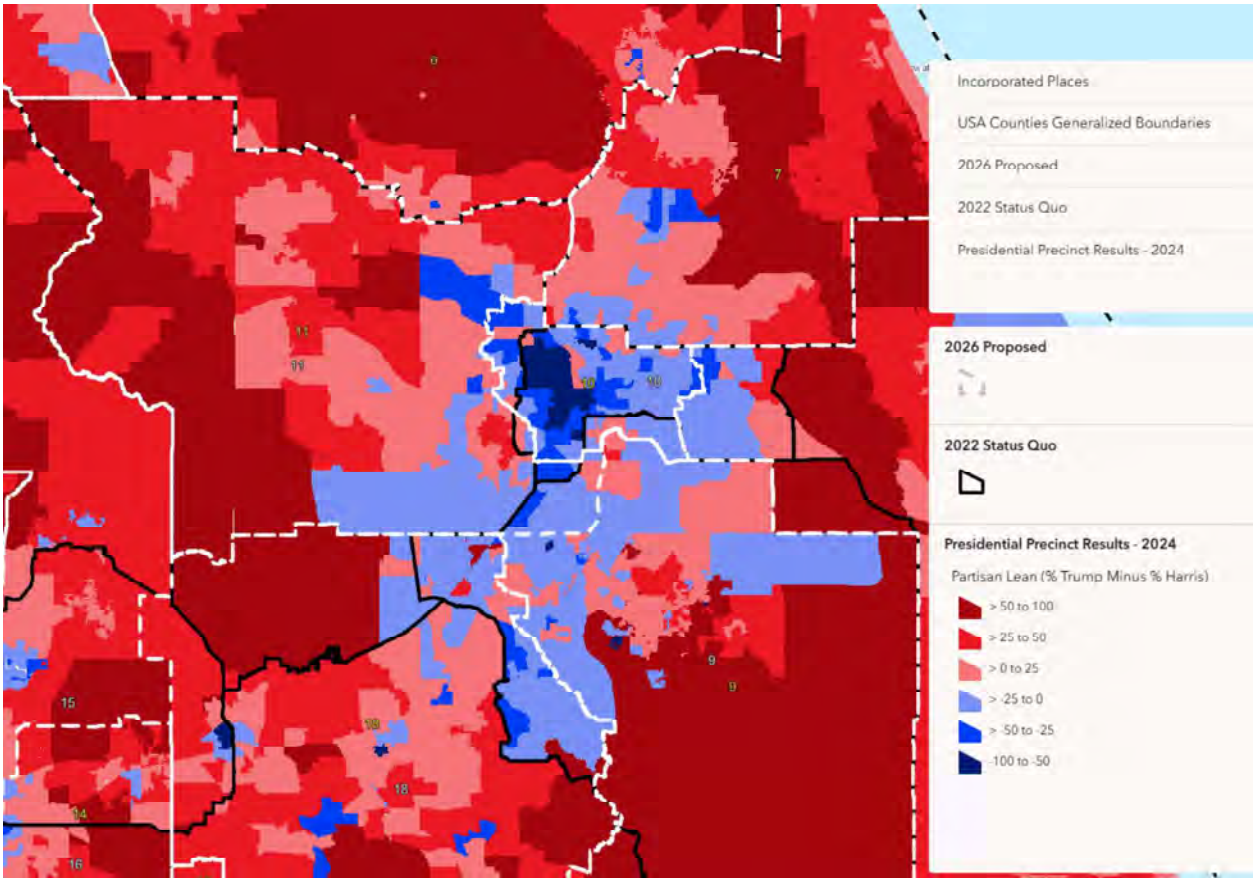
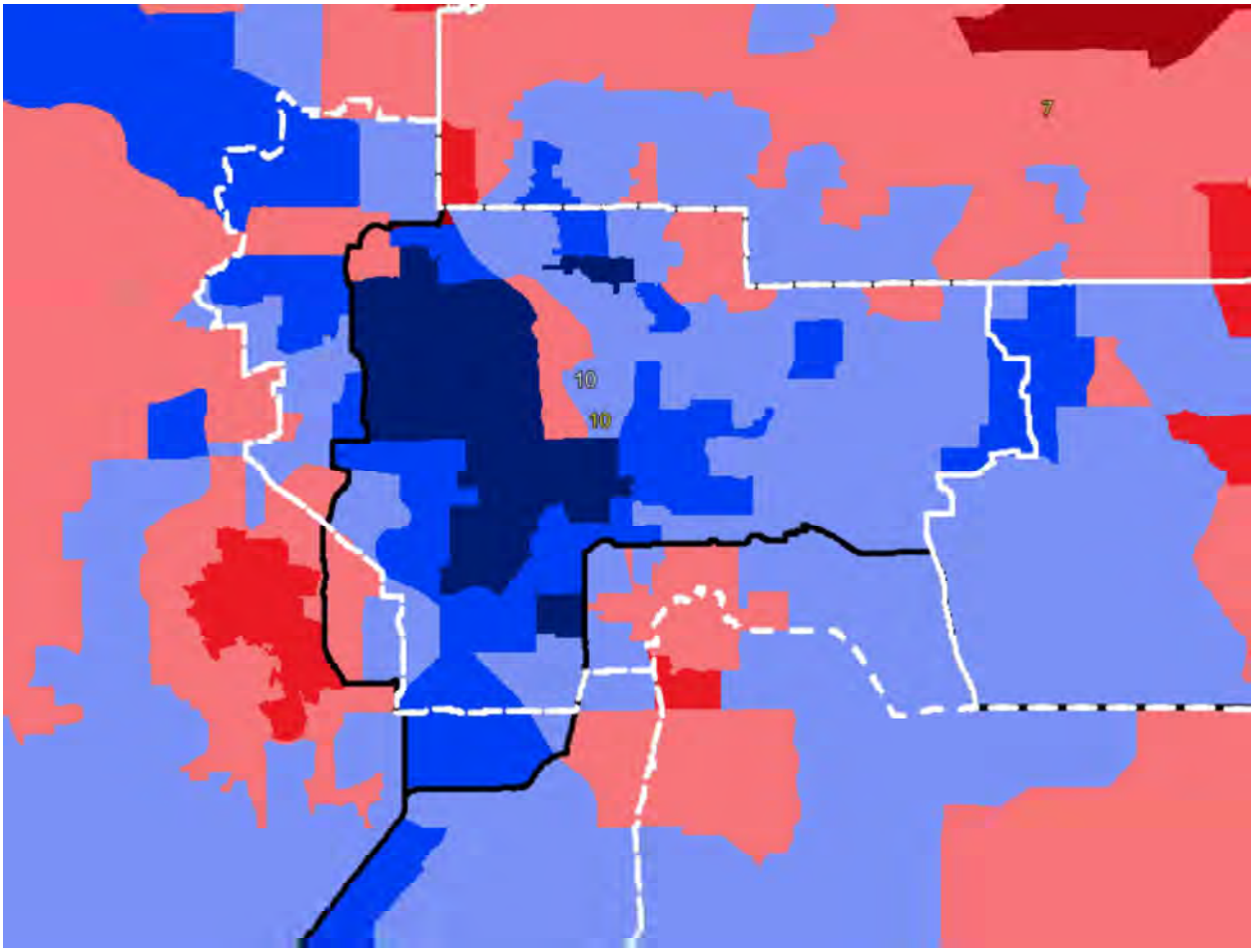
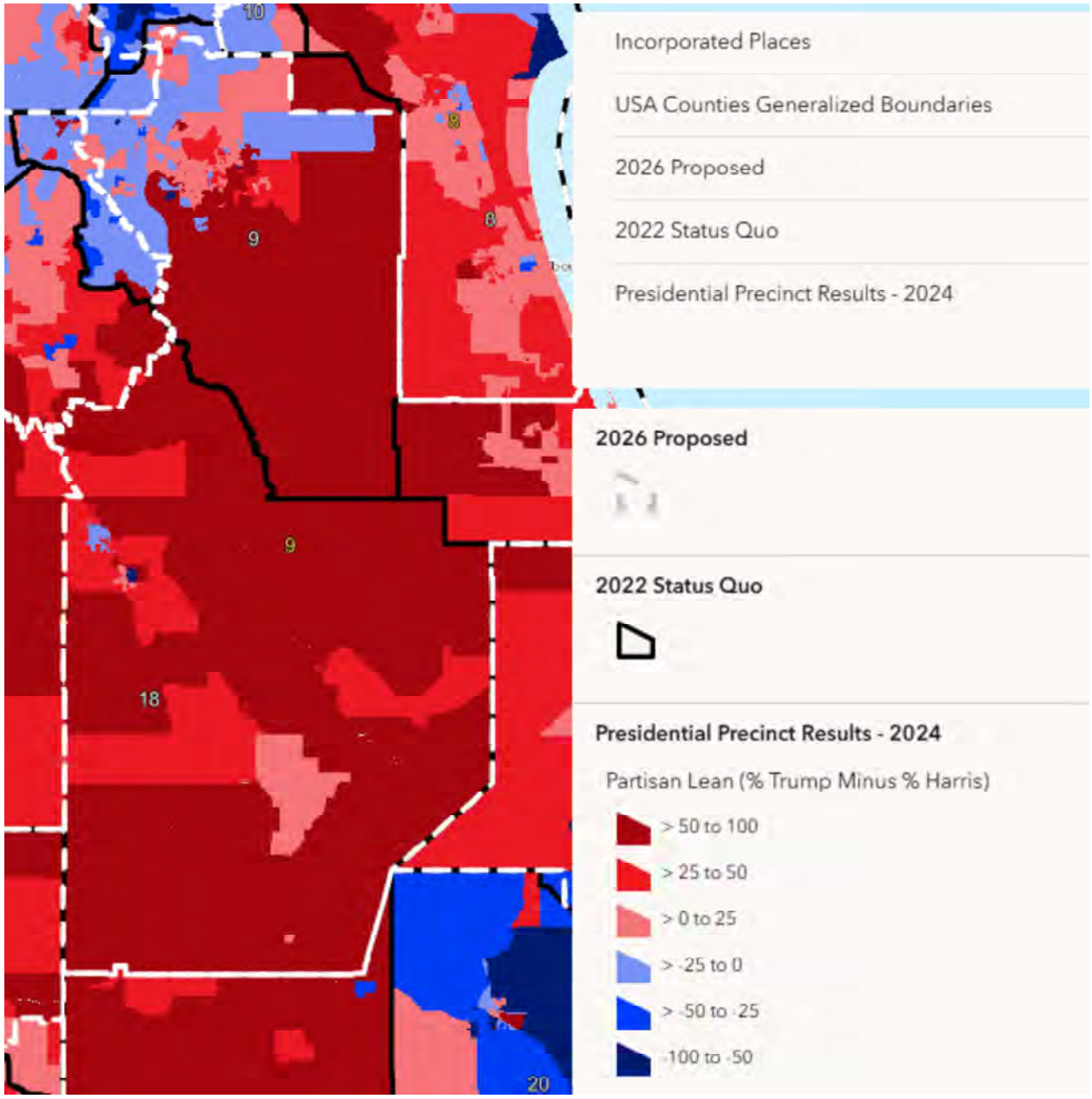


Figure 6: CD10 (Orlando / Zoom with more detail)



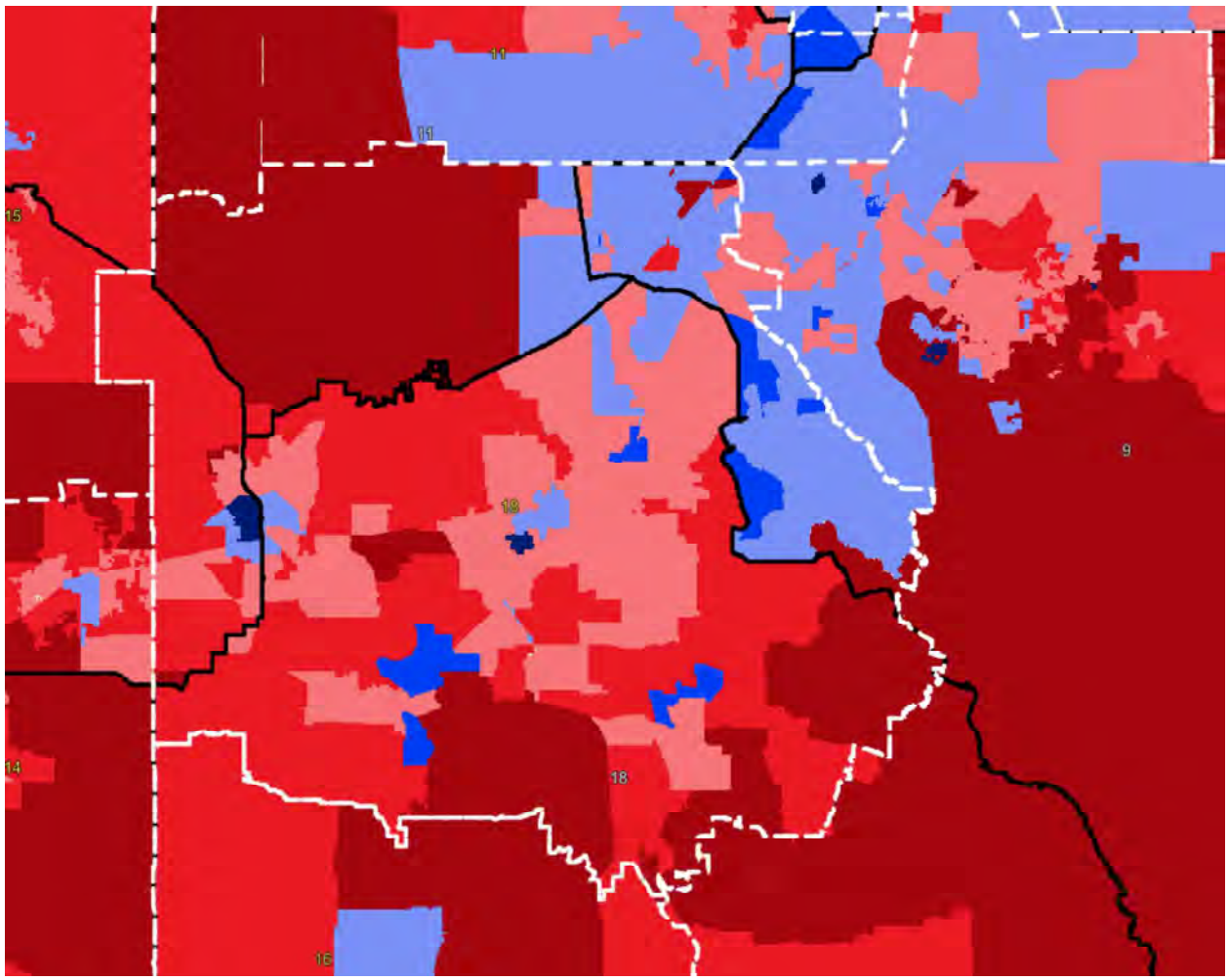
38. Figures 5 and 6 focus on changes to District 10 from the 2022 Status Quo map to the 2026 Adopted map. Changes to District 10 continue to pack more Democrats into the district by expanding boundaries to the west and south, where there are more Democratic leaning precincts.

Figure 7: CD 9 (Central FL / Zoom with more detail)



39. Figure 7 focuses on changes to District 9 from the 2022 Status Quo map to the 2026 Adopted map. District 9, one that previously elected a Democrat to office, and now excludes many precincts to the north and west that favored Democrat Kamala Harris in the 2024 Presidential Election. In exchange for excluding these Democratic favored precincts, the new District 9 now includes more precincts to the south that voted heavily in favor of Donald Trump in the 2024 Presidential Election.

Figure 8: CD 18 (Central FL / Zoom with more detail)



V. Core Retention Partisan Analysis

40. I also reviewed the degree to which districts retained the core of their population or made significant shifts, which is the core retention analysis in Table 4.

41. Table 4, below, contains data showing how many people were retained from the 2022 Status Quo map in the new 2026 Adopted map. The columns in Table 4 capture total population–measured using the 2020 Decennial Census, how many of those people were retained in the 2026 Adopted map, and what percent of the 2026 Adopted map districts voted for Donald Trump and Kamala Harris in the 2024 Presidential Election. Some districts saw little to no changes in their boundaries, while others saw dramatic changes that retained fewer people from the 2022 Status Quo districts. According to this table, the 2026 Adopted map moves twice as many people out of Democratic leaning districts than

Table 4: Retention of 2020 Population from 2022 Status Quo Districts to 2026 Adopted Map						
2026 District	**2020 Pop**	**Retained Pop**	**Difference**	**% Retention**	**Partisan Lean 26 map**	**Partisan Lean 22 map**
District 1	769,218	769,218	0	100.00%	37.53	37.0
District 2	769,223	769,222	(1)	100.00%	18.33	18.0
District 3	769,219	769,219	0	100.00%	21.26	20.9
District 4	769,215	769,215	0	100.00%	11.96	11.8
District 5	769,224	769,224	0	100.00%	21.69	21.3
District 6	769,215	769,215	0	100.00%	30.31	30.0
District 7	769,212	769,211	(1)	100.00%	12.62	12.4
District 8	769,221	609,434	(159,787)	79.23%	16.40	22.2
District 9	769,233	444,528	(324,705)	57.79%	17.93	-3.5
District 10	769,228	591,445	(177,783)	76.89%	-24.29	-22.6
District 11	769,217	650,732	(118,485)	84.60%	15.84	16.2
District 12	769,207	318,864	(450,343)	41.45%	15.55	34.5
District 13	769,220	606,396	(162,824)	78.83%	13.46	11.8
District 14	769,226	242,152	(527,074)	31.48%	10.62	-7.6
District 15	769,212	278,567	(490,645)	36.21%	20.09	11.2
District 16	769,230	399,709	(369,521)	51.96%	13.81	15.5
District 17	769,224	656,532	(112,692)	85.35%	22.24	23.9
District 18	769,235	487,039	(282,196)	63.31%	17.10	29.3
District 19	769,215	616,230	(152,985)	80.11%	30.42	29.1
District 20	769,212	507,231	(261,981)	65.94%	-37.50	-39.5
District 21	769,220	734,214	(35,006)	95.45%	16.36	16.5
District 22	769,221	98,655	(670,566)	12.83%	10.60	-5.6
District 23	769,215	0	(769,215)	0.00%	-13.94	-1.9
District 24	769,254	535,414	(233,840)	69.60%	-39.08	-30.0
District 25	769,207	125,144	(644,063)	16.27%	9.22	-5.3
District 26	769,218	471,954	(297,264)	61.36%	18.50	34.9
District 27	769,240	757,098	(12,142)	98.42%	14.70	14.6
District 28	769,209	757,068	(12,141)	98.42%	25.63	25.3

it does out of Republican leaning districts. The 8 districts represented by Democrats saw, on average, 41.3% of their population retained in the 2026 Adopted map plan while the districts represented by Republicans saw, on average, 82.74% of their population retained the 2026 Adopted map plan. Such a stark difference in population retention strongly suggests that core retention was biased by partisanship in the switch from the 2022 Status Quo plan to the 2026 Adopted plan.

VI. Florida Redistricting Principles

42. Tier II of Article III, Section 20's redistricting criteria includes that the districts that mapmakers draw shall be compact. Compactness is measured in many ways, but here I report the most common compactness measures–Polsby Popper, Schwartzberg, Convex Hull, and Reock–all of which are reported as a ratio from 0 to 1, where a higher number communicates that a district that is more compact and a lower number signals that a district is less compact.
43. Table 5, below, shows the compactness scores for the 2022 Status Quo map, for the 2026 Adopted Map, and the difference in scores from 2022 to 2026.

Table 5: Compactness Scores for 2022 and 2026 Maps

	2022				2026				Difference			
D	Polsby Popper	Schwartzberg	Convex Hull	Reock	Polsby Popper	Schwartzberg	Convex Hull	Reock	Polsby Popper	Schwartzberg	Convex Hull	Reock
1	0.48	0.69	0.87	0.54	0.48	0.69	0.87	0.54	0.00	0.00	0.00	0.00
2	0.48	0.69	0.82	0.46	0.48	0.69	0.82	.046	0.00	0.00	0.00	0.00
3	0.50	0.71	0.90	0.58	0.50	0.71	0.90	0.58	0.00	0.00	0.00	0.00
4	0.32	0.56	0.76	0.39	0.32	0.56	0.76	0.39	0.00	0.00	0.00	0.00
5	0.52	0.72	0.89	0.56	0.52	0.72	0.89	0.56	0.00	0.00	0.00	0.00
6	0.48	0.69	0.92	0.74	0.48	0.69	0.92	0.74	0.00	0.00	0.00	0.00
7	0.40	0.64	0.83	0.47	0.40	0.64	0.83	0.47	0.00	0.00	0.00	0.00
8	0.45	0.67	0.78	0.32	0.44	0.66	0.74	0.44	-0.01	-0.01	-0.04	0.11
9	0.47	0.68	0.86	0.49	0.36	0.60	0.78	0.47	-0.11	-0.09	-0.09	-0.03
10	0.37	0.61	0.75	0.41	0.37	0.60	0.79	0.47	-0.01	-0.01	0.04	0.05
11	0.36	0.60	0.82	0.52	0.33	0.57	0.77	0.41	-0.03	-0.02	-0.05	-0.11
12	0.38	0.62	0.75	0.45	0.41	0.64	0.77	0.42	0.03	0.02	0.03	-0.03
13	0.58	0.76	0.93	0.51	0.55	0.74	0.89	0.50	-0.04	-0.02	-0.04	-0.01
14	0.47	0.69	0.83	0.48	0.44	0.66	0.81	0.52	-0.04	-0.03	-0.02	0.04

15	0.58	0.76	0.88	0.58	0.26	0.51	0.66	0.33	-0.32	-0.25	-0.22	-0.25
16	0.45	0.67	0.73	0.45	0.37	0.61	0.79	0.39	-0.08	-0.06	0.05	-0.06
17	0.39	0.63	0.77	0.28	0.32	0.57	0.69	0.27	-0.07	-0.06	-0.09	-0.01
18	0.42	0.65	0.82	0.42	0.40	0.64	0.89	0.67	-0.02	-0.01	0.07	0.24
19	0.39	0.62	0.78	0.33	0.38	0.62	0.82	0.46	0.00	0.00	0.04	0.13
20	0.28	0.53	0.77	0.50	0.41	0.64	0.81	0.48	0.14	0.12	0.04	-0.02
21	0.50	0.70	0.82	0.50	0.51	0.71	0.82	0.49	0.01	0.01	0.00	-0.01
22	0.42	0.65	0.74	0.44	0.40	0.64	0.80	0.49	-0.02	-0.01	0.06	0.04
23	0.29	0.54	0.79	0.50	0.46	0.68	0.90	0.50	0.17	0.14	0.11	0.00
24	0.48	0.70	0.90	0.48	0.32	0.57	0.80	0.38	-0.16	-0.13	-0.10	-0.10
25	0.38	0.62	0.81	0.43	0.16	0.40	0.69	0.17	-0.22	-0.22	-0.13	-0.26
26	0.33	0.57	0.77	0.29	0.55	0.74	0.90	0.53	0.22	0.17	0.13	0.24
27	0.73	0.85	0.95	0.72	0.69	0.83	0.95	0.67	-0.04	-0.02	0.00	-0.04
28	0.24	0.49	0.55	0.22	0.24	0.49	0.55	0.22	0.00	0.00	0.00	0.00

44. Looking at traditional measures of compactness, the 2026 Adopted map reduces compactness scores especially in districts 9, 13, 14, 15, 16, 17, 24, and 25.
45. Table 6, below, shows the number of cities and Census Designated Places (CDPs) that were split by the district in the 2022 Status Quo plan compared to how many were split in the 2026 Adopted plan.

Table 6: Number of Cities and Census Designated Places (CDPs)Split

	2026 Adopted Map		2022 Status Quo Map		Difference (2026 minus 2022)	
District	District Total	Plan Total	District Total	Plan Total	District Difference	Plan Difference
1	0	175	0	149	0	26
2	1		1		0	
3	2		2		0	
4	1		1		0	
5	2		2		0	
6	5		5		0	
7	1		2		-1	
8	3		2		1	
9	6		3		3	
10	11		8		3	
11	14		9		5	
12	10		4		6	
13	7		3		4	
14	8		11		-3	
15	10		14		-4	
16	11		7		4	
17	7		4		3	
18	4		6		-2	
19	3		7		-4	

20	7		11		-4	
21	4		3		1	
22	9		2		7	
23	3		5		-2	
24	9		5		4	
25	12		4		8	
26	7		12		-5	
27	9		8		1	
28	9		8		1	
***Note: a negative value (green) indicates that the 2022 map had more places split in that district than in 2026. A positive value (red) indicates that the 2026 map had more places split in that district than in 2022.						

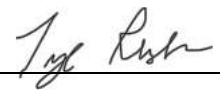
46. In total, the districts in the 2026 Adopted map plan split 175 cities and CDPs, while the districts in the 2022 Status Quo plan only split 149 cities and CDPs, a rather large increase.
47. In fact, districts 9, 13, 16, 17, 24, and 25 in the 2026 Adopted map plan split cities and CDPs more than those districts did in the 2022 Status Quo plan.
48. Table 7, below, shows the number of counties that were split in each district in the 2022 Status Quo plan compared to how many were split in the 2026 Adopted plan.

Table 7: Number of Counties Split

District	2026 Adopted Map		2022 Status Quo Map		Difference (2026 minus 2022)	
	District Total	Plan Total	District Total	Plan Total	District Difference	Plan Difference
1	1	53	1	50	0	3
2	2		2		0	
3	2		3		-1	
4	1		1		0	
5	2		2		0	
6	4		4		0	

7	2		2		0	
8	1		1		0	
9	3		2		1	
10	1		1		0	
11	2		3		-1	
12	2		3		-1	
13	2		1		1	
14	1		2		-1	
15	2		3		-1	
16	4		1		3	
17	2		1		1	
18	2		2		0	
19	2		2		0	
20	1		2		-1	
21	1		1		0	
22	3		1		2	
23	1		2		-1	
24	2		2		0	
25	3		1		2	
26	2		2		0	
27	1		1		0	
28	1		1		0	
***Note: a negative value (green) indicates that the 2022 map had more counties split in that district than in 2026. A positive value (red) indicates that the 2026 map had more counties split in that district than in 2022.						

49. In total, the districts in the 2026 Adopted map plan split 53 counties, while the districts in the 2022 Status Quo plan only split 50 counties, a net increase of 3.
50. In fact, districts 9, 13, 16, 17, and 25 in the 2026 Adopted map plan split counties more than those districts did in the 2022 Status Quo plan.
51. I declare under penalty of perjury that the foregoing is true to the best of my personal knowledge.



Dr. Tye Rush
May 8, 2026
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APPENDIX A

Tye Rush

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Publications

Journal articles

2025 5. Uribe, Laura, Kailen Aldridge, Thad Kousser, Kyshan Nichols-Smith, and *Tye Rush* (2025). "The Racial Gap in Trust in Elections (and How to Close It)" *Political Research Quarterly*, 78(4), 1408-1428.
- APSA Best Paper in Racial and Ethnic Politics Award, 2025

2025 4. *Rush, Tye*, Chelsea Jones, Michael Herndon, and Matt Barreto (2025). "Catalysts of Insurrection: How White Racial Antipathy Influenced Beliefs of Voter Fraud and Support for the January 6th Insurrection." *The Journal of Race, Ethnicity, and Politics*, 10(1), 5–25.

2024 3. *Rush, Tye*, Samuel Hall, and Matt Barreto (2024). "The Importance of Counting All Immigrants for Apportionment and Redistricting." *UC Law Journal*, 75(6), 1667-1692.

2023 2. Leslie, Greg, *Tye Rush*, Jonathan Collins, and Matt Barreto (2023). "The Effects of Racial Efficacy on African American Voter Enthusiasm." *Politics, Groups, and Identities*, 12(4), 782-805.

2020 1. Lemi, Danielle Casarez, Maricruz Osorio, and *Tye Rush* (2020). "Introducing People Of Color Also Know Stuff." *PS: Political Science & Politics*, 53(1), 140-141.

In Preparation

6. Laura Uribe, Kailen Aldridge, David Dablo, Thad Kousser, Jennifer L. Merolla, and *Tye Rush*. "The Determinants of Race and Ethnicity in Trust in Elections" *(Under review).*

5. Rush, Tye. "Jim Crow in a Brooks Brothers Suit: What Motivates State Legislators to Act on Voter ID Bills." *(Working paper).*
- UCLA Bunche Center Rising to the Challenge Graduate Research Award, 2022

4. Rush, Tye. "Rock the Roll-Call Vote: The Impact of the 26th Amendment on Representation in Congress." *(Working paper).*

3. Rush, Tye. "Estimating the Effects of Strict Voter ID Laws at the County Level." *(Working paper).*

2. Rush, Tye, Matt Barreto, Chad Dunn, and Michael Rios. "How Framing Effects Impact Vote-By-Mail Uptake Among Communities of Color." *(Working paper).*
- Russell Sage Foundation Presidential Authority Grant (Matt Barreto and Chad Dunn), 2020

1. Collingwood, Loren, Bryan Wilcox-Archuleta, Matt Barreto, and Tye Rush. "Who Nominates? Racial Polarization at the Nominating Petition Stage." *(Working paper).*

Public Policy and Legal Writing

2022 10. Portugal et al. v. Franklin County. (2022) Expert Report of Tye Rush on behalf of UCLA Voting Rights Project – Challenging Districting Rules and Proposed Maps. U.S. District Court for the Eastern District of Washington. https://latino.ucla.edu/research/violation-of-the-washington-voting-rights-act-of-2018/

2021 9. "Vote Choice of Latino Voters in the 2020 Presidential Election." (2021) with the UCLA Latino Policy and Politics Initiative.

2020 8. Black Voters Matter v. Raffensperger. (2020) Expert Report of Matt Barreto on behalf of UCLA Voting Rights Project – Challenging Postage Requirement. US District Court for the Northern District of Georgia Atlanta Division. https://acluga.org/black-voters-matter-v-raffensperger/

7. Black Voters Matter v. Raffensperger. (2020) Expert Report of Matt Barreto on behalf of UCLA Voting Rights Project – Challenging Voting Burdens at Polling Locations. US District Court for the Northern District of Georgia Atlanta Division. https://acluga.org/black-voters-matter-v-raffensperger/

6. "Protecting Public Health in the 2020 Elections." (2020) with the UCLA Voting Rights Project, Voting Rights Lab, and Union of Concerned Scientists Center for Science and Democracy.

5. "Protecting Democracy: Implementing Equal and Safe Access to the Ballot Box During a Global Pandemic." (2020) with the UCLA Voting Rights Project.

4. "Implementing and Assessing Automatic Voter Registration: Lessons Learned and Policy Recommendations to Improve Voter Registration in the U.S." (2020) with the UCLA Voting Rights Project.

3. "Debunking the Myth of Voter Fraud in Mail Ballots." (2020) with the UCLA Voting Rights Project, University of New Mexico Center for Social Policy, and Union of Concerned Scientists.

2. "Age Discrimination in Voting at Home.." (2020) with UCLA Voting Rights Project, Equal Citizens, Vote At Home, and The Andrew Goodman Foundation.

2019 1. "Whitewashing Representation: How Using Citizenship Data to Gerrymander Will Undermine Our Democracy." (2019) with Common Cause Educational Fund.

Invited Talks

2025 University of California, San Diego, Black Studies Project Postdoc Seminar Series
2024 Claremont Graduate University, Tuesday Talks Series
2023 University of California, Riverside, Political Science Speakers Series
University of California, Merced, Understanding Politics Seminar Series
2022 University of Texas LBJ School of Public Policy, Policy Talks Series

Awards and Honors

2025-2026 Center for the Advancement of Multicultural Perspectives on Social Sciences, Arts and Humanities (CAMPSSAH) Faculty Scholar, University of California, Davis
2025 Best Paper in Racial and Ethnic Politics Award, American Political Science Association (APSA)

2023 President's Postdoctoral Fellowship Program, University of California Office of the President
2022 CBC Spouses Education Scholarship, Congressional Black Caucus Foundation
Princeton Dissertation Scholar, Bobst Center for Peace and Justice at Princeton University
Rising to the Challenge Graduate Summer Research Fellowship, UCLA
Lee Ann Fujii Travel Grant, American Political Science Association (3rd)
2021 Dissertation Fellow, Ford Foundation (Deferred)
President's Pre-Professoriate Fellow, University of California Office of the President
Travel Grant, Class and Inequality Section, American Political Science Association
Lee Ann Fujii Travel Grant, American Political Science Association (2nd)
2020 Lee Ann Fujii Travel Grant, American Political Science Association
Graduate Council Diversity Fellowship, UCLA
2019 Research Fellow at the Institute on Inequality and Democracy, UCLA Luskin School of Public Affairs
Political Psychology Pre-Doctoral Research Fellowship, UCLA
2018 Graduate Summer Research Mentorship Award (2nd), UCLA
2017 Minority Fellow, American Political Science Association
Travel Grant, American Political Science Association
MFP Travel Grant, APSA
Political Psychology Fellowship, UCLA
Graduate Summer Research Mentorship Award, UCLA
2016 Graduate Fellowship Award, BLU Educational Foundation
Eugene V. Cota-Robles Graduate Fellowship, UCLA
Race, Ethnicity, and Politics Pre-Doctoral Summer Fellowship, UCLA
Political Science Academic Excellence Award, UC Riverside
2015 Rosemary Schraer Memorial Scholarship, UC Riverside
Mellon Advancing Intercultural Studies Seminar Fellowship, UC Riverside

Teaching

Instructor

2026 Racial Politics (Undergraduate), UC Davis
2025 Research in American Politics: Racial Politics (Graduate) and Racial Politics (Undergraduate), UC Davis
2022 Careers in Political Science (Undergraduate), UCLA
2021 Election Law and Voting Rights (Undergraduate), UCLA
2020 Election Law and Voting Rights (Undergraduate), UCLA

Teaching Assistant

2021 U.S. Latino Politics, UCLA, Matt Barreto
2019 Intro to American Politics, UCLA, Lynn Vavreck
2018 Intro to American Politics, UCLA, Tom Schwartz
World Politics, UCLA, Joslyn Barnhart
Introduction to Data Analysis, UCLA, Jesse Acevedo
2017 Politics of American Suburbanization, UCLA, Lorrie Frasure-Yokley

Service and Mentorship

2025-*present* Committee Member, REP (Race, Ethnicity, and Politics) Executive Committee, American Political Science Association
2024-2027 Committee Member, First Generation Scholars Committee, Western Political Science Association
2018- Reveiwer for *Journal of Politics*, *Political Research Quarterly*, *Journal of Race, Ethnicity, and Politics*, *Politics, Groups, and Identities*
2019-2024 Board Member, People of Color Also Know Stuff (POCexperts.org)
2020-2021 Graduate Student Mentor, Black Educator Pipeline (BEP), BLU Educational Foundation
2019-2020 McNair Program Graduate Student Mentor, Academic Advancement Program, UCLA
2018-2020 Lab Organizer, Race, Ethnicity, and Immigration (REI) Lab, UCLA

Conference Participation

2024

	American Political Science Association
	Brennan Center for Justice at NYU School of Law's "The Racial Turnout Gap in the 21st Century" Convening
	Election Science, Administration, & Research Conference
	Politics of Race, Immigration, and Ethnicity Consortium
2023	Southern Political Science Association
2020	Midwest Political Science Association
2019	American Political Science Association
	National Conference of Black Political Scientists (NCOBPS)
	Politics of Race, Immigration, and Ethnicity Consortium
	Western Political Science Association
2018	American Political Science Association
	Midwest Political Science Association
	National Conference of Black Political Scientists (NCOBPS)
	Western Political Science Association
2017	Politics of Race, Immigration, and Ethnicity Consortium
2015	Politics of Race, Immigration, and Ethnicity Consortium

Research Experience

2023-2025	Postdoctoral Affiliate, Yankelovich Center for Social Science Research, UCSD
2018-2023	Senior Policy Fellow, UCLA Voting Rights Project
2019	Redistricting and Voting Fellow, Common Cause, Los Angeles, CA
2018-2019	Voting Rights Research Consultant, Latino Decisions, Los Angeles, CA
2017-2018	Research Fellow, UCLA Latino Policy and Politics Initiative
2016	Predoctoral Fellow, UCLA Political Science: Race, Ethnicity, and Politics Subfield
2016	Research Intern ,Cohen Research Group, Washington, D.C.
2015-2016	Research Assistant, Loren Collingwood, Ph.D, University of California, Riverside

Membership

American Political Science Association (APSA)
Midwestern Political Science Association (MPSA)
National Conference of Black Political Scientists (NCOBPS)
Southern Political Science Association (SPSA)
Western Political Science Association (WPSA)

Consulting

2025	5. Texas, 2025, League of Latin American Voters et al. v. Greg Abbott
2023	4. New Mexico, 2023, Navajo Nation et al. v. San Juan County, Expert for plaintiffs related to redistricting.
	3. Texas, 2023, Petteway et al. v. Galveston County, Expert for plaintiffs related to redistricting.
2022	2. Washington, 2022, Portugal et al. v. Franklin County, Expert for plaintiffs related to redistricting.
2021	1. California, 2021, Consulting expert for Evitarus Inc. in regarding redistricting in Los Angeles City Council.

Computer Skills

R, Stata, LaTeX, Markdown, Maptitude, Wordpress, ArcGIS, and qGIS.

Exhibit 3

April 19, 2022 Senate Committee on Reapportionment, 2022C Special Session

https://thefloridachannel.org/videos/4-19-22-senate-committee-on-reapportionment.

Exhibit 4

December 3, 2025 Memorandum from Sen. Ben Albritton to
All Senators and Senate Professional Staff

THE FLORIDA SENATE
SENATOR BEN ALBRITTON
President

MEMORANDUM

TO: All Senators and Senate Professional Staff
FROM: Ben Albritton
SUBJECT: Information Regarding Potential Mid-Decade Redistricting
DATE: December 3, 2025

As you are aware, there has been an ongoing national conversation about redistricting. I wanted to be clear about my perspective and offer some guidance on this matter.

The Governor has expressed a desire to address this issue next Spring. As such, there is no ongoing work regarding potential mid-decade redistricting taking place in the Senate at this time. As we move forward, I am continuing to monitor legal developments that could impact Florida and will certainly keep you apprised of any updates to the status I have outlined here.

In the meantime, Senators should be aware that in prior cycles, significant litigation has followed passage of new maps. The Florida Supreme Court has previously limited the scope of legislative privilege when it comes to redistricting.[1] Sitting legislators may be compelled to produce records or be subject to questioning under oath about conversations with colleagues, with legislative staff, or with outside parties who may attempt to persuade the Legislature to pass maps that favor or disfavor a political party or incumbent.

Insulation from Partisan Interests
Florida's Constitution includes strict guidelines for what information the Legislature can and cannot consider when drawing new congressional districts. Regardless of the forum or format, we can only consider thoughts and feedback in keeping with constitutional standards.
Although there is not currently ongoing work taking place regarding mid-decade redistricting, Senators should take care to insulate themselves from partisan-funded organizations and other interests that may intentionally or unintentionally attempt to inappropriately influence a potential mid-decade redistricting process.

Record Retention
Senators should continue to adhere to the records retention policy as directed by Art. I, s. 24 of the Florida Constitution, s. 11.0431, F.S., and Senate Rule 1.48. Although there is no work taking place regarding mid-decade redistricting, Senators may receive correspondence or communications from outside individuals and groups. Senators and staff should be mindful that correspondence, emails, texts, and other electronic communications related to the enactment of new districts, whether sent or received on official Senate accounts or devices or personal email accounts or devices, may be of permanent or archival value and any such records should be preserved accordingly.

If you have any questions, please contact the Office of our Senate General Counsel.

[1] See *League of Women Voters of Florida v. Florida House of Representatives*, 132 So. 3d 135 (Fla. 2013).

Exhibit 5

December 4, 2025 House Select Committee on Congressional Redistricting Meeting, 2026 Regular Session,

https://flhouse.gov/VideoPlayer.aspx?eventID=10724.

Exhibit 6

December 10, 2025 House Select Committee on Congressional Redistricting Meeting, 2026 Regular Session,

https://flhouse.gov/VideoPlayer.aspx?eventID=10752.

Exhibit 7

January 7, 2026 Press Release, Executive Office of the Governor, Governor Ron DeSantis Announces Special Legislative Session on Congressional Redistricting

NEWSROOM

GOVERNOR RON DESANTIS ANNOUNCES SPECIAL

LEGISLATIVE SESSION ON CONGRESSIONAL REDISTRICTING

January 7, 2026

TALLAHASSEE, Fla.—Today, Governor Ron DeSantis issued a proclamation announcing the call for a special Session of the Florida Legislature to address the topic of Congressional redistricting.

"Every Florida resident deserves to be represented fairly and constitutionally," **said Governor Ron DeSantis.** "Today, I announced that I will be convening a Special Session of the Legislature focused on redistricting to ensure that Florida's congressional maps accurately reflect the population of our state and to comply with an upcoming U.S. Supreme Court ruling. This Special Session will take place after the regular legislative session, which will allow the Legislature to first focus on the pressing issues facing Floridians before devoting its full attention to congressional redistricting in April."

The Governor's proclamation outlines the specific subject to be considered during the special session, consistent with Article 3(c)(1) of the Florida Constitution. Lawmakers will convene in Tallahassee commencing at 12:00 p.m., Monday, April 20, and extend no later than 11:59 p.m., Friday, April 24. During this time, the Legislature is convened for the sole and exclusive purpose of considering legislation relating to the drawing of Congressional districts for the state of Florida and appropriating additional funds for any legal challenges thereto.

Florida Secretary of State Cord Byrd has also issued a directive declaring 2026 as a year of apportionment for candidate qualification.

For more information, view the Governor's proclamation **here** and the directive from Secretary of State Cord Byrd **here**.

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Exhibit 8

January 7, 2026 Proclamation, Governor Ron DeSantis

PROCLAMATION

STATE OF FLORIDA

EXECUTIVE OFFICE OF THE GOVERNOR
TALLAHASSEE

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES

WHEREAS, Article III, Section 3(c)(1) of the Florida Constitution permits the Governor to convene the Legislature in special session by a proclamation that states the purpose of such special session; and

WHEREAS, Article III, Section 3(c)(1) further provides that the Legislature may only transact such business during the special session that is within the purview of the Governor's proclamation, or of a communication from the Governor, or that is introduced by consent of two-thirds of the membership of each house; and

WHEREAS, Article III, Section 3(d) limits the duration of any special session to no more than twenty consecutive days, unless extended by a three-fifths vote of each house; and

WHEREAS, on July 17, 2025, the Florida Supreme Court held in *Black Voters Matter Capacity Building Institute, Inc. v. Secretary, Florida Department of State*, No. SC2023-1671, that the "Legislature's obligation to comply with the Equal Protection Clause [of the United States Constitution] is superior to its obligation to comply with the Non-Diminishment Clause [of the Florida Constitution] as interpreted by our Court"; and

WHEREAS, longstanding United States Supreme Court precedent disfavors the predominant use of race in drawing electoral district boundaries; and

WHEREAS, the United States Supreme Court is presently considering in *Louisiana v. Callais*, No. 24-109, whether Louisiana's intentional creation of a second majority-minority congressional district to comply with the Voting Rights Act violates the Fourteenth and Fifteenth Amendments to the United States Constitution; and

WHEREAS, under Article I, Section 4, Clause 1 of the United States Constitution, the drawing of electoral district boundaries for federal congressional elections is primarily the duty and responsibility of the states; and

WHEREAS, the states have an obligation to redraw their congressional districts at least every ten years to conform with the most recent decennial census, *see* 2 U.S.C. §§ 2a-2c; and

WHEREAS, there is no legal impediment to exercising the authority to redraw congressional district boundaries mid-decade; and

WHEREAS, under the Florida Constitution, any measure that redraws Florida's congressional district boundaries requires a majority vote of both houses of the Legislature and the approval of the Governor, *see* art. III, §§ 7, 8, Fla. Const.; and

WHEREAS, the Legislature should redraw Florida's congressional district boundaries in light of the recent legal developments referenced above and in the interest of making further improvements to the congressional districts based upon traditional redistricting principles; and

WHEREAS, the Legislature should wait as long as is feasible for conducting the 2026 elections before redrawing Florida's congressional district boundaries in order to take advantage of any further guidance from the United States Supreme Court, which is expected in early 2026, on the use of race in drawing electoral districts; and

WHEREAS, under Section 99.061(9), Florida Statutes, the qualifying period for persons seeking to qualify for nomination or election to federal office in a year in which the Legislature apportions the state shall be between noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the primary election.

NOW, THEREFORE, I, RON DESANTIS, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1) of the Florida Constitution, do hereby proclaim as follows:

Section 1. The Legislature of the State of Florida is convened in Special Session commencing at 12:00 p.m., Monday, April 20, 2026, and extending no later than 11:59 p.m., Friday, April 24, 2026.

Section 2. The Legislature of the State of Florida is convened in Special Session for the sole and exclusive purpose of considering legislation relating to the drawing of congressional districts for the State of Florida and any legal challenges thereto, including the appropriation of additional funding for such litigation.

Section 3. In light of this proclamation convening the Legislature of the State of Florida for the purpose of reapportioning the State's congressional districts, I hereby acknowledge that 2026 is a year in which the Legislature will apportion the State for purposes of Sections 99.061, 99.095, 99.09651, Florida Statutes, and any other relevant Florida laws.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 7th day of January, 2026.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2026 JAN -7 PM 12:08
DEPARTMENT OF STATE
TALLAHASSEE, FL

Exhibit 9

April 15, 2026 Proclamation, Governor Ron DeSantis

PROCLAMATION

STATE OF FLORIDA

EXECUTIVE OFFICE OF THE GOVERNOR
TALLAHASSEE

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES

WHEREAS, Article III, Section 3(c)(1) of the Florida Constitution permits the Governor to convene the Legislature in Special Session during which only such legislative business may be transacted as is within the purview of this Proclamation, or of a communication from the Governor, or as is introduced by consent of two-thirds of the membership of each house of the Legislature; and

WHEREAS, on January 7, 2026, I called a Special Session scheduled to commence at 12:00 p.m., Monday, April 20, 2026, and extending no later than 11:59 p.m., Friday, April 24, 2026; and

WHEREAS, the purpose of this Special Session is to consider legislation relating to the drawing of congressional districts for the State of Florida and any legal challenges thereto, including the appropriation of additional funding for such litigation; and

WHEREAS, the advancement of artificial intelligence provides the opportunity to optimize business practices and foster innovation; however, artificial intelligence platforms have caused harm to individuals and to society; and

WHEREAS, Florida leads the nation in parental rights; and

WHEREAS, the State of Florida has the responsibility to protect Floridians, especially minors, from the dangerous and deceptive practices of large technology companies that wield artificial intelligence platforms; and

WHEREAS, the Florida Legislature must act to safeguard the rights and well-being of our citizens by establishing an Artificial Intelligence Bill of Rights; and

WHEREAS, Florida was the beacon of sanity during the COVID-19 pandemic, promoting freedom over fear; and

WHEREAS, no Floridian should face discrimination based on mRNA vaccine status; and

WHEREAS, every family in Florida possesses the fundamental right to parental informed consent related to the vaccine status of their minor child; and

WHEREAS, it is now prudent to amend the call of the Special Session originally scheduled to commence on April 20, 2026.

NOW, THEREFORE, I, RON DESANTIS, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1) of the Florida Constitution, do hereby proclaim as follows:

Section 1. The proclamation on January 7, 2026, calling the Legislature of the State of Florida for a Special Session relating to consideration of legislation for the drawing of congressional districts for the State of Florida and any legal challenges thereto, including the appropriation of additional funding for such litigation, is amended to include consideration of legislation relating to (1) protecting Floridians from the dangers of artificial intelligence including an AI Bill of Rights for Floridians, and creating, as necessary, public records exemptions related to investigations of alleged artificial intelligence harms and (2) medical freedom, similar to Senate Bill 1756, which passed the Senate in March.

Section 2. The call to the Legislature of the State of Florida for this Special Session is further amended to commence at 10:00 a.m., Tuesday, April 28, 2026, and extend no later than 11:59 p.m., Friday, May 1, 2026.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation amending the call to the Legislature in Special Session at the Capitol, this 15th day of April, 2026.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2026 APR 15 PM 5:10
DEPARTMENT OF STATE
TALLAHASSEE, FL

Exhibit 10

April 28, 2026 Senate Rules Committee Meeting,

https://thefloridachannel.org/videos/4-28-26-senate-committee-on-rules/.

Exhibit 11

Preston Mizell, *Ron DeSantis unveils new Florida congressional map that would give the GOP an extra four seats*,
Fox News (Apr. 27, 2026)

Ron DeSantis unveils new Florida congressional map that would give the GOP an extra four seats

By Preston Mizell

Published April 27, 2026

Fox News

FIRST ON FOX: Florida Gov. Ron DeSantis revealed the new redistricted congressional map for the state, which shows the GOP gaining an extra four seats.

Should the state legislature, which holds a Republican majority in both the state House and Senate, approve the redrawing, it would then return to DeSantis to be signed into law and would apply to the 2026 midterms.

"Florida got shortchanged in the 2020 Census, and we've been fighting for fair representation ever since," DeSantis told Fox News Digital. "Our population has since grown dramatically, and we have moved from a Democrat majority to a 1.5 million Republican advantage. Drawing maps based on race, which is reflected in our current congressional districts, is unconstitutional and should be prohibited."

Florida Gov. Ron DeSantis unveiled a proposed redistricted congressional map that could give Republicans four additional seats if approved by the state legislature. (Chip Somodevilla/Getty Images)

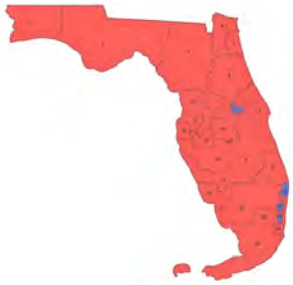
"Our new map for 2026 makes good on my promise to conduct mid-decade redistricting, and it more fairly represents the makeup of Florida today," DeSantis added.

REPUBLICAN GOVERNOR SIGNS INTO LAW TRUMP-BACKED CONGRESSIONAL REDISTRICTING MAP

Currently, the Florida delegation to Congress is represented by 20 Republicans and seven Democrats, with an eighth Democratic seat vacant following the resignation of former Rep. Sheila Cherfilus-McCormick.

The redistricted map proposal comes after Virginia recently approved a constitutional amendment that would allow the state to redraw Virginia's congressional districts and flip four GOP seats to the Democratic side.

Virginia's new proposed map was praised by Democrats, including Gov. Abigail Spanberger and former President Barack Obama.



The proposed map redraws Florida's congressional districts to reflect population shifts, consolidating GOP-leaning areas and

creating four additional Republican-favored seats. (Office of Governor Ron DeSantis)

GOP GOVERNOR NOMINEE PUSHES REDISTRICTING TO OUST STATE'S LONE HOUSE DEM

"Virginia voters have spoken, and tonight they approved a temporary measure to push back against a President who claims he is ‘entitled’ to more Republican seats in Congress," Spanberger said in a statement. "Virginians watched other states go along with those demands without voter input — and we refused to let that stand. We responded the right way: at the ballot box."

Ffity-one and a half percent of Virginia voters approved the amendment last week. Projections show 10 seats that likely will be won by Democrats, and just one by a Republican to represent the entirety of Virginia in Congress.

Currently, Democrats hold six seats in Virginia while Republicans hold five.

NEW YORK, CALIFORNIA PROJECTED TO LOSE 6 HOUSE SEATS TO RED STATES AFTER 2030, CENSUS ANALYSIS SHOWS

DeSantis argued the new map reflects Florida’s population growth and partisan shift while opposing race-based districting as unconstitutional. (Joe Raedle/Getty Images)

A source familiar with DeSantis’ new map told Fox News Digital that the redistricting proposal isn’t as closely tied to Virginia’s recent sway toward Democratic seats, and that the decision is more related to the population increases.

"The governor has been planning this long before what took place in Virginia, and continues to be adamant that Floridians deserve fair representation that accurately reflects the state’s changing population and demographics," the source told Fox News Digital.

California implemented a similar strategy with the implementation of Prop 50, which temporarily allows the far-left Democratic assembly in the state to draw new congressional maps.

MARYLAND HOUSE APPROVES NEW CONGRESSIONAL MAP AS SENATE LEADERS WARN OF RISKS

The new California legislature-drawn maps show Democratic-leaning seats favoring four that were previously held by Republicans, with projections showing Democrats will hold as many as 48 seats in Congress while the GOP could have as few as four.

DeSantis faced opposition from House Minority Leader Hakeem Jeffries, D-N.Y., who is the most likely pick to serve as speaker of the House should Democrats take back the majority in November.

Florida Gov. Ron DeSantis, left, pictured alongside U.S. House Minority Leader Hakeem Jeffries, D-N.Y. (Eva Marie Uzcategui/Bloomberg via Getty Images; Tom Williams/CQ-Roll Call, Inc via Getty Images)

"Our message to Florida Republicans is F around and find out," Jeffries said. "If they go down the road of a DeSantis dummymander, the Florida Republicans are gonna find themselves in the same situation as Texas Republicans, who are on the run right now.

VIRGINIA REPUBLICANS CHARGE 'POWER GRAB' AS DEMOCRAT WHO BACKED REDISTRICTING RUNS FOR

CONGRESS

"Under no circumstances are Texas Republicans picking up five seats. They'll be fortunate if they get two or three. While in California, we are going to get all five," Jeffries added.

During a news conference in Florida, DeSantis responded to Jeffries' comments with an invitation to come down to the Sunshine State and campaign for Democratic congressional candidates, implying the state's Republican majority would hold strong in the midterm.

"Please. Be my guest. I will pay for you to come down to Florida to campaign," DeSantis said. "I'll put you up in the Florida governor's mansion. We will take you fishing."

REPUBLICANS APPEAL JUDGE'S DECISION REJECTING NEW YORK CITY GOP DISTRICT LINES

Critics like House Minority Leader Hakeem Jeffries warned Republicans could face political backlash, while DeSantis dismissed the criticism and expressed confidence in GOP strength. (Brendan Smialowski/AFP via Getty Images)

"We'll do all this stuff. There's nothing that could be better for Republicans in Florida than to see Jeffries, Hakeem Jeffries, everywhere around this state," DeSantis added.

The redistricting fight has been bolstered across red and blue states as both parties attempt to take control of a Congress led by very slim majorities.

CLICK HERE TO DOWNLOAD THE FOX NEWS APP

House Speaker Mike Johnson, R-La., encouraged Florida's redistricting attempt, saying that the state "has the right to do so.

"Florida has the right and the intention to do it. And my view is that they should," Johnson said last week.

Preston Mizell is a writer with Fox News Digital covering breaking news.

Print Close

URL

https://www.foxnews.com/politics/ron-desantis-unveils-new-florida-congressional-map-would-give-gop-extra-four-seats

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Exhibit 12

Apr. 27, 2026 Memorandum from Sen. Ben Albritton to
All Senators and Senate Professional Staff

RON DESANTIS
GOVERNOR

STATE OF FLORIDA
Office of the Governor
THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001
www.flgov.com
850-717-9418

April 27, 2026

The Honorable Don Gaetz
Chair, Ethics & Elections Committee
Florida Senate
404 South Monroe St.
Tallahassee, FL 32399

The Honorable Mike Redondo
Chair, Select Committee on Congressional Redistricting
Florida House of Representatives
402 South Monroe St.
Tallahassee, Fl 32399

Dear President Gaetz and Representative Redondo:

The Executive Office of the Governor (EOG) submits the attached map of proposed congressional districts and urges the Florida Legislature to adopt it during the special session that is scheduled to commence on April 28.

The people of Florida have been deprived of appropriate representation in the U.S. House of Representatives. Despite substantial population growth since the 2010 census, which catapulted Florida to the third most populous state in the nation, Florida gained only one additional seat in the House after the 2020 census. However, a post-census survey conducted by the U.S. Census Bureau demonstrated that Florida was shortchanged by more than 760,000 people.[1] This undercount cost Florida at least one additional House seat.

Florida's representation in the U.S. House has also been distorted by considerations of race. Passed in 2010, the Fair Districts Amendments (FDA) to the Florida Constitution require the Legislature to account for race when drawing congressional districts. Specifically, section 20(a) provides that "districts shall not be drawn [(1)] with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process[,] or [(2)] to diminish their ability to elect representatives of their choice." Art. III, § 20(a), Fla. Const. These race-based requirements, moreover, supersede the traditional redistricting criteria in section 20(b), such as the requirement to maintain compactness and to utilize existing political and geographical boundaries, whenever there is a conflict. *See* Art. III, § 20(b), Fla. Const. (providing that the traditional redistricting criteria in subsection (b) are mandatory "[u]nless compliance with [those standards] conflicts with the standards in subsection (a) or with federal law"). This requires the use of race in redistricting-something that the U.S. Supreme Court has signaled is unconstitutional.

[1] U.S. Census Bureau, *2020 Census Undercount and Overcount Rates by State, Post-Enumeration Survey* (May 19, 2022), https://perma.cc/ YA7F-JXK7.

In 2022, after the 2020 census, the FDA's race-based requirements caused the Legislature to enact two versions of Congressional District 5. The primary version packed the black population of Duval County into one district. Even though the black voting age population was diminished relative to the benchmark district, the Legislature nevertheless believed that the black population was large enough that black voters could still elect candidates of their choice. The alternative version, which would take effect if a court blocked the primary version, essentially maintained the racially gerrymandered configuration of the benchmark district, which had been described as having the shape of a "barbell" and "stretched over two hundred miles across the Florida/Georgia border to encompass the black populations in Duval County in the east and Leon and Gadsden Counties in the west." *Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec'y, Fla. Dep't of State*, 415 So. 3d 180, 188 (Fla. 2025). The Legislature drew both versions to comply with the FDA, but because racial considerations predominated with respect to both, which could not satisfy strict scrutiny, the Governor vetoed both maps on the ground that they violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The Legislature eventually enacted, and the Governor signed, the current congressional map with a race-neutral version of Congressional District 5.

The existing map is the result of a compromise between the Legislature and the Governor. Parts were drawn by EOG, and parts were drawn by legislative staff. The southeastern part came from the Legislature. Congressional District 20 in the southeast has an odd shape with two claws that track the black population. The claws are arguably a telltale sign of racial predominance. They were used to create a majority-minority district to comply with Section 2 of the Voting Rights Act. Other districts in the region do not have the odd appendages but, the legislative record shows, were drawn with the Hispanic voting age population in mind to comply with the race-based requirements of the FDA.

The use of race in redistricting should never happen. Any decision taken "because of" race triggers (and should trigger) the strictest of federal constitutional scrutiny. *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979); *see also Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181, 214-18 (2023). The U.S. Supreme Court, however, has attempted in vain to distinguish between the race-conscious drawing of districts and the drawing of districts where race predominates. While only the latter triggers strict scrutiny under current precedent, *Cooper v. Harris*, 581 U.S. 285, 291-92 (2017), the line is nevertheless blurry. That is because the line is intellectually dishonest. As Justice Scalia put it, "when a legislature intentionally creates a majority-minority district, race is necessarily its predominant motivation and strict scrutiny is therefore triggered." *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 517 (2006) (Scalia, J., concurring in judgment in part and dissenting in part). Whether race is the predominant reason for drawing a district or just one among other reasons should make no constitutional difference. Properly understood, the Fourteenth Amendment forbids the government from divvying up the citizenry based in whole or in part upon race.

The Supreme Court is poised to affirm this basic non-discrimination principle in *Louisiana v. Callais*. This case has an unusual procedural posture that portends a significant decision. It was first argued on March 24, 2025. *See* Supreme Court Docket, Case No. 24-109. It was re-listed for a second argument on June 27, 2025. *Id.* And it was re-argued on October 15, 2025. *Id.* Past cases re-argued before the Supreme Court include *Brown v. Board of Education*, 347 U.S. 483 (1954) (segregation); *Roe v. Wade*, 410 U.S. 113 (1973) (abortion); and *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) (campaign finance). The re-listing and re-argument of *Callais* suggests that it will be a landmark decision just as the others were.

The proposed congressional map that EOG now submits does not take race into consideration at all. Race was neither a predominant factor nor one of many factors. And because race was never considered, the map also makes no attempt to adhere to the race-based requirements of the FDA. Because those provisions require consideration of race in the drawing of congressional districts, they cannot satisfy strict scrutiny and are unconstitutional under the Fourteenth Amendment. For one thing, they lack a pre-enactment record that would justify a race-based remedy for a race-based wrong. There's also no temporal limit to these provisions. And plainly, they were not adopted under Congress's enforcement powers pursuant to Section 2 of the Fifteenth Amendment to the U.S. Constitution. *See generally Black Voters Matter Capacity Bldg. Inst., Inc.*, 415 So. 3d at 196-97 (recognizing those differences).

The race-based requirements of the FDA also cannot be severed from the other requirements of the FDA. The FDA was sold to the voters as a package. There was no severability provision included in the FDA when it was presented to the voters. And because one part is unconstitutional, there's little reason to think that voters would have approved the remaining parts by themselves. As Florida's Chief Justice commented during the oral argument in *Black Voters Matter*: "If it ever were to come to the point that we thought that the non-diminishment essentially doesn't work here, would the whole FDA have to go because it seems like this was part of a kind of package deal?" Oral Argument at 1:17:15, https://wfsu.org/gavel2gavel/viewcase.php?eid=2894. That led to the following rhetorical question: "How do we neuter half of [the FDA] and then leave the other part intact?" *Id.*

The proposed map redraws on race-neutral terms districts in southeast Florida that were affected by the FDA's race-based requirements. Changes in this region result in changes elsewhere in the map. In addition, since the 2020 census, Florida's population has continued to grow at a breakneck pace, adding almost 2 million more residents as of July 1, 2025—an 8.9% increase.[2] The most population growth appears to have occurred in the outlying areas surrounding Tampa and Orlando and north of Palm Beach County up the eastern coast.[3] While still based on 2020 census data, the proposed map nevertheless attempts to account for these dramatic population changes by reconfiguring districts around the areas of high growth.

On behalf of EOG, I urge you to approve the attached congressional map.

Sincerely,

David Axelman
General Counsel

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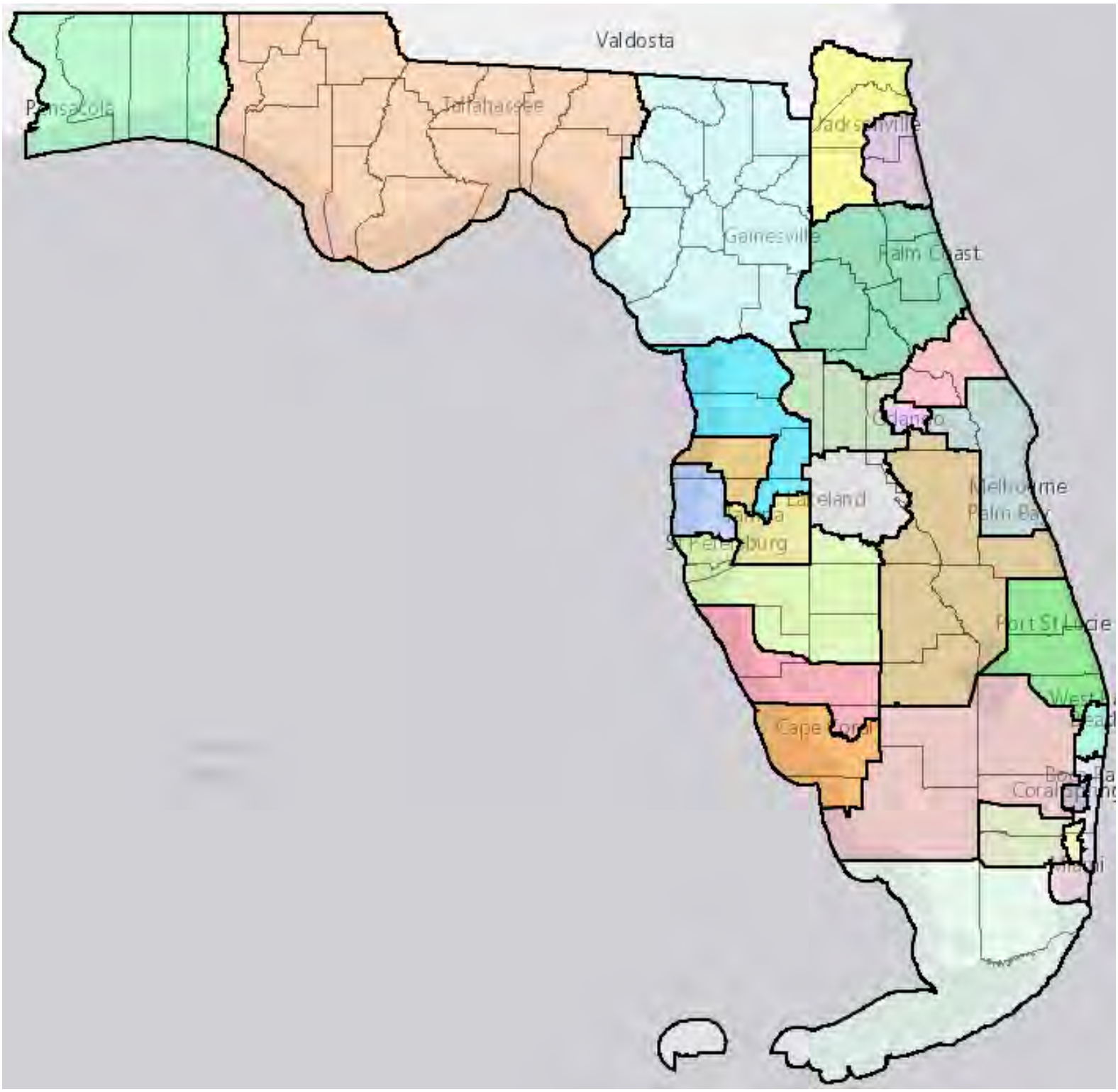
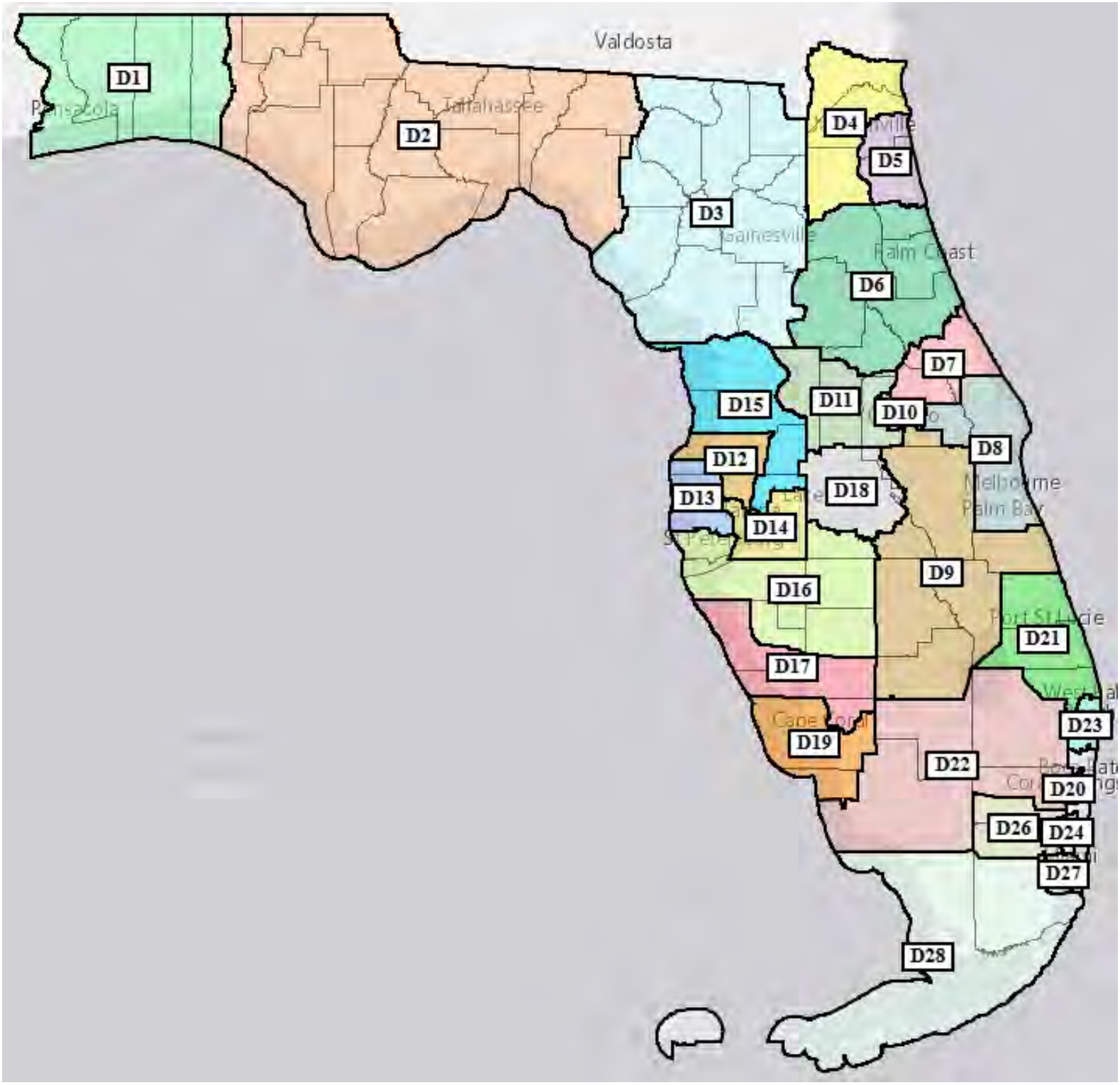
[2] U.S. Census Bureau, Quick Facts, Florida, https://www.census.gov/quickfacts/fact/table/FL/PST045225#PST045225.

[3] U.S. Census Bureau, *Sunshine State Home to Metro Areas Among Top 10 U.S. Population Gainers from 2022 to 2023* (March 14, 2024), https://www.census.gov/library/stories/2024/03/florida-and-fast-growing-metros.html; *see also* Office of Economic & Demographic Research, *April 1, 2025 Estimate of Counties and Municipalities*, https://edr.state.fl.us/Content/population-demographics/data/index-floridaproducts.cfm.

Proposed Congressional Redistricting Plan



Proposed Congressional Redistricting Plan



District Statistical Report

District No.	TOTAL Population	Target Population	Target Deviation	Target Deviation (%)	Total Population
D1	769,221	769,221	0	0.00	769,221
					3.57%
D2	769,221	769,221	0	0.00	769,221
					3.57%
D3	769,221	769,221	0	0.00	769,221
					3.57%
D4	769,221	769,221	0	0.00	769,221
					3.57%
D5	769,221	769,221	0	0.00	769,221
					3.57%
D6	769,221	769,221	0	0.00	769,221
					3.57%
D7	769,221	769,221	0	0.00	769,221
					3.57%
D8	769,220	769,221	-1	-0.00	769,220
					3.57%
D9	769,221	769,221	0	0.00	769,221
					3.57%
D10	769,221	769,221	0	0.00	769,221

District No.	TOTAL Population	Target Population	Target Deviation	Target Deviation (%)	Total Population
					3.57%
D11	769,221	769,221	0	0.00	769,221
					3.57%
D12	769,221	769,221	0	0.00	769,221
					3.57%
D13	769,221	769,221	0	0.00	769,221
					3.57%
D14	769,221	769,221	0	0.00	769,221
					3.57%
D15	769,221	769,221	0	0.00	769,221
					3.57%
D16	769,221	769,221	0	0.00	769,221
					3.57%
D17	769,221	769,221	0	0.00	769,221
					3.57%
D18	769,221	769,221	0	0.00	769,221
					3.57%
D19	769,221	769,221	0	0.00	769,221
					3.57%

District No.	TOTAL Population	Target Population	Target Deviation	Target Deviation (%)	Total Population
D20	769,221	769,221	0	0.00	769,221
					3.57%
D21	769,221	769,221	0	0.00	769,221
					3.57%
D22	769,221	769,221	0	0.00	769,221
					3.57%
D23	769,221	769,221	0	0.00	769,221
					3.57%
D24	769,221	769,221	0	0.00	769,221
					3.57%
D25	769,221	769,221	0	0.00	769,221
					3.57%
D26	769,221	769,221	0	0.00	769,221
					3.57%
D27	769,221	769,221	0	0.00	769,221
					3.57%
D28	769,221	769,221	0	0.00	769,221
					3.57%

User: PoredaJ
Plan: Proposed Congressional Redistricting Plan
wkid: 3086

Date: Mon Apr 27 2026 10:30:31 GMT-0400 (Eastern Daylight Time)
Plan No.: 6c757e370a4b4152ae5e526481fc4149

District Compactness Report

District	Polygon Area (sq. mi)	Perimeter (mi)	Reock	Area/Convex Hull	Polsby Popper	Holes
Unassigned	0	0	0	0	0	0
D1	4416.06	340.71	0.54	0.87	0.48	0
D2	12838.5	578.32	0.46	0.82	0.48	0
D3	8270.8	455.1	0.57	0.9	0.5	0
D4	1980.53	280	0.38	0.76	0.32	0
D5	829.02	140.93	0.56	0.89	0.52	0
D6	3928.29	319.95	0.74	0.92	0.48	0
D7	1053.41	180.93	0.47	0.83	0.4	0
D8	1859	230.03	0.44	0.74	0.44	0
D9	5484.89	437.98	0.47	0.78	0.36	0
D10	214.22	85.84	0.46	0.79	0.37	0
D11	1590.92	246.14	0.41	0.77	0.33	0
D12	738.14	150.92	0.42	0.77	0.41	0
D13	705.05	127.26	0.5	0.89	0.55	0
D14	837.53	155.25	0.52	0.81	0.44	0
D15	2212.79	328.95	0.33	0.66	0.26	0
D16	3322.16	334.88	0.39	0.79	0.37	0
D17	1822.36	267.41	0.27	0.69	0.32	0
D18	1403.21	209.12	0.66	0.89	0.4	0
D19	1590.37	228.23	0.46	0.82	0.38	0
D20	126.4	62.11	0.48	0.81	0.41	0
D21	1864.94	214.6	0.49	0.82	0.51	0
D22	5652.58	419.77	0.48	0.8	0.4	0
D23	266.12	85.3	0.49	0.9	0.46	0
D24	118.12	68.03	0.38	0.8	0.32	0
D25	352.92	166.06	0.17	0.69	0.16	0

District	Polygon Area (sq. mi)	Perimeter (mi)	Reock	Area/Convex Hull	Polsby Popper	Holes
D26	934.62	146.59	0.53	0.9	0.55	0
D27	279.38	71.26	0.67	0.95	0.69	0
D28	6710.91	591.03	0.22	0.55	0.24	0

Assigned District Splits

FIPS	Total Population
District 1	
Escambia County	321,905
Okaloosa County	211,668
Santa Rosa County	188,000
* Walton County	47,648
District 1 Total	769,221
	100%
District 2	
Bay County	175,216
Calhoun County	13,648
Franklin County	12,451
Gadsden County	43,826
Gulf County	14,192
Holmes County	19,653
Jackson County	47,319
Jefferson County	14,510
* Lafayette County	1,731
Leon County	292,198
Liberty County	7,974
Madison County	17,968
Taylor County	21,796
Wakulla County	33,764
* Walton County	27,657
Washington County	25,318

FIPS	Total Population
District 2 Total	769,221
	100%
District 3	
Alachua County	278,468
Baker County	28,259
Bradford County	28,303
Columbia County	69,698
Dixie County	16,759
Gilchrist County	17,864
Hamilton County	14,004
* Lafayette County	6,495
Levy County	42,915
* Marion County	206,835
Suwannee County	43,474
Union County	16,147
District 3 Total	769,221
	100%
District 4	
Clay County	218,245
* Duval County	460,624
Nassau County	90,352
District 4 Total	769,221
	100%
District 5	

FIPS	Total Population
* Duval County	534,943
* St Johns County	234,278
District 5 Total	769,221
	100%
District 6	
Flagler County	115,378
* Lake County	117,124
* Marion County	169,073
Putnam County	73,321
* St Johns County	39,147
* Volusia County	255,178
District 6 Total	769,221
	100%
District 7	
* Orange County	0
Seminole County	470,856
* Volusia County	298,365
District 7 Total	769,221
	100%
District 8	
Brevard County	606,612
* Orange County	162,608

FIPS	Total Population
District 8 Total	769,220
	100%
District 9	
Glades County	12,126
Highlands County	101,235
Indian River County	159,788
Okeechobee County	39,644
* Orange County	125,442
* Osceola County	319,073
* Polk County	11,913
District 9 Total	769,221
	100%
District 10	
* Orange County	769,221
District 10 Total	769,221
	100%
District 11	
* Lake County	266,832
* Orange County	372,637
Sumter County	129,752
District 11 Total	769,221
	100%

FIPS	Total Population
District 12	
* Hillsborough County	415,939
* Pasco County	353,282
District 12 Total	769,221
	100%
District 13	
* Pasco County	62,348
* Pinellas County	706,873
District 13 Total	769,221
	100%
District 14	
* Hillsborough County	769,221
District 14 Total	769,221
	100%
District 15	
Citrus County	153,843
Hernando County	194,515
* Hillsborough County	274,602
* Pasco County	146,261
District 15 Total	769,221
	100%

FIPS	Total Population
District 16	
De Soto County	33,976
Hardee County	25,327
* Hillsborough County	0
Manatee County	399,710
* Pinellas County	252,234
* Polk County	13,495
* Sarasota County	44,479
District 16 Total	769,221
	100%
District 17	
Charlotte County	186,847
* Lee County	192,847
* Sarasota County	389,527
District 17 Total	769,221
	100%
District 18	
* Osceola County	69,583
* Polk County	699,638
District 18 Total	769,221
	100%
District 19	
* Collier County	201,246

FIPS	Total Population
* Lee County	567,975
District 19 Total	769,221
	100%
District 20	
* Broward County	769,221
District 20 Total	769,221
	100%
District 21	
Martin County	158,431
* Palm Beach County	281,564
St Lucie County	329,226
District 21 Total	769,221
	100%
District 22	
* Broward County	345,595
* Collier County	174,506
Hendry County	39,619
* Palm Beach County	209,501
District 22 Total	769,221
	100%
District 23	

FIPS	Total Population
* Palm Beach County	769,221
District 23 Total	769,221
	100%
District 24	
* Broward County	228,782
* Miami-Dade County	540,439
District 24 Total	769,221
	100%
District 25	
* Broward County	303,501
* Miami-Dade County	233,815
* Palm Beach County	231,905
District 25 Total	769,221
	100%
District 26	
* Broward County	297,276
* Miami-Dade County	471,945
District 26 Total	769,221
	100%
District 27	
* Miami-Dade County	769,221

FIPS	Total Population
District 27 Total	769,221
	100%
District 28	
* Miami-Dade County	686,347
Monroe County	82,874
District 28 Total	769,221
	100%

Assigned District Splits

FIPS	Total Population
District 1	
Escambia County	
*No Place	265,880
Century	1,713
Pensacola	54,312
Escambia County	321,905
Okaloosa County	
*No Place	123,397
Cinco Bayou	457
Crestview	27,134
Destin	13,931
Fort Walton Beach	20,922
Laurel Hill	584
Mary Esther	3,982
Niceville	15,772
Shalimar	737
Valparaiso	4,752
Okaloosa County	211,668
Santa Rosa County	
*No Place	170,977
Gulf Breeze	6,302
Jay	524
Milton	10,197
Santa Rosa County	188,000

FIPS	Total Population
* Walton County	
*No Place	41,231
Freeport	5,861
Paxton	556
* Walton County	47,648
District 1 Total	769,221
	100%
District 2	
Bay County	
*No Place	79,442
Callaway	13,045
Lynn Haven	18,695
Mexico Beach	916
Panama City	32,939
Panama City Beach	18,094
Parker	4,010
Springfield	8,075
Bay County	175,216
Calhoun County	
*No Place	10,886
Altha	496
Blountstown	2,266
Calhoun County	13,648
Franklin County	

FIPS	Total Population
*No Place	7,504
Apalachicola	2,341
Carrabelle	2,606
Franklin County	12,451
Gadsden County	
*No Place	25,793
Chattahoochee	2,955
Greensboro	461
Gretna	1,357
Havana	1,753
Midway	3,537
Quincy	7,970
Gadsden County	43,826
Gulf County	
*No Place	8,761
Port St. Joe	3,357
Wewahitchka	2,074
Gulf County	14,192
Holmes County	
*No Place	15,580
Bonifay	2,759
Esto	341
Noma	208
Ponce de Leon	504
Westville	261

FIPS	Total Population
Holmes County	19,653
Jackson County	
*No Place	32,015
Alford	484
Bascom	87
Campbellton	191
Cottondale	848
Graceville	2,153
Grand Ridge	882
Greenwood	539
Jacob City	217
Malone	1,959
Marianna	6,245
Sneads	1,699
Jackson County	47,319
Jefferson County	
*No Place	11,921
Monticello	2,589
Jefferson County	14,510
* Lafayette County	1,731
Leon County	
*No Place	96,029
Tallahassee	196,169
Leon County	292,198
Liberty County	
*No Place	7,056

FIPS	Total Population
Bristol	918
Liberty County	7,974
Madison County	
*No Place	13,935
Greenville	746
Lee	375
Madison	2,912
Madison County	17,968
Taylor County	
*No Place	14,898
Perry	6,898
Taylor County	21,796
Wakulla County	
*No Place	33,064
Sopchoppy	426
St. Marks	274
Wakulla County	33,764
* Walton County	
*No Place	21,738
DeFuniak Springs	5,919
* Walton County	27,657
Washington County	
*No Place	20,017
Caryville	301

FIPS	Total Population
Chipley	3,660
Ebro	237
Vernon	732
Wausau	371
Washington County	25,318
District 2 Total	769,221
	100%
District 3	
Alachua County	
*No Place	108,824
Alachua	10,574
Archer	1,140
Gainesville	141,085
Hawthorne	1,478
High Springs	6,215
La Crosse	316
Micanopy	648
Newberry	7,342
Waldo	846
Alachua County	278,468
Baker County	
*No Place	20,492
Glen St. Mary	463
Macclenny	7,304

FIPS	Total Population
Baker County	28,259
Bradford County	
*No Place	21,117
Brooker	322
Hampton	432
Lawtey	636
Starke	5,796
Bradford County	28,303
Columbia County	
*No Place	56,751
Fort White	618
Lake City	12,329
Columbia County	69,698
Dixie County	
*No Place	14,905
Cross City	1,689
Horseshoe Beach	165
Dixie County	16,759
Gilchrist County	
*No Place	14,853
Bell	518
Fanning Springs	478
Trenton	2,015
Gilchrist County	17,864
Hamilton County	

FIPS	Total Population
*No Place	8,894
Jasper	3,621
Jennings	749
White Springs	740
Hamilton County	14,004
* Lafayette County	
*No Place	5,440
Mayo	1,055
* Lafayette County	6,495
Levy County	
*No Place	32,920
Bronson	1,140
Cedar Key	687
Chiefland	2,316
Fanning Springs	704
Inglis	1,476
Otter Creek	108
Williston	2,976
Yankeetown	588
Levy County	42,915
* Marion County	
*No Place	140,404
Dunnellon	1,928
McIntosh	463
Ocala	63,591
Reddick	449

FIPS	Total Population
* Marion County	206,835
Suwannee County	
*No Place	36,028
Branford	711
Live Oak	6,735
Suwannee County	43,474
Union County	
*No Place	13,559
Lake Butler	1,986
Raiford	224
Worthington Springs	378
Union County	16,147
District 3 Total	769,221
	100%
District 4	
Clay County	
*No Place	197,103
Green Cove Springs	9,786
Keystone Heights	1,446
Orange Park	9,089
Penney Farms	821
Clay County	218,245
* Duval County	

FIPS	Total Population
Baldwin	1,396
* Jacksonville	459,228
* Duval County	460,624
Nassau County	
*No Place	72,807
Callahan	1,526
Fernandina Beach	13,052
Hilliard	2,967
Nassau County	90,352
District 4 Total	769,221
	100%
District 5	
* Duval County	
Atlantic Beach	13,513
* Jacksonville	490,383
Jacksonville Beach	23,830
Neptune Beach	7,217
* Duval County	534,943
* St Johns County	
*No Place	213,146
St. Augustine	14,329
St. Augustine Beach	6,803
* St Johns County	234,278

FIPS	Total Population
District 5 Total	769,221
	100%
District 6	
Flagler County	
*No Place	17,270
Beverly Beach	474
Bunnell	3,276
Flagler Beach	5,088
Marineland	12
Palm Coast	89,258
Flagler County	115,378
* Lake County	
*No Place	57,939
Eustis	23,189
Lady Lake	15,970
Mount Dora	16,341
Umatilla	3,685
* Lake County	117,124
* Marion County	
*No Place	163,660
Belleview	5,413
* Marion County	169,073
Putnam County	
*No Place	58,282

FIPS	Total Population
Crescent City	1,654
Interlachen	1,441
Palatka	10,446
Pomona Park	784
Welaka	714
Putnam County	73,321
* St Johns County	
*No Place	39,144
Marineland	3
* St Johns County	39,147
* Volusia County	
*No Place	74,663
Daytona Beach	72,647
DeLand	37,351
Flagler Beach	72
Holly Hill	12,958
Ormond Beach	43,080
Pierson	1,542
South Daytona	12,865
* Volusia County	255,178
District 6 Total	769,221
	100%
District 7	
* Orange County	0

FIPS	Total Population
Seminole County	
*No Place	224,494
Altamonte Springs	46,231
Casselberry	28,794
Lake Mary	16,798
Longwood	15,087
Oviedo	40,059
Sanford	61,051
Winter Springs	38,342
Seminole County	470,856
* Volusia County	
*No Place	40,575
Daytona Beach Shores	5,179
DeBary	22,260
Deltona	93,692
Edgewater	23,097
Lake Helen	2,842
New Smyrna Beach	30,142
Oak Hill	1,986
Orange City	12,632
Ponce Inlet	3,364
Port Orange	62,596
* Volusia County	298,365
District 7 Total	769,221
	100%

FIPS	Total Population
District 8	
Brevard County	
*No Place	223,591
Cape Canaveral	9,972
Cocoa	19,041
Cocoa Beach	11,354
Grant-Valkaria	4,509
Indialantic	3,010
Indian Harbour Beach	9,019
Malabar	2,949
Melbourne	84,678
Melbourne Beach	3,231
Melbourne Village	681
Palm Bay	119,760
Palm Shores	1,200
Rockledge	27,678
Satellite Beach	11,226
Titusville	48,789
West Melbourne	25,924
Brevard County	606,612
* Orange County	
*No Place	162,603
* Orlando	5
* Orange County	162,608
District 8 Total	769,220
	100%

FIPS	Total Population
District 9	
Glades County	
*No Place	10,560
Moore Haven	1,566
Glades County	12,126
Highlands County	
*No Place	78,488
Avon Park	9,658
Lake Placid	2,360
Sebring	10,729
Highlands County	101,235
Indian River County	
*No Place	108,789
Fellsmere	4,834
Indian River Shores	4,241
Orchid	516
Sebastian	25,054
Vero Beach	16,354
Indian River County	159,788
Okeechobee County	
*No Place	34,390
Okeechobee	5,254
Okeechobee County	39,644
* Orange County	

FIPS	Total Population
*No Place	73,323
Belle Isle	7,032
* Orlando	45,087
* Orange County	125,442
* Osceola County	
*No Place	180,883
Kissimmee	79,226
St. Cloud	58,964
* Osceola County	319,073
* Polk County	
*No Place	9,036
Frostproof	2,877
* Polk County	11,913
District 9 Total	769,221
	100%
District 10	
* Orange County	
*No Place	404,082
* Apopka	16,911
Eatonville	2,349
Edgewood	2,685
Maitland	19,543
* Ocoee	32,545
* Orlando	261,311

FIPS	Total Population
Winter Park	29,795
* Orange County	769,221
District 10 Total	769,221
	100%
District 11	
* Lake County	
*No Place	125,339
Astatula	1,889
Clermont	43,021
Fruitland Park	8,325
Groveland	18,505
Howey-in-the-Hills	1,643
Leesburg	27,000
Mascotte	6,609
Minneola	13,843
Montverde	1,655
Tavares	19,003
* Lake County	266,832
* Orange County	
*No Place	265,192
* Apopka	37,962
Bay Lake	29
Lake Buena Vista	24
Oakland	3,516
* Ocoee	14,750

FIPS	Total Population
* Orlando	1,170
Windermere	3,030
Winter Garden	46,964
* Orange County	372,637
Sumter County	
*No Place	108,709
Bushnell	3,047
Center Hill	846
Coleman	642
Webster	778
Wildwood	15,730
Sumter County	129,752
District 11 Total	769,221
	100%
District 12	
* Hillsborough County	
*No Place	294,539
* Tampa	121,400
* Hillsborough County	415,939
* Pasco County	
*No Place	333,502
New Port Richey	16,728
Port Richey	3,052

FIPS	Total Population
* Pasco County	353,282
District 12 Total	769,221
	100%
District 13	
* Pasco County	62,348
* Pinellas County	
*No Place	242,478
Belleair	4,273
Belleair Beach	1,633
Belleair Bluffs	2,311
Belleair Shore	73
Clearwater	117,292
Dunedin	36,068
Indian Rocks Beach	3,673
Indian Shores	1,190
Kenneth City	5,047
Largo	82,485
Oldsmar	14,898
Pinellas Park	53,093
Safety Harbor	17,072
* Seminole	11,554
* St. Petersburg	88,616
Tarpon Springs	25,117
* Pinellas County	706,873
District 13 Total	769,221

FIPS	Total Population
	100%
District 14	
* Hillsborough County	
*No Place	591,154
Plant City	39,764
* Tampa	138,303
* Hillsborough County	769,221
District 14 Total	769,221
	100%
District 15	
Citrus County	
*No Place	142,904
Crystal River	3,396
Inverness	7,543
Citrus County	153,843
Hernando County	
*No Place	185,609
Brooksville	8,890
Weeki Wachee	16
Hernando County	194,515
* Hillsborough County	
*No Place	122,656
* Tampa	125,256

FIPS	Total Population
Temple Terrace	26,690
* Hillsborough County	274,602
* Pasco County	
*No Place	118,133
Dade City	7,275
San Antonio	1,297
St. Leo	2,362
Zephyrhills	17,194
* Pasco County	146,261
District 15 Total	769,221
	100%
District 16	
De Soto County	
*No Place	26,556
Arcadia	7,420
De Soto County	33,976
Hardee County	
*No Place	16,285
Bowling Green	2,405
Wauchula	4,900
Zolfo Springs	1,737
Hardee County	25,327
* Hillsborough County	0

FIPS	Total Population
Manatee County	
*No Place	323,057
Anna Maria	968
Bradenton	55,698
Bradenton Beach	908
Holmes Beach	3,010
* Longboat Key	2,746
Palmetto	13,323
Manatee County	399,710
* Pinellas County	
*No Place	33,191
Gulfport	11,783
Madeira Beach	3,895
North Redington Beach	1,495
Redington Beach	1,376
Redington Shores	2,176
* Seminole	7,810
South Pasadena	5,353
St. Pete Beach	8,879
* St. Petersburg	169,692
Treasure Island	6,584
* Pinellas County	252,234
* Polk County	
*No Place	8,395
Fort Meade	5,100
* Polk County	13,495

FIPS	Total Population
* Sarasota County	
*No Place	29,904
* North Port	10,512
* Venice	4,063
* Sarasota County	44,479
District 16 Total	769,221
	100%
District 17	
Charlotte County	
*No Place	167,376
Punta Gorda	19,471
Charlotte County	186,847
* Lee County	
*No Place	106,452
Fort Myers	86,395
* Lee County	192,847
* Sarasota County	
*No Place	244,245
* Longboat Key	4,759
* North Port	64,281
Sarasota	54,842
* Venice	21,400
* Sarasota County	389,527

FIPS	Total Population
District 17 Total	769,221
	100%
District 18	
* Osceola County	69,583
* Polk County	
*No Place	427,467
Auburndale	15,616
Bartow	19,309
Davenport	9,043
Dundee	5,235
Eagle Lake	3,008
Haines City	26,669
Highland Park	251
Hillcrest Heights	243
Lake Alfred	6,374
Lake Hamilton	1,537
Lake Wales	16,361
Lakeland	112,641
Mulberry	3,952
Polk City	2,713
Winter Haven	49,219
* Polk County	699,638
District 18 Total	769,221
	100%

FIPS	Total Population
District 19	
* Collier County	
*No Place	182,131
Naples	19,115
* Collier County	201,246
* Lee County	
*No Place	271,412
Bonita Springs	53,644
Cape Coral	194,016
Estero	36,939
Fort Myers Beach	5,582
Sanibel	6,382
* Lee County	567,975
District 19 Total	769,221
	100%
District 20	
* Broward County	
*No Place	7,181
* Coconut Creek	25,596
* Coral Springs	64,659
* Deerfield Beach	44,581
* Fort Lauderdale	102,630
Lauderdale Lakes	35,954
Lauderhill	74,482
Lazy Lake	33

FIPS	Total Population
Margate	58,712
North Lauderdale	44,794
Oakland Park	44,229
* Plantation	58,127
* Pompano Beach	54,032
* Sunrise	70,888
Tamarac	71,897
Wilton Manors	11,426
* Broward County	769,221
District 20 Total	769,221
	100%
District 21	
Martin County	
*No Place	131,350
Indiantown	6,560
Jupiter Island	804
Ocean Breeze	301
Sewall's Point	1,991
Stuart	17,425
Martin County	158,431
* Palm Beach County	
*No Place	90,357
Juno Beach	3,858
Jupiter	61,047
Jupiter Inlet Colony	405

FIPS	Total Population
Lake Park	9,047
North Palm Beach	13,162
Palm Beach Gardens	59,182
Palm Beach Shores	1,330
* Riviera Beach	8,441
* Royal Palm Beach	12,337
Tequesta	6,158
* West Palm Beach	16,240
* Palm Beach County	281,564
St Lucie County	
*No Place	76,465
Fort Pierce	47,297
Port St. Lucie	204,851
St. Lucie Village	613
St Lucie County	329,226
District 21 Total	769,221
	100%
District 22	
* Broward County	
*No Place	607
* Coconut Creek	32,237
* Coral Springs	69,735
* Davie	80,430
Parkland	34,670
* Plantation	33,362

FIPS	Total Population
* Sunrise	26,447
Weston	68,107
* Broward County	345,595
* Collier County	
*No Place	158,394
Everglades	352
Marco Island	15,760
* Collier County	174,506
Hendry County	
*No Place	27,326
Clewiston	7,327
LaBelle	4,966
Hendry County	39,619
* Palm Beach County	
*No Place	89,926
Belle Glade	16,698
Loxahatchee Groves	3,355
Pahokee	5,524
* Royal Palm Beach	26,595
South Bay	4,860
Wellington	61,637
Westlake	906
* Palm Beach County	209,501
District 22 Total	769,221

FIPS	Total Population
	100%
District 23	
* Palm Beach County	
*No Place	363,987
Atlantis	2,142
Boynton Beach	80,380
Briny Breezes	502
Cloud Lake	134
* Delray Beach	42,164
Glen Ridge	217
Golf	255
Greenacres	43,990
Gulf Stream	954
Haverhill	2,187
Hypoluxo	2,687
Lake Clarke Shores	3,564
Lake Worth Beach	42,219
Lantana	11,504
Manalapan	419
Mangonia Park	2,142
Ocean Ridge	1,830
Palm Beach	9,245
Palm Springs	26,890
* Riviera Beach	29,163
South Palm Beach	1,471
* West Palm Beach	101,175
* Palm Beach County	769,221

FIPS	Total Population
District 23 Total	769,221
	100%
District 24	
* Broward County	
* Dania Beach	7,164
* Hallandale Beach	12,696
* Hollywood	101,063
* Miramar	58,109
Pembroke Park	6,260
* Pembroke Pines	28,360
West Park	15,130
* Broward County	228,782
* Miami-Dade County	
*No Place	177,998
Biscayne Park	3,117
El Portal	1,986
* Miami	153,074
Miami Gardens	111,640
Miami Shores	11,567
* North Miami	49,404
* North Miami Beach	15,190
Opa-locka	16,463
* Miami-Dade County	540,439
District 24 Total	769,221

FIPS	Total Population
	100%
District 25	
* Broward County	
*No Place	8,152
* Dania Beach	24,559
* Davie	1,271
* Deerfield Beach	42,278
* Fort Lauderdale	80,130
* Hallandale Beach	28,521
Hillsboro Beach	1,987
* Hollywood	41,104
Lauderdale-by-the-Sea	6,198
Lighthouse Point	10,486
* Plantation	261
* Pompano Beach	58,014
Sea Ranch Lakes	540
* Broward County	303,501
* Miami-Dade County	
*No Place	25,160
Aventura	40,242
Bal Harbour	3,093
Bay Harbor Islands	5,922
Golden Beach	961
Indian Creek	84
Miami Beach	82,890
North Bay Village	8,159
* North Miami	10,787

FIPS	Total Population
* North Miami Beach	28,486
Sunny Isles Beach	22,342
Surfside	5,689
* Miami-Dade County	233,815
* Palm Beach County	
*No Place	105,506
Boca Raton	97,422
* Delray Beach	24,682
Highland Beach	4,295
* Palm Beach County	231,905
District 25 Total	769,221
	100%
District 26	
* Broward County	
*No Place	948
Cooper City	34,401
* Davie	23,990
* Hollywood	10,900
* Miramar	76,612
* Pembroke Pines	142,818
Southwest Ranches	7,607
* Broward County	297,276
* Miami-Dade County	
*No Place	102,148

FIPS	Total Population
Doral	75,874
Hialeah	223,109
Hialeah Gardens	23,068
Medley	1,056
Miami Lakes	30,467
Miami Springs	13,859
Virginia Gardens	2,364
* Miami-Dade County	471,945
District 26 Total	769,221
	100%
District 27	
* Miami-Dade County	
*No Place	308,486
Coral Gables	49,248
Cutler Bay	45,425
Key Biscayne	14,809
* Miami	289,167
Palmetto Bay	24,439
Pinecrest	18,388
South Miami	12,026
West Miami	7,233
* Miami-Dade County	769,221
District 27 Total	769,221
	100%

FIPS	Total Population
District 28	
* Miami-Dade County	
*No Place	573,162
Florida City	13,085
Homestead	80,737
Sweetwater	19,363
* Miami-Dade County	686,347
Monroe County	
*No Place	38,634
Islamorada, Village of Islands	7,107
Key Colony Beach	790
Key West	26,444
Layton	210
Marathon	9,689
Monroe County	82,874
District 28 Total	769,221
	100%

User: PoredaJ
Plan: Proposed Congressional Redistricting Plan

Date: Mon Apr 27 2026 10:32:47 GMT-0400 (Eastern Daylight Time)
Plan No.: 6c757e370a4b4152ae5e526481fc4149

Boundary Analysis Report

District	City Boundaries(%)	County Boundaries(%)	Road Boundaries(%)	Water Boundaries(%)	Rail Boundaries(%)	Non Geo/Pol Boundaries(%)
1	8	78	10	53	0	3
2	5	84	7	49	0	3
3	6	86	7	32	0	5
4	8	86	2	55	0	2
5	16	48	7	79	0	13
6	16	43	17	32	2	15
7	22	68	9	40	2	8
8	0	86	5	42	0	9
9	5	72	6	26	2	12
10	26	22	35	8	0	33
11	9	64	17	26	3	13
12	4	42	22	34	0	20
13	22	48	6	70	1	12
14	22	56	16	24	1	20
15	5	76	18	48	1	10
16	9	56	15	28	2	14
17	10	60	17	39	0	12
18	13	42	6	19	2	33
19	15	57	6	50	0	20
20	22	3	39	11	5	32
21	6	71	5	48	0	16
22	12	54	16	25	0	17
23	20	26	25	40	3	22
24	49	1	38	15	4	20
25	19	34	24	48	5	15
26	26	17	52	2	0	8

District	City Boundaries(%)	County Boundaries(%)	Road Boundaries(%)	Water Boundaries(%)	Rail Boundaries(%)	Non Geo/Pol Boundaries(%)
27	12	18	26	58	0	13
28	1	88	7	86	0	1

Exhibit 13

April 27, 2026 Memorandum from David Axelman to
Sen. Don Gaetz and Rep. Mike Redondo

STATE OF FLORIDA
Office of the Governor
THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001
www.flgov.com
850-717-9418

RON DESANTIS
GOVERNOR

April 27, 2026

The Honorable Don Gaetz
Chair, Ethics & Elections Committee
Florida Senate
404 South Monroe St.
Tallahassee, FL 32399

The Honorable Mike Redondo
Chair, Select Committee on Congressional Redistricting
Florida House of Representatives
402 South Monroe St.
Tallahassee, Fl 32399

Dear President Gaetz and Representative Redondo:

The Executive Office of the Governor (EOG) submits the attached map of proposed congressional districts and urges the Florida Legislature to adopt it during the special session that is scheduled to commence on April 28.

The people of Florida have been deprived of appropriate representation in the U.S. House of Representatives. Despite substantial population growth since the 2010 census, which catapulted Florida to the third most populous state in the nation, Florida gained only one additional seat in the House after the 2020 census. However, a post-census survey conducted by the U.S. Census Bureau demonstrated that Florida was shortchanged by more than 760,000 people.[1] This undercount cost Florida at least one additional House seat.

Florida's representation in the U.S. House has also been distorted by considerations of race. Passed in 2010, the Fair Districts Amendments (FDA) to the Florida Constitution require the Legislature to account for race when drawing congressional districts. Specifically, section 20(a) provides that "districts shall not be drawn [(1)] with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process[,] or [(2)] to diminish their ability to elect representatives of their choice." Art. III, § 20(a), Fla. Const. These race-based requirements, moreover, supersede the traditional redistricting criteria in section 20(b), such as the requirement to maintain compactness and to utilize existing political and geographical boundaries, whenever there is a conflict. *See* Art. III, § 20(b), Fla. Const. (providing that the traditional redistricting criteria in subsection (b) are mandatory "[u]nless compliance with [those standards] conflicts with the standards in subsection (a) or with federal law"). This requires the use of race in redistricting-something that the U.S. Supreme Court has signaled is unconstitutional.

[1] U.S. Census Bureau, *2020 Census Undercount and Overcount Rates by State, Post-Enumeration Survey* (May 19, 2022), https://perma.cc/ YA7F-JXK7.

In 2022, after the 2020 census, the FDA's race-based requirements caused the Legislature to enact two versions of Congressional District 5. The primary version packed the black population of Duval County into one district. Even though the black voting age population was diminished relative to the benchmark district, the Legislature nevertheless believed that the black population was large enough that black voters could still elect candidates of their choice. The alternative version, which would take effect if a court blocked the primary version, essentially maintained the racially gerrymandered configuration of the benchmark district, which had been described as having the shape of a "barbell" and "stretched over two hundred miles across the Florida/Georgia border to encompass the black populations in Duval County in the east and Leon and Gadsden Counties in the west." *Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec'y, Fla. Dep't of State*, 415 So. 3d 180, 188 (Fla. 2025). The Legislature drew both versions to comply with the FDA, but because racial considerations predominated with respect to both, which could not satisfy strict scrutiny, the Governor vetoed both maps on the ground that they violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The Legislature eventually enacted, and the Governor signed, the current congressional map with a race-neutral version of Congressional District 5.

The existing map is the result of a compromise between the Legislature and the Governor. Parts were drawn by EOG, and parts were drawn by legislative staff. The southeastern part came from the Legislature. Congressional District 20 in the southeast has an odd shape with two claws that track the black population. The claws are arguably a telltale sign of racial predominance. They were used to create a majority-minority district to comply with Section 2 of the Voting Rights Act. Other districts in the region do not have the odd appendages but, the legislative record shows, were drawn with the Hispanic voting age population in mind to comply with the race-based requirements of the FDA.

The use of race in redistricting should never happen. Any decision taken "because of" race triggers (and should trigger) the strictest of federal constitutional scrutiny. *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979); *see also Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181, 214-18 (2023). The U.S. Supreme Court, however, has attempted in vain to distinguish between the race-conscious drawing of districts and the drawing of districts where race predominates. While only the latter triggers strict scrutiny under current precedent, *Cooper v. Harris*, 581 U.S. 285, 291-92 (2017), the line is nevertheless blurry. That is because the line is intellectually dishonest. As Justice Scalia put it, "when a legislature intentionally creates a majority-minority district, race is necessarily its predominant motivation and strict scrutiny is therefore triggered." *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 517 (2006) (Scalia, J., concurring in judgment in part and dissenting in part). Whether race is the predominant reason for drawing a district or just one among other reasons should make no constitutional difference. Properly understood, the Fourteenth Amendment forbids the government from divvying up the citizenry based in whole or in part upon race.

The Supreme Court is poised to affirm this basic non-discrimination principle in *Louisiana v. Callais*. This case has an unusual procedural posture that portends a significant decision. It was first argued on March 24, 2025. *See* Supreme Court Docket, Case No. 24-109. It was re-listed for a second argument on June 27, 2025. *Id.* And it was re-argued on October 15, 2025. *Id.* Past cases re-argued before the Supreme Court include *Brown v. Board of Education*, 347 U.S. 483 (1954) (segregation); *Roe v. Wade*, 410 U.S. 113 (1973) (abortion); and *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) (campaign finance). The re-listing and re-argument of *Callais* suggests that it will be a landmark decision just as the others were.

The proposed congressional map that EOG now submits does not take race into consideration at all. Race was neither a predominant factor nor one of many factors. And because race was never considered, the map also makes no attempt to adhere to the race-based requirements of the FDA. Because those provisions require consideration of race in the drawing of congressional districts, they cannot satisfy strict scrutiny and are unconstitutional under the Fourteenth Amendment. For one thing, they lack a pre-enactment record that would justify a race-based remedy for a race-based wrong. There's also no temporal limit to these provisions. And plainly, they were not adopted under Congress's enforcement powers pursuant to Section 2 of the Fifteenth Amendment to the U.S. Constitution. *See generally Black Voters Matter Capacity Bldg. Inst., Inc.*, 415 So. 3d at 196-97 (recognizing those differences).

The race-based requirements of the FDA also cannot be severed from the other requirements of the FDA. The FDA was sold to the voters as a package. There was no severability provision included in the FDA when it was presented to the voters. And because one part is unconstitutional, there's little reason to think that voters would have approved the remaining parts by themselves. As Florida's Chief Justice commented during the oral argument in *Black Voters Matter*: "If it ever were to come to the point that we thought that the non-diminishment essentially doesn't work here, would the whole FDA have to go because it seems like this was part of a kind of package deal?" Oral Argument at 1:17:15, https://wfsu.org/gavel2gavel/viewcase.php?eid=2894. That led to the following rhetorical question: "How do we neuter half of [the FDA] and then leave the other part intact?" *Id.*

The proposed map redraws on race-neutral terms districts in southeast Florida that were affected by the FDA's race-based requirements. Changes in this region result in changes elsewhere in the map. In addition, since the 2020 census, Florida's population has continued to grow at a breakneck pace, adding almost 2 million more residents as of July 1, 2025—an 8.9% increase.[2] The most population growth appears to have occurred in the outlying areas surrounding Tampa and Orlando and north of Palm Beach County up the eastern coast.[3] While still based on 2020 census data, the proposed map nevertheless attempts to account for these dramatic population changes by reconfiguring districts around the areas of high growth.

On behalf of EOG, I urge you to approve the attached congressional map.

Sincerely,

David Axelman
General Counsel

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[2] U.S. Census Bureau, Quick Facts, Florida, https://www.census.gov/quickfacts/fact/table/FL/PST045225#PST045225.

[3] U.S. Census Bureau, *Sunshine State Home to Metro Areas Among Top 10 U.S. Population Gainers from 2022 to 2023* (March 14, 2024), https://www.census.gov/library/stories/2024/03/florida-and-fast-growing-metros.html; *see also* Office of Economic & Demographic Research, *April 1, 2025 Estimate of Counties and Municipalities*, https://edr.state.fl.us/Content/population-demographics/data/index-floridaproducts.cfm.

Exhibit 14

April 27, 2026 Data Packet for 2026 Plan, Executive Office of the Governor

District Statistical Report

District No.	TOTAL Population	Target Population	Target Deviation	Target Deviation (%)	Total Population
D1	769,221	769,221	0	0.00	769,221
					3.57%
D2	769,221	769,221	0	0.00	769,221
					3.57%
D3	769,221	769,221	0	0.00	769,221
					3.57%
D4	769,221	769,221	0	0.00	769,221
					3.57%
D5	769,221	769,221	0	0.00	769,221
					3.57%
D6	769,221	769,221	0	0.00	769,221
					3.57%
D7	769,221	769,221	0	0.00	769,221
					3.57%
D8	769,220	769,221	-1	-0.00	769,220
					3.57%
D9	769,221	769,221	0	0.00	769,221
					3.57%
D10	769,221	769,221	0	0.00	769,221

District No.	TOTAL Population	Target Population	Target Deviation	Target Deviation (%)	Total Population
					3.57%
D11	769,221	769,221	0	0.00	769,221
					3.57%
D12	769,221	769,221	0	0.00	769,221
					3.57%
D13	769,221	769,221	0	0.00	769,221
					3.57%
D14	769,221	769,221	0	0.00	769,221
					3.57%
D15	769,221	769,221	0	0.00	769,221
					3.57%
D16	769,221	769,221	0	0.00	769,221
					3.57%
D17	769,221	769,221	0	0.00	769,221
					3.57%
D18	769,221	769,221	0	0.00	769,221
					3.57%
D19	769,221	769,221	0	0.00	769,221
					3.57%

District No.	TOTAL Population	Target Population	Target Deviation	Target Deviation (%)	Total Population
D20	769,221	769,221	0	0.00	769,221
					3.57%
D21	769,221	769,221	0	0.00	769,221
					3.57%
D22	769,221	769,221	0	0.00	769,221
					3.57%
D23	769,221	769,221	0	0.00	769,221
					3.57%
D24	769,221	769,221	0	0.00	769,221
					3.57%
D25	769,221	769,221	0	0.00	769,221
					3.57%
D26	769,221	769,221	0	0.00	769,221
					3.57%
D27	769,221	769,221	0	0.00	769,221
					3.57%
D28	769,221	769,221	0	0.00	769,221
					3.57%

User: PoredaJ
Plan: Proposed Congressional Redistricting Plan
wkid: 3086

Date: Mon Apr 27 2026 10:30:31 GMT-0400 (Eastern Daylight Time)
Plan No.: 6c757e370a4b4152ae5e526481fc4149

District Compactness Report

District	Polygon Area (sq. mi)	Perimeter (mi)	Reock	Area/Convex Hull	Polsby Popper	Holes
Unassigned	0	0	0	0	0	0
D1	4416.06	340.71	0.54	0.87	0.48	0
D2	12838.5	578.32	0.46	0.82	0.48	0
D3	8270.8	455.1	0.57	0.9	0.5	0
D4	1980.53	280	0.38	0.76	0.32	0
D5	829.02	140.93	0.56	0.89	0.52	0
D6	3928.29	319.95	0.74	0.92	0.48	0
D7	1053.41	180.93	0.47	0.83	0.4	0
D8	1859	230.03	0.44	0.74	0.44	0
D9	5484.89	437.98	0.47	0.78	0.36	0
D10	214.22	85.84	0.46	0.79	0.37	0
D11	1590.92	246.14	0.41	0.77	0.33	0
D12	738.14	150.92	0.42	0.77	0.41	0
D13	705.05	127.26	0.5	0.89	0.55	0
D14	837.53	155.25	0.52	0.81	0.44	0
D15	2212.79	328.95	0.33	0.66	0.26	0
D16	3322.16	334.88	0.39	0.79	0.37	0
D17	1822.36	267.41	0.27	0.69	0.32	0
D18	1403.21	209.12	0.66	0.89	0.4	0
D19	1590.37	228.23	0.46	0.82	0.38	0
D20	126.4	62.11	0.48	0.81	0.41	0
D21	1864.94	214.6	0.49	0.82	0.51	0
D22	5652.58	419.77	0.48	0.8	0.4	0
D23	266.12	85.3	0.49	0.9	0.46	0
D24	118.12	68.03	0.38	0.8	0.32	0
D25	352.92	166.06	0.17	0.69	0.16	0

District	Polygon Area (sq. mi)	Perimeter (mi)	Reock	Area/Convex Hull	Polsby Popper	Holes
D26	934.62	146.59	0.53	0.9	0.55	0
D27	279.38	71.26	0.67	0.95	0.69	0
D28	6710.91	591.03	0.22	0.55	0.24	0

Assigned District Splits

FIPS	Total Population
District 1	
Escambia County	321,905
Okaloosa County	211,668
Santa Rosa County	188,000
* Walton County	47,648
District 1 Total	769,221
	100%
District 2	
Bay County	175,216
Calhoun County	13,648
Franklin County	12,451
Gadsden County	43,826
Gulf County	14,192
Holmes County	19,653
Jackson County	47,319
Jefferson County	14,510
* Lafayette County	1,731
Leon County	292,198
Liberty County	7,974
Madison County	17,968
Taylor County	21,796
Wakulla County	33,764
* Walton County	27,657
Washington County	25,318

FIPS	Total Population
District 2 Total	769,221
	100%
District 3	
Alachua County	278,468
Baker County	28,259
Bradford County	28,303
Columbia County	69,698
Dixie County	16,759
Gilchrist County	17,864
Hamilton County	14,004
* Lafayette County	6,495
Levy County	42,915
* Marion County	206,835
Suwannee County	43,474
Union County	16,147
District 3 Total	769,221
	100%
District 4	
Clay County	218,245
* Duval County	460,624
Nassau County	90,352
District 4 Total	769,221
	100%
District 5	

FIPS	Total Population
* Duval County	534,943
* St Johns County	234,278
District 5 Total	769,221
	100%
District 6	
Flagler County	115,378
* Lake County	117,124
* Marion County	169,073
Putnam County	73,321
* St Johns County	39,147
* Volusia County	255,178
District 6 Total	769,221
	100%
District 7	
* Orange County	0
Seminole County	470,856
* Volusia County	298,365
District 7 Total	769,221
	100%
District 8	
Brevard County	606,612
* Orange County	162,608

FIPS	Total Population
District 8 Total	769,220
	100%
District 9	
Glades County	12,126
Highlands County	101,235
Indian River County	159,788
Okeechobee County	39,644
* Orange County	125,442
* Osceola County	319,073
* Polk County	11,913
District 9 Total	769,221
	100%
District 10	
* Orange County	769,221
District 10 Total	769,221
	100%
District 11	
* Lake County	266,832
* Orange County	372,637
Sumter County	129,752
District 11 Total	769,221
	100%

FIPS	Total Population
District 12	
* Hillsborough County	415,939
* Pasco County	353,282
District 12 Total	769,221
	100%
District 13	
* Pasco County	62,348
* Pinellas County	706,873
District 13 Total	769,221
	100%
District 14	
* Hillsborough County	769,221
District 14 Total	769,221
	100%
District 15	
Citrus County	153,843
Hernando County	194,515
* Hillsborough County	274,602
* Pasco County	146,261
District 15 Total	769,221
	100%

FIPS	Total Population
District 16	
De Soto County	33,976
Hardee County	25,327
* Hillsborough County	0
Manatee County	399,710
* Pinellas County	252,234
* Polk County	13,495
* Sarasota County	44,479
District 16 Total	769,221
	100%
District 17	
Charlotte County	186,847
* Lee County	192,847
* Sarasota County	389,527
District 17 Total	769,221
	100%
District 18	
* Osceola County	69,583
* Polk County	699,638
District 18 Total	769,221
	100%
District 19	
* Collier County	201,246

FIPS	Total Population
* Lee County	567,975
District 19 Total	769,221
	100%
District 20	
* Broward County	769,221
District 20 Total	769,221
	100%
District 21	
Martin County	158,431
* Palm Beach County	281,564
St Lucie County	329,226
District 21 Total	769,221
	100%
District 22	
* Broward County	345,595
* Collier County	174,506
Hendry County	39,619
* Palm Beach County	209,501
District 22 Total	769,221
	100%
District 23	

FIPS	Total Population
* Palm Beach County	769,221
District 23 Total	769,221
	100%
District 24	
* Broward County	228,782
* Miami-Dade County	540,439
District 24 Total	769,221
	100%
District 25	
* Broward County	303,501
* Miami-Dade County	233,815
* Palm Beach County	231,905
District 25 Total	769,221
	100%
District 26	
* Broward County	297,276
* Miami-Dade County	471,945
District 26 Total	769,221
	100%
District 27	
* Miami-Dade County	769,221

FIPS	Total Population
District 27 Total	769,221
	100%
District 28	
* Miami-Dade County	686,347
Monroe County	82,874
District 28 Total	769,221
	100%

Assigned District Splits

FIPS	Total Population
District 1	
Escambia County	
*No Place	265,880
Century	1,713
Pensacola	54,312
Escambia County	321,905
Okaloosa County	
*No Place	123,397
Cinco Bayou	457
Crestview	27,134
Destin	13,931
Fort Walton Beach	20,922
Laurel Hill	584
Mary Esther	3,982
Niceville	15,772
Shalimar	737
Valparaiso	4,752
Okaloosa County	211,668
Santa Rosa County	
*No Place	170,977
Gulf Breeze	6,302
Jay	524
Milton	10,197
Santa Rosa County	188,000

FIPS	Total Population
* Walton County	
*No Place	41,231
Freeport	5,861
Paxton	556
* Walton County	47,648
District 1 Total	769,221
	100%
District 2	
Bay County	
*No Place	79,442
Callaway	13,045
Lynn Haven	18,695
Mexico Beach	916
Panama City	32,939
Panama City Beach	18,094
Parker	4,010
Springfield	8,075
Bay County	175,216
Calhoun County	
*No Place	10,886
Altha	496
Blountstown	2,266
Calhoun County	13,648
Franklin County	

FIPS	Total Population
*No Place	7,504
Apalachicola	2,341
Carrabelle	2,606
Franklin County	12,451
Gadsden County	
*No Place	25,793
Chattahoochee	2,955
Greensboro	461
Gretna	1,357
Havana	1,753
Midway	3,537
Quincy	7,970
Gadsden County	43,826
Gulf County	
*No Place	8,761
Port St. Joe	3,357
Wewahitchka	2,074
Gulf County	14,192
Holmes County	
*No Place	15,580
Bonifay	2,759
Esto	341
Noma	208
Ponce de Leon	504
Westville	261

FIPS	Total Population
Holmes County	19,653
Jackson County	
*No Place	32,015
Alford	484
Bascom	87
Campbellton	191
Cottondale	848
Graceville	2,153
Grand Ridge	882
Greenwood	539
Jacob City	217
Malone	1,959
Marianna	6,245
Sneads	1,699
Jackson County	47,319
Jefferson County	
*No Place	11,921
Monticello	2,589
Jefferson County	14,510
* Lafayette County	1,731
Leon County	
*No Place	96,029
Tallahassee	196,169
Leon County	292,198
Liberty County	
*No Place	7,056

FIPS	Total Population
Bristol	918
Liberty County	7,974
Madison County	
*No Place	13,935
Greenville	746
Lee	375
Madison	2,912
Madison County	17,968
Taylor County	
*No Place	14,898
Perry	6,898
Taylor County	21,796
Wakulla County	
*No Place	33,064
Sopchoppy	426
St. Marks	274
Wakulla County	33,764
* Walton County	
*No Place	21,738
DeFuniak Springs	5,919
* Walton County	27,657
Washington County	
*No Place	20,017
Caryville	301

FIPS	Total Population
Chipley	3,660
Ebro	237
Vernon	732
Wausau	371
Washington County	25,318
District 2 Total	769,221
	100%
District 3	
Alachua County	
*No Place	108,824
Alachua	10,574
Archer	1,140
Gainesville	141,085
Hawthorne	1,478
High Springs	6,215
La Crosse	316
Micanopy	648
Newberry	7,342
Waldo	846
Alachua County	278,468
Baker County	
*No Place	20,492
Glen St. Mary	463
Macclenny	7,304

FIPS	Total Population
Baker County	28,259
Bradford County	
*No Place	21,117
Brooker	322
Hampton	432
Lawtey	636
Starke	5,796
Bradford County	28,303
Columbia County	
*No Place	56,751
Fort White	618
Lake City	12,329
Columbia County	69,698
Dixie County	
*No Place	14,905
Cross City	1,689
Horseshoe Beach	165
Dixie County	16,759
Gilchrist County	
*No Place	14,853
Bell	518
Fanning Springs	478
Trenton	2,015
Gilchrist County	17,864
Hamilton County	

FIPS	Total Population
*No Place	8,894
Jasper	3,621
Jennings	749
White Springs	740
Hamilton County	14,004
* Lafayette County	
*No Place	5,440
Mayo	1,055
* Lafayette County	6,495
Levy County	
*No Place	32,920
Bronson	1,140
Cedar Key	687
Chiefland	2,316
Fanning Springs	704
Inglis	1,476
Otter Creek	108
Williston	2,976
Yankeetown	588
Levy County	42,915
* Marion County	
*No Place	140,404
Dunnellon	1,928
McIntosh	463
Ocala	63,591
Reddick	449

FIPS	Total Population
* Marion County	206,835
Suwannee County	
*No Place	36,028
Branford	711
Live Oak	6,735
Suwannee County	43,474
Union County	
*No Place	13,559
Lake Butler	1,986
Raiford	224
Worthington Springs	378
Union County	16,147
District 3 Total	769,221
	100%
District 4	
Clay County	
*No Place	197,103
Green Cove Springs	9,786
Keystone Heights	1,446
Orange Park	9,089
Penney Farms	821
Clay County	218,245
* Duval County	

FIPS	Total Population
Baldwin	1,396
* Jacksonville	459,228
* Duval County	460,624
Nassau County	
*No Place	72,807
Callahan	1,526
Fernandina Beach	13,052
Hilliard	2,967
Nassau County	90,352
District 4 Total	769,221
	100%
District 5	
* Duval County	
Atlantic Beach	13,513
* Jacksonville	490,383
Jacksonville Beach	23,830
Neptune Beach	7,217
* Duval County	534,943
* St Johns County	
*No Place	213,146
St. Augustine	14,329
St. Augustine Beach	6,803
* St Johns County	234,278

FIPS	Total Population
District 5 Total	769,221
	100%
District 6	
Flagler County	
*No Place	17,270
Beverly Beach	474
Bunnell	3,276
Flagler Beach	5,088
Marineland	12
Palm Coast	89,258
Flagler County	115,378
* Lake County	
*No Place	57,939
Eustis	23,189
Lady Lake	15,970
Mount Dora	16,341
Umatilla	3,685
* Lake County	117,124
* Marion County	
*No Place	163,660
Belleview	5,413
* Marion County	169,073
Putnam County	
*No Place	58,282

FIPS	Total Population
Crescent City	1,654
Interlachen	1,441
Palatka	10,446
Pomona Park	784
Welaka	714
Putnam County	73,321
* St Johns County	
*No Place	39,144
Marineland	3
* St Johns County	39,147
* Volusia County	
*No Place	74,663
Daytona Beach	72,647
DeLand	37,351
Flagler Beach	72
Holly Hill	12,958
Ormond Beach	43,080
Pierson	1,542
South Daytona	12,865
* Volusia County	255,178
District 6 Total	769,221
	100%
District 7	
* Orange County	0

FIPS	Total Population
Seminole County	
*No Place	224,494
Altamonte Springs	46,231
Casselberry	28,794
Lake Mary	16,798
Longwood	15,087
Oviedo	40,059
Sanford	61,051
Winter Springs	38,342
Seminole County	470,856
* Volusia County	
*No Place	40,575
Daytona Beach Shores	5,179
DeBary	22,260
Deltona	93,692
Edgewater	23,097
Lake Helen	2,842
New Smyrna Beach	30,142
Oak Hill	1,986
Orange City	12,632
Ponce Inlet	3,364
Port Orange	62,596
* Volusia County	298,365
District 7 Total	769,221
	100%

FIPS	Total Population
District 8	
Brevard County	
*No Place	223,591
Cape Canaveral	9,972
Cocoa	19,041
Cocoa Beach	11,354
Grant-Valkaria	4,509
Indialantic	3,010
Indian Harbour Beach	9,019
Malabar	2,949
Melbourne	84,678
Melbourne Beach	3,231
Melbourne Village	681
Palm Bay	119,760
Palm Shores	1,200
Rockledge	27,678
Satellite Beach	11,226
Titusville	48,789
West Melbourne	25,924
Brevard County	606,612
* Orange County	
*No Place	162,603
* Orlando	5
* Orange County	162,608
District 8 Total	769,220
	100%

FIPS	Total Population
District 9	
Glades County	
*No Place	10,560
Moore Haven	1,566
Glades County	12,126
Highlands County	
*No Place	78,488
Avon Park	9,658
Lake Placid	2,360
Sebring	10,729
Highlands County	101,235
Indian River County	
*No Place	108,789
Fellsmere	4,834
Indian River Shores	4,241
Orchid	516
Sebastian	25,054
Vero Beach	16,354
Indian River County	159,788
Okeechobee County	
*No Place	34,390
Okeechobee	5,254
Okeechobee County	39,644
* Orange County	

FIPS	Total Population
*No Place	73,323
Belle Isle	7,032
* Orlando	45,087
* Orange County	125,442
* Osceola County	
*No Place	180,883
Kissimmee	79,226
St. Cloud	58,964
* Osceola County	319,073
* Polk County	
*No Place	9,036
Frostproof	2,877
* Polk County	11,913
District 9 Total	769,221
	100%
District 10	
* Orange County	
*No Place	404,082
* Apopka	16,911
Eatonville	2,349
Edgewood	2,685
Maitland	19,543
* Ocoee	32,545
* Orlando	261,311

FIPS	Total Population
Winter Park	29,795
* Orange County	769,221
District 10 Total	769,221
	100%
District 11	
* Lake County	
*No Place	125,339
Astatula	1,889
Clermont	43,021
Fruitland Park	8,325
Groveland	18,505
Howey-in-the-Hills	1,643
Leesburg	27,000
Mascotte	6,609
Minneola	13,843
Montverde	1,655
Tavares	19,003
* Lake County	266,832
* Orange County	
*No Place	265,192
* Apopka	37,962
Bay Lake	29
Lake Buena Vista	24
Oakland	3,516
* Ocoee	14,750

FIPS	Total Population
* Orlando	1,170
Windermere	3,030
Winter Garden	46,964
* Orange County	372,637
Sumter County	
*No Place	108,709
Bushnell	3,047
Center Hill	846
Coleman	642
Webster	778
Wildwood	15,730
Sumter County	129,752
District 11 Total	769,221
	100%
District 12	
* Hillsborough County	
*No Place	294,539
* Tampa	121,400
* Hillsborough County	415,939
* Pasco County	
*No Place	333,502
New Port Richey	16,728
Port Richey	3,052

FIPS	Total Population
* Pasco County	353,282
District 12 Total	769,221
	100%
District 13	
* Pasco County	62,348
* Pinellas County	
*No Place	242,478
Belleair	4,273
Belleair Beach	1,633
Belleair Bluffs	2,311
Belleair Shore	73
Clearwater	117,292
Dunedin	36,068
Indian Rocks Beach	3,673
Indian Shores	1,190
Kenneth City	5,047
Largo	82,485
Oldsmar	14,898
Pinellas Park	53,093
Safety Harbor	17,072
* Seminole	11,554
* St. Petersburg	88,616
Tarpon Springs	25,117
* Pinellas County	706,873
District 13 Total	769,221

FIPS	Total Population
	100%
District 14	
* Hillsborough County	
*No Place	591,154
Plant City	39,764
* Tampa	138,303
* Hillsborough County	769,221
District 14 Total	769,221
	100%
District 15	
Citrus County	
*No Place	142,904
Crystal River	3,396
Inverness	7,543
Citrus County	153,843
Hernando County	
*No Place	185,609
Brooksville	8,890
Weeki Wachee	16
Hernando County	194,515
* Hillsborough County	
*No Place	122,656
* Tampa	125,256

FIPS	Total Population
Temple Terrace	26,690
* Hillsborough County	274,602
* Pasco County	
*No Place	118,133
Dade City	7,275
San Antonio	1,297
St. Leo	2,362
Zephyrhills	17,194
* Pasco County	146,261
District 15 Total	769,221
	100%
District 16	
De Soto County	
*No Place	26,556
Arcadia	7,420
De Soto County	33,976
Hardee County	
*No Place	16,285
Bowling Green	2,405
Wauchula	4,900
Zolfo Springs	1,737
Hardee County	25,327
* Hillsborough County	0

FIPS	Total Population
Manatee County	
*No Place	323,057
Anna Maria	968
Bradenton	55,698
Bradenton Beach	908
Holmes Beach	3,010
* Longboat Key	2,746
Palmetto	13,323
Manatee County	399,710
* Pinellas County	
*No Place	33,191
Gulfport	11,783
Madeira Beach	3,895
North Redington Beach	1,495
Redington Beach	1,376
Redington Shores	2,176
* Seminole	7,810
South Pasadena	5,353
St. Pete Beach	8,879
* St. Petersburg	169,692
Treasure Island	6,584
* Pinellas County	252,234
* Polk County	
*No Place	8,395
Fort Meade	5,100
* Polk County	13,495

FIPS	Total Population
* Sarasota County	
*No Place	29,904
* North Port	10,512
* Venice	4,063
* Sarasota County	44,479
District 16 Total	769,221
	100%
District 17	
Charlotte County	
*No Place	167,376
Punta Gorda	19,471
Charlotte County	186,847
* Lee County	
*No Place	106,452
Fort Myers	86,395
* Lee County	192,847
* Sarasota County	
*No Place	244,245
* Longboat Key	4,759
* North Port	64,281
Sarasota	54,842
* Venice	21,400
* Sarasota County	389,527

FIPS	Total Population
District 17 Total	769,221
	100%
District 18	
* Osceola County	69,583
* Polk County	
*No Place	427,467
Auburndale	15,616
Bartow	19,309
Davenport	9,043
Dundee	5,235
Eagle Lake	3,008
Haines City	26,669
Highland Park	251
Hillcrest Heights	243
Lake Alfred	6,374
Lake Hamilton	1,537
Lake Wales	16,361
Lakeland	112,641
Mulberry	3,952
Polk City	2,713
Winter Haven	49,219
* Polk County	699,638
District 18 Total	769,221
	100%

FIPS	Total Population
District 19	
* Collier County	
*No Place	182,131
Naples	19,115
* Collier County	201,246
* Lee County	
*No Place	271,412
Bonita Springs	53,644
Cape Coral	194,016
Estero	36,939
Fort Myers Beach	5,582
Sanibel	6,382
* Lee County	567,975
District 19 Total	769,221
	100%
District 20	
* Broward County	
*No Place	7,181
* Coconut Creek	25,596
* Coral Springs	64,659
* Deerfield Beach	44,581
* Fort Lauderdale	102,630
Lauderdale Lakes	35,954
Lauderhill	74,482
Lazy Lake	33

FIPS	Total Population
Margate	58,712
North Lauderdale	44,794
Oakland Park	44,229
* Plantation	58,127
* Pompano Beach	54,032
* Sunrise	70,888
Tamarac	71,897
Wilton Manors	11,426
* Broward County	769,221
District 20 Total	769,221
	100%
District 21	
Martin County	
*No Place	131,350
Indiantown	6,560
Jupiter Island	804
Ocean Breeze	301
Sewall's Point	1,991
Stuart	17,425
Martin County	158,431
* Palm Beach County	
*No Place	90,357
Juno Beach	3,858
Jupiter	61,047
Jupiter Inlet Colony	405

FIPS	Total Population
Lake Park	9,047
North Palm Beach	13,162
Palm Beach Gardens	59,182
Palm Beach Shores	1,330
* Riviera Beach	8,441
* Royal Palm Beach	12,337
Tequesta	6,158
* West Palm Beach	16,240
* Palm Beach County	281,564
St Lucie County	
*No Place	76,465
Fort Pierce	47,297
Port St. Lucie	204,851
St. Lucie Village	613
St Lucie County	329,226
District 21 Total	769,221
	100%
District 22	
* Broward County	
*No Place	607
* Coconut Creek	32,237
* Coral Springs	69,735
* Davie	80,430
Parkland	34,670
* Plantation	33,362

FIPS	Total Population
* Sunrise	26,447
Weston	68,107
* Broward County	345,595
* Collier County	
*No Place	158,394
Everglades	352
Marco Island	15,760
* Collier County	174,506
Hendry County	
*No Place	27,326
Clewiston	7,327
LaBelle	4,966
Hendry County	39,619
* Palm Beach County	
*No Place	89,926
Belle Glade	16,698
Loxahatchee Groves	3,355
Pahokee	5,524
* Royal Palm Beach	26,595
South Bay	4,860
Wellington	61,637
Westlake	906
* Palm Beach County	209,501
District 22 Total	769,221

FIPS	Total Population
	100%
District 23	
* Palm Beach County	
*No Place	363,987
Atlantis	2,142
Boynton Beach	80,380
Briny Breezes	502
Cloud Lake	134
* Delray Beach	42,164
Glen Ridge	217
Golf	255
Greenacres	43,990
Gulf Stream	954
Haverhill	2,187
Hypoluxo	2,687
Lake Clarke Shores	3,564
Lake Worth Beach	42,219
Lantana	11,504
Manalapan	419
Mangonia Park	2,142
Ocean Ridge	1,830
Palm Beach	9,245
Palm Springs	26,890
* Riviera Beach	29,163
South Palm Beach	1,471
* West Palm Beach	101,175
* Palm Beach County	769,221

FIPS	Total Population
District 23 Total	769,221
	100%
District 24	
* Broward County	
* Dania Beach	7,164
* Hallandale Beach	12,696
* Hollywood	101,063
* Miramar	58,109
Pembroke Park	6,260
* Pembroke Pines	28,360
West Park	15,130
* Broward County	228,782
* Miami-Dade County	
*No Place	177,998
Biscayne Park	3,117
El Portal	1,986
* Miami	153,074
Miami Gardens	111,640
Miami Shores	11,567
* North Miami	49,404
* North Miami Beach	15,190
Opa-locka	16,463
* Miami-Dade County	540,439
District 24 Total	769,221

FIPS	Total Population
	100%
District 25	
* Broward County	
*No Place	8,152
* Dania Beach	24,559
* Davie	1,271
* Deerfield Beach	42,278
* Fort Lauderdale	80,130
* Hallandale Beach	28,521
Hillsboro Beach	1,987
* Hollywood	41,104
Lauderdale-by-the-Sea	6,198
Lighthouse Point	10,486
* Plantation	261
* Pompano Beach	58,014
Sea Ranch Lakes	540
* Broward County	303,501
* Miami-Dade County	
*No Place	25,160
Aventura	40,242
Bal Harbour	3,093
Bay Harbor Islands	5,922
Golden Beach	961
Indian Creek	84
Miami Beach	82,890
North Bay Village	8,159
* North Miami	10,787

FIPS	Total Population
* North Miami Beach	28,486
Sunny Isles Beach	22,342
Surfside	5,689
* Miami-Dade County	233,815
* Palm Beach County	
*No Place	105,506
Boca Raton	97,422
* Delray Beach	24,682
Highland Beach	4,295
* Palm Beach County	231,905
District 25 Total	769,221
	100%
District 26	
* Broward County	
*No Place	948
Cooper City	34,401
* Davie	23,990
* Hollywood	10,900
* Miramar	76,612
* Pembroke Pines	142,818
Southwest Ranches	7,607
* Broward County	297,276
* Miami-Dade County	
*No Place	102,148

FIPS	Total Population
Doral	75,874
Hialeah	223,109
Hialeah Gardens	23,068
Medley	1,056
Miami Lakes	30,467
Miami Springs	13,859
Virginia Gardens	2,364
* Miami-Dade County	471,945
District 26 Total	769,221
	100%
District 27	
* Miami-Dade County	
*No Place	308,486
Coral Gables	49,248
Cutler Bay	45,425
Key Biscayne	14,809
* Miami	289,167
Palmetto Bay	24,439
Pinecrest	18,388
South Miami	12,026
West Miami	7,233
* Miami-Dade County	769,221
District 27 Total	769,221
	100%

FIPS	Total Population
District 28	
* Miami-Dade County	
*No Place	573,162
Florida City	13,085
Homestead	80,737
Sweetwater	19,363
* Miami-Dade County	686,347
Monroe County	
*No Place	38,634
Islamorada, Village of Islands	7,107
Key Colony Beach	790
Key West	26,444
Layton	210
Marathon	9,689
Monroe County	82,874
District 28 Total	769,221
	100%

Boundary Analysis Report

District	City Boundaries(%)	County Boundaries(%)	Road Boundaries(%)	Water Boundaries(%)	Rail Boundaries(%)	Non Geo/Pol Boundaries(%)
1	8	78	10	53	0	3
2	5	84	7	49	0	3
3	6	86	7	32	0	5
4	8	86	2	55	0	2
5	16	48	7	79	0	13
6	16	43	17	32	2	15
7	22	68	9	40	2	8
8	0	86	5	42	0	9
9	5	72	6	26	2	12
10	26	22	35	8	0	33
11	9	64	17	26	3	13
12	4	42	22	34	0	20
13	22	48	6	70	1	12
14	22	56	16	24	1	20
15	5	76	18	48	1	10
16	9	56	15	28	2	14
17	10	60	17	39	0	12
18	13	42	6	19	2	33
19	15	57	6	50	0	20
20	22	3	39	11	5	32
21	6	71	5	48	0	16
22	12	54	16	25	0	17
23	20	26	25	40	3	22
24	49	1	38	15	4	20
25	19	34	24	48	5	15
26	26	17	52	2	0	8

District	City Boundaries(%)	County Boundaries(%)	Road Boundaries(%)	Water Boundaries(%)	Rail Boundaries(%)	Non Geo/Pol Boundaries(%)
27	12	18	26	58	0	13
28	1	88	7	86	0	1

Exhibit 15

April 27, 2026 Memorandum from Rep. Daniel Perez to Members of the Florida House of Representatives

The Florida House of Representatives

Office of the Speaker

MEMORANDUM

To: Members of the Florida House of Representatives

From: Daniel Perez, Speaker

Date: April 27, 2026

Re: Congressional Map Submission from Governor DeSantis

Members,

The House has received the Governor's proposed congressional map for our consideration during Special Session D. Attached for your review are the Governor's proposed map, his transmittal letter, and the accompanying data packet.

The House Select Committee on Redistricting will take up the Governor's proposal tomorrow. We currently anticipate consideration of the map by the full House on Wednesday.

Please review the attached materials in advance of committee deliberations and floor consideration. Additional information will be provided as it becomes available.

Exhibit 16

April 28, 2026 House Select Committee on Congressional Redistricting Meeting,

https://thefloridachannel.org/videos/4-28-26-house-select-committee-on-congressional-redistricting/.

Exhibit 17

Alex Lanfranconi (@AlexLanfran),
X (Apr. 28, 2026, 7:03 PM)

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Alex Lanfranconi
@AlexLanfran

😂

> **Cord Byrd** @CordByrd · Apr 28
> On this day we remember the 5th Vice President of the United States, 9th Governor of Massachusetts, Congressman and namsake of gerrymandering. @America250FL

8:03 PM · Apr 28, 2026 · **3,213** Views

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Exhibit 18

April 29, 2026 House Floor Debate,

https://thefloridachannel.org/videos/4-29-26-house-session/.

Exhibit 19

April 29, 2026 Senate Floor Debate,

https://thefloridachannel.org/videos/4-29-26-senate-session/.

Exhibit 20

2022 Plan Boundary Analysis Report

Boundary Analysis Report

District	City Boundaries(%)	County Boundaries(%)	Road Boundaries(%)	Water Boundaries(%)	Rail Boundaries(%)	Non Geo/Pol Boundaries(%)
1	8	78	10	53	0	3
2	5	84	7	49	0	3
3	6	85	7	32	0	5
4	8	86	2	55	0	2
5	16	48	7	79	0	13
6	16	42	17	32	2	15
7	22	68	9	40	2	8
8	0	89	7	44	0	4
9	2	61	25	27	0	12
10	13	26	35	2	1	37
11	14	49	27	26	2	13
12	7	84	13	63	0	8
13	15	75	12	67	0	3
14	12	19	46	21	1	13
15	3	1	61	4	0	32
16	1	73	21	32	1	2
17	9	84	5	39	0	6
18	6	77	8	21	0	9
19	11	65	12	59	0	10
20	28	37	15	13	3	22
21	9	68	7	48	0	16
22	36	24	18	36	0	24
23	29	28	16	38	9	20
24	36	36	32	46	0	10
25	64	29	12	20	0	15
26	11	54	28	13	0	9

District	City Boundaries(%)	County Boundaries(%)	Road Boundaries(%)	Water Boundaries(%)	Rail Boundaries(%)	Non Geo/Pol Boundaries(%)
27	10	18	34	59	0	7
28	1	88	8	86	0	1

Exhibit 21

May 8, 2026 Declaration Simone T. Leeper

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

VONDA THOMPSON-WYNN; **GINO VACCARI**; **EMMA JANE RUBINI**; **SHELBY MCGUIRE-SMITH**; **MARK TABER**; and **SAIGE WISBY**, Plaintiffs, v. **CORD BYRD**, in his official capacity as Florida Secretary of State; the **FLORIDA SENATE**; and the **FLORIDA HOUSE OF REPRESENTATIVES**, Defendants.	Case No. 2026-ca-000925

DECLARATION OF SIMONE T. LEEPER IN SUPPORT OF PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY INJUNTION

I, Simone T. Leeper, declare that:

1. I am an attorney with the law firm Campaign Legal Center, and I am counsel for Plaintiffs. I submit this declaration to provide the Court with true and correct copies of documents submitted in support of Plaintiffs' Emergency Motion for Temporary Injunction.

2. **Exhibit 1** is a true and correct copy of the Declaration of Dr. Sharon D. Austin, dated May 8, 2026.

3. **Exhibit 2** is a true and correct copy of the Declaration of Dr. Tye Rush, dated May 8, 2026.

4. **Exhibit 3** is a true and correct copy of the Florida Senate Committee on Reapportionment, 2022C Special Session, held on April 19, 2022. A recording of the meeting is

publicly available at https://thefloridachannel.org/videos/4-19-22-senate-committee-on-reapportionment.

5. **Exhibit 4** is a true and correct copy of the Memorandum from Sen. Ben Albritton to All Senators and Senate Professional Staff, dated December 3, 2025.

6. **Exhibit 5** is a true and correct copy of the Florida House Select Committee on Congressional Redistricting Meeting, 2026 Regular Session, held on December 4, 2025. A recording of the meeting is publicly available at https://flhouse.gov/VideoPlayer.aspx?eventID=10724.

7. **Exhibit 6** is a true and correct copy of the Florida House Select Committee on Congressional Redistricting Meeting, 2026 Regular Session, held on December 10, 2025. A recording of the meeting is publicly available at https://flhouse.gov/VideoPlayer.aspx?eventID=10752.

8. **Exhibit 7** is a true and correct copy of the January 7, 2026, Press Release shared by Ron DeSantis, Executive Office of the Governor, announcing a Special Legislative Session on Congressional Redistricting.

9. **Exhibit 8** is a true and correct copy of the Proclamation of Governor Ron DeSantis to the Honorable Members of the Florida Senate and House of Representatives signed on January 7, 2026.

10. **Exhibit 9** is a true and correct copy of the Proclamation of Governor Ron DeSantis to the Honorable Members of the Florida Senate and House of Representatives signed on April 15, 2026.

11. **Exhibit 10** is a true and correct copy of the Senate Rules Committee Meeting, 2026D Special Session, held on April 28, 2026. A recording of the meeting is publicly available at https://thefloridachannel.org/videos/4-28-26-senate-committee-on-rules/.

12. **Exhibit 11** is a true and correct copy of a news article by Preston Mizell, published by Fox News on April 27, 2026.

13. **Exhibit 12** is a true and correct copy of the Memorandum from Sen. Ben Albritton to All Senators and Senate Professional Staff, circulated on April 27, 2026.

14. **Exhibit 13** is a true and correct copy of the Memorandum from David Axelman to Sen. Don Gaetz and Rep. Mike Redondo, circulated on April 27, 2026.

15. **Exhibit 14** is a true and correct copy of the Data Packet for 2026 Plan circulated by the Executive Office of the Governor on April 27, 2026.

16. **Exhibit 15** is a true and correct copy of the Memorandum from Rep. Daniel Perez to Members of the Florida House of Representatives, circulated on April 27, 2026.

17. **Exhibit 16** is a true and correct copy of the House Select Committee on Congressional Redistricting Meeting, held on April 28, 2026. A recording of the meeting is publicly available at https://thefloridachannel.org/videos/4-28-26-house-select-committee-on-congressional-redistricting/.

18. **Exhibit 17** is a true and correct copy of an X post by Alex Lanfranconi dated April 28, 2026.

19. **Exhibit 18** is a true and correct copy of the House Floor Debate held on April 29, 2026. A recording of the debate is publicly available at https://thefloridachannel.org/videos/4-29-26-house-session/.

20. **Exhibit 19** is a true and correct copy of the Senate Floor Debate, held on April 29, 2026. A recording of the debate is publicly available at https://thefloridachannel.org/videos/4-29-26-senate-session/.

21. **Exhibit 20** is a true and correct copy of the 2022 Plan Boundary Analysis Report.

I declare under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct.

Dated: May 8, 2026

/s/ Simone Leeper

Simone Leeper (Fla. Bar No. 1020511)
CAMPAIGN LEGAL CENTER
1101 14th St. NW, Suite 400
Washington, DC 20005
(202) 736-2200
sleeper@campaignlegalcenter.org

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

EQUAL GROUND EDUCATION FUND INC, et al.,
Plaintiffs,

Case No.: 2026 CA 914

v.

CORD BYRD, in his official capacity as Florida Secretary of State, et al.,
Defendants.
_____/

GINO VACCARI, et al.,
Plaintiffs,

Case No.: 2026 CA 925

v.

CORD BYRD, in his official capacity as Florida Secretary of State, et al.,
Defendants.
_____/

COMMON CAUSE et al.,
Plaintiffs,

Case No.: 2026 CA 928

v.

RON DESANTIS, Florida Governor, et al.,
Defendants.
_____/

ORDER OF CONSOLIDATION

THIS CAUSE came before the Court, on its own motion, upon review of the above cases and response to the Order to Show Cause.

Case No.: 2026 CA 925 and Case No.: 2026 CA 928 are hereby CONSOLIDATED with Case No. 2026 CA 914. All pleadings, motions, and other papers filed in Case Nos. 2026 CA 925 and 2026 CA 928 shall be filed in Case No. 2026 CA 914 and the actions shall proceed as a single cause under Case No. 2026 CA 914. The hearing scheduled in Case No. 2026 CA 914 (May 15, 2026, at 10:00 AM) will go forward as the hearing on the two current emergency motions for

temporary injunction previously filed in Case Nos. 2026 CA 914 and 2026 CA 925. Each set of plaintiffs may have one attorney from their side argue their respective motions.

DONE AND ORDERED in Tallahassee, Florida on May 14, 2026.

JOSHUA HAWKES
Circuit Judge

Copies to:
Parties via e-filing portal

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

EQUAL GROUND EDUCATION FUND INC., et al.,
Plaintiffs,

vs. Case No.: 2026 CA 914

CORD BYRD, in his official capacity as Florida Secretary of State, et al.,
Defendants.
_____/

ORDER ON MOTIONS FOR PRELIMINARY INJUNCTION

THIS CAUSE came before the Court for hearing on May 15, 2026, upon Plaintiffs' Motions for a Preliminary Injunction (the "Motions").[1] At the hearing, no testimonial evidence was offered, but each of the Plaintiffs submitted their own evidence packet, with affidavits, expert reports, and committee reports and testimony from the associated legislative proceedings. The Equal Ground Plaintiffs submitted approximately 1900 pages of evidence, comprising 75 exhibits.[2] The Thompson-Wynn Plaintiffs submitted approximately 220 pages of evidence, comprising 21 exhibits. The Common Cause Plaintiffs submitted approximately 1250 pages of evidence, comprising 18 exhibits.[3] The Court has reviewed the Motions, the exhibits, the Defendants' responses in opposition and evidence, the arguments offered at the two-hour hearing, and is otherwise fully advised in the premises. Accordingly, the Court FINDS as follows:

[1] The case is a consolidated group of Plaintiffs against mostly the same Defendants, with each set of Plaintiffs filing their own preliminary injunction motion and associated evidence packet. The last-filed case, the Common Cause Plaintiffs, sued various individuals, but the representation is conveniently expected to be the same (*e.g.*, Florida Senate counsel representing individual senators, etc.).

[2] The Court will use the parties' exhibit numbers, with the following prefixes: EG-Exh. --, TW-Exh. --, and CC-Exh. – (for Equal Ground, Thompson-Wynn, and Common Cause, respectively). Similarly, for Defendants' exhibits, with prefixes of CB-Exh. --, S-Exh. --, and H-Exh. -- (for Secretary Cord Byrd, the Florida Senate, and the Florida House, respectively).

[3] The Common Cause Plaintiffs referenced a deposition of Jason Poreda from 2025 as Exhibit 11 that was not in the court file, that the Court can find.

I. POSITIONS OF THE PARTIES

Plaintiffs take the position that this case is unusual because the maps were redrawn mid-cycle, with a sole map drawer, who admitted on the public record that the Congressional Districts (CD) were drawn with partisan data and without the need to comply with the Fair Districts Amendment (FDA).

Defendants resist the temporary injunction both procedurally and substantively. Procedurally, Defendants contend that the injunction could only realistically be put in place after a trial. Substantively, Defendants contend that improper intent has not been shown with the available evidence and that Plaintiffs' improperly impute legislative intent from numerous outside sources.

Both parties spend considerable time arguing the constitutionality of the FDA and whether it must be struck down not at all, in part, or in whole. The Court will note at this preliminary stage, and especially with the way the Motions are resolved herein, the question of the FDA's continued constitutional viability is premature.

II. FINDINGS OF FACT

Findings of fact are necessary at this stage, but the Court is mindful that they are made on an incomplete record. Thus, the Court's initial perceptions could change given more robust factual development after discovery, testing of experts, the parties solidify their positions, and credibility determinations that are expected after trial.

1. The Governor's office requested that the Congressional maps be redrawn in a special session he convened before the regular legislative session, to take place after the regular session. EG-Exh. 6.

2. The Governor submitted proposed maps for the special session, citing two primary criteria considered in their construction: removing the racial components of CD-20 and adjusting for lopsided population growth in Central Florida while still using 2020 Census Data as required. TW-Exh. 13.

3. Each house of the Legislature held a committee meeting to hear from the Governor's office regarding his legal position on the redrawing of maps and a description of how the maps were drawn. *See generally* EG-Exh. 11; EG-Exh. 12.

4. The consensus at this stage of the litigation is that Mr. Jason Poreda was the sole drawer of the maps. EG-Exh. 12 at 23 (Mr. Poreda answering that "I am the only one that drew

the map."). Mr. Poreda gave a presentation to each chamber to explain his process and then answered questions. *See generally* EG-Exh. 11; EG-Exh. 12.

5. The thrust of his presentation and method that he claimed to use was that once he changed CD-20, in South Florida, it has cascading effects all throughout the center part of the state. In addition he sought to account for population growth while complying with "traditional redistricting criteria" of compactness, etc.

6. The maps were voted out of committee and then debated on the floor, where they were passed and signed by the Governor.

7. The Secretary of State estimates that May 25, 2026, is the cutoff for implementation of maps. CB-Exh. 14 at 3.

III. LEGAL STANDARD

A. Injunctive relief.

Under Florida law, a party seeking a preliminary injunction must prove four elements with competent, substantial evidence: (1) substantial likelihood of success on the merits; (2) a substantial threat of irreparable harm; (3) the unavailability of an adequate remedy at law; and (4) that the injunction serves the public interest. The failure to establish even one of these elements is fatal to the request for injunctive relief.

The Court is bound by recent cases on this very issue, in a very similar posture. The First District Court of Appeal explained that the constitutional writ of a temporary injunction is "to preserve the status quo [and] will not support [the trial court] going further to grant a remedy on a provisional basis." *Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 339 So. 3d 1070, 1076 (Fla. 1st DCA 2022) (*Byrd I*). Further, "the Legislature clearly eschewed the availability of a provisional remedy in a chapter 86 action." *Byrd I* at 1077. Thus, to succeed on their motion, Plaintiffs must find the balance of preserving the status quo without a provisional remedy. *Byrd I* at 1079 ("Thus, a temporary injunction, if warranted, could only reinstate the former congressional map.").

B. Constitutional issue.

Plaintiffs challenge is under the FDA, which is reproduced below:

> Standards for establishing congressional district boundaries.—In establishing congressional district boundaries:
>
> (a) [*Tier 1 criteria*] No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and

districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(b) [*Tier 2 criteria*] Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(c) The order in which the standards within subsections 1(a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Art. III, § 20, Fla. Const. (italicized annotations added).[4]

IV. ANALYSIS

A. Improper Use of Injunctive Power

A preliminary injunction is an extraordinary and drastic remedy that is the exception, rather than the rule. The parties argue extensively about the scope of this Court's injunctive power. Defendants point to *Byrd I* to argue that the Court has no power to issue a preliminary injunction in a declaratory action (*i.e.*, without a final hearing), because the declaratory judgment is the relief. Plaintiffs counter that the Court still has all writs power to enjoin and maintain the status quo during litigation. This contention seems right. Indeed, Defendants seem to concede that if the map were obviously deficient, some interim relief would be warranted. However, Defendants then counter that for Plaintiffs to receive a mandatory injunction under this Court's all writ power, they must show that the plan they propose is also constitutional.

Plaintiffs make several compelling points in support of the 2022 map. First, the 2022 map had the same presumption of constitutionality as all legislative acts. Second, the 2022 map was heavily litigated for several years and has been in operation for two election cycles (2022 and 2024). Third, the same process produced that map (*i.e.*, a Governor-called special session), with the same principal map drawer.

However, Defendants have the better of this argument. The 2022 map litigation did not question the constitutionality of potential race-based district lines present in CD-20. Thus, the prior litigation is not an endorsement of CD-20 or the 2022 map in toto. The earlier litigation just

[4] The FDA is broadly understood to include a very similar provision for state legislative districts (*i.e.*, Art. III, § 21), but that section is not at issue in this litigation.

addressed Plaintiffs' challenges, which focused on the prior majority-minority district of what was known as CD-5. Further, the 2022 map was declared unconstitutional when the Governor and Legislature replaced it with the 2026 map challenged in this litigation. The political branch's position was in anticipation of a changing legal landscape with the Supreme Court's pending ruling in *Louisiana v. Callais*, 146 S. Ct. 1131 (2026).[5] Plaintiffs' evidence focuses on challenging the constitutionality of the 2026 map, but does not sufficiently challenge the political branches' finding that CD-20 in the 2022 map was drawn with impermissible racial intent.

Plaintiffs' evidence at this stage is insufficient to support the permissibility of this Court forcing the 2022 map onto the electorate in contravention of the duly enacted 2026 map. Indeed, if Plaintiffs prevail it seems the proper remedy is not for the Court to order a particular map, but for it to order the Legislature to redraw the map in a constitutional manner. *Byrd I* at 1083 ("The supreme court in fact repeatedly recognized that the Legislature, not the courts, has the prerogative to redraw the lines where the first lines were found wanting."). It would seem presumptive on a limited evidentiary record and rushed proceedings to overturn both the Legislature's 2026 map while also overturning their finding that the 2022 map is unconstitutional. This is especially so where, if the Legislature and the Governor are correct that the 2022 map has racial classifications, Plaintiffs would have to provide this Court with sufficient evidence under strict scrutiny to justify the Court ordering its use again. *See, e.g.*, *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 720 (2007) ("when the government distributes burdens or benefits on the basis of individual racial classifications, that action is reviewed under strict scrutiny"). To the extent the Court has to balance Florida's FDA prohibition of improper partisan intent and the United States Constitution's Equal Protection guarantees, it seems clear that the potential partisan intent in the 2026 map is the lesser of the two evils.

In that way, the Court's ruling on the preliminary injunction is understandably frustrating given the timeline[6] of this case and the short-fused call to action. Assuming Plaintiffs ultimately

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[5] Indeed, the dissent described *Callais*' effect as the "now-completed demolition of the Voting Rights Act." *Callais*, 146 S. Ct. at 1166 (Kagan, J., dissenting). Add to that demolition the understanding in Florida law that the FDA's race-based criteria "follow almost verbatim the requirements embodied in the Federal Voting Rights Act." *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 619 (Fla. 2012) (*Apportionment I*) (citations omitted).

[6] Looking ahead to the merits, and assuming similar case-processing times as the last challenge, after this Court's final ruling, it would take three months for the District Court to complete its

prevail in challenging the maps, there likely will be additional elections held on maps that violate the FDA, as has happened in the past. *See, e.g.*, *Byrd I* at 1083 ("two congressional elections went forward under a redistricting plan that was challenged as—and later determined to be—violative of the FDA, with the tacit or express approval of the circuit court and supreme court").

Although finding that the extraordinary measure of a temporary injunction is improper in this case, the Court goes on to analyze the traditional elements of a temporary injunction.

B. Substantial Likelihood of Success on the Merits

A substantial likelihood of success requires more than a disputed claim. The most important issue in this litigation is whether the maps were drawn with impermissible partisan intent. The intent of the map drawer is not as apparent as Plaintiffs argue, nor is the applicability of imputing Mr. Poreda's intent (if any) to the entire Legislature established on this record.

Plaintiffs argue that there is direct evidence that Mr. Poreda drew with impermissible partisan intent, which is to say with the intent to favor or disfavor an incumbent or political party. The evidence they chiefly rely on is an answer from the question-and-answer period from Mr. Poreda's presentation to the Florida Senate. EG-Exh. 12 at 23. First, this statement is not direct evidence of impermissible intent. That is, Mr. Poreda did not say that he drew district lines to favor or disfavor an incumbent or party. Rather, one must infer that because he used partisan data (along with all other data available), that he then used it with impermissible intent. Once an inference is required, evidence moves into the circumstantial category.

Second, the Court does not accord the same weight to this statement that Plaintiffs do, at least not on a cold record at this stage in the litigation. It was one of two presentations that Mr. Poreda gave that day. In both presentations, his message was consistent and clear: he removed the race-based aspects of CD-20, which required him to redraw the surrounding districts that then cascaded to changes throughout the state. The level of questions he received fell well short of what one would expect in an adversarial cross-examination from a skilled advocate.[7]

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review. *Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 375 So. 3d 335 (Fla. 1st DCA 2023) (*Byrd II*, decided December 1, 2023, from September 4, 2023, notice of appeal). If the Florida Supreme Court accepts jurisdiction, perhaps another 19.5 months for it to complete its review. *Black Voters Matter Capacity Bldg. Inst., Inc. v. Byrd*, 415 So. 3d 180 (Fla. 2025) (decided July 17, 2025 from a December 4, 2023, certiorari petition). Thus, it seems this challenge is more geared toward the 2028 or 2030 election cycles than the 2026 election cycle.

[7] For example, Mr. Poreda was asked at one point why he did not just draw an additional district. EG-Exh. 11 at 52 ("I noticed that we still have only 28 Congressional districts. Based on that

Plaintiffs point to additional facts. Notably, they present an array of experts with associated metrics for measuring districts. However, Defendants' evidentiary objection to Plaintiffs numerous experts at the preliminary injunction stage without adequate chance at rebuttal is well taken. As one example, Plaintiffs' expert indicated that he did not use Florida's EDR data to measure mid-decade population shifts, while Mr. Poreda indicated that he did. *Compare* CC-Exh. 3 at 4-5 *with* EG-Exh. 11 at 54. Perhaps the expert's data is better, but it would not support their position regarding intent if Mr. Poreda thought he was balancing population based on EDR data when, in fact, the districts became more out of balance looking at a different data set.

Thus, the Court concludes that from this record, there is insufficient evidence of impermissible intent to show substantial likelihood of success on the merits.

C. Irreparable Harm

The Executive and Florida House Defendants do not dispute the notion of irreparable harm. Plaintiffs cite cases for the notion that irreparable harm is per se when there is a constitutional violation. *Bd. of Cnty. Commissioners, Santa Rosa Cnty. v. Home Builders Ass'n of W. Fla., Inc.*, 325 So. 3d 981, 985 (Fla. 1st DCA 2021) ("[T]he law recognizes that a continuing constitutional violation, in and of itself, constitutes irreparable harm.") (citations omitted). The Florida Senate argues that because Plaintiffs' right to vote is not at issue, the precedent they cite is not as relevant in a map-drawing case. The Court need not decide that issue at this stage given the other points raised and decided.

D. Adequate Remedy at Law

Like the last prong, Defendants do not dispute that there is a lack of adequate remedy at law. Indeed, to the extent Plaintiffs show constitutional injury, they cannot be compensated through money damages.

E. Balance of Hardships and the Public Interest

Even if Plaintiff had established all of the other elements, the balance of hardships and the public interest weigh heavily against the issuance of an injunction. Stability before elections promotes "[c]onfidence in the integrity of our electoral processes," which "is essential to the functioning of our participatory democracy." *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006). While the

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growth, as you were making decisions drawing the maps, was there any consideration to adding another Congressional district?").

Court views *Purcell* as more of a federal prudential policy of restraint for federal courts not throwing state elections into disarray, it is a common-sense and sound principle.

However, the Florida Supreme Court also recognizes that "[t]o undertake to interfere with the election process at this late date, even if a clear legal right were shown, would result in confusion and injuriously affect the rights of third persons." *State ex rel. Haft v. Adams*, 238 So. 2d 843, 845 (Fla. 1970); *see also State ex rel. Walker v. Best*, 163 So. 696, 697 (Fla. 1935) ("it is now too late for the town clerk to effectively and legally carry out the commands of the alternative writ, as the election has been called . . . is only fifteen days off").

The election machinery of the state is already underway. CB-Exh. 14. Similar to the town election in *Walker v. Best*, it is more difficult for the much larger ship of statewide elections to change directions at this juncture. The primary is less than three months away, and the general less than six months. The public interest weighs more in favor of certainty than a haphazard judicial mandate of discarded maps.

V. RULING

It is hereby ORDERED AND ADJUDGED as follows:

A. Plaintiffs' Motions for a Preliminary Injunction are DENIED.

B. This denial of preliminary injunctive relief does not preclude the entry of a final injunction at the conclusion of a trial on the merits.

C. This is a non-final order reviewable under Florida Rule of Appellate Procedure 9.130.

DONE AND ORDERED in chambers at Tallahassee, Leon County, Florida on this 26th day of May, 2026.

JOSHUA HAWKES
Circuit Judge

Copies to:
Parties via e-filing portal

Exhibit 17

From: Davis, Ashley E.
To: SOEList; SOEStaffContacts
Cc: Matthews, Maria I.; Marconnet, Amber
Subject: Congressional Redistricting 2026
Date: Monday, May 4, 2026 1:04:34 PM
Importance: High

External Email Warning

This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's email address (not just the name) as legitimate and know the content is safe. Report any suspicious emails to ETS Security by selecting the Report Suspicious or Report Phish button.

Report Suspicious

Dear Supervisors of Elections,

The Governor has signed into law HB 1D, establishing the congressional districts of the state. Official copies of all congressional map plan files will be posted imminently to the Office of Economic and Demographic Research (EDR) website. You should also preserve the previous congressional map that was in place for the 2022 and 2024 elections, SB 2-C, in case the need to implement it becomes necessary.

We will continue to provide updates and guidance as information becomes available.

ASHLEY E. DAVIS
General Counsel
FLORIDA DEPARTMENT OF STATE
500 South Bronough Street, Suite 100
Tallahassee, Florida 32399-0250
(p): (850) 245-6531
(f): (850) 245-6125

Exhibit 20

Common Cause, et al.)
)
v.) 4:22-cv-109
)
Cord Byrd)
)

TRANSCRIPTION OF VIDEO FILE

HOUSE REDISTRICTING COMMITTEE

FEBRUARY 25, 2022

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

Common Cause v. Cord Byrd
4:22-CV-109-AW-MAF (N.D.Fla.)
Joint Exhibit
JX 0038

FEBRUARY 25, 2022

CHAIRMAN LEEK: The Redistricting Committee will come to order. DJ, please call the roll.

THE SECRETARY: Chair Leek.

CHAIRMAN LEEK: Here.

THE SECRETARY: Vice Chair Fine.

VICE-CHAIR FINE: Here.

THE SECRETARY: Ranking Member Geller.

REPRESENTATIVE GELLER: Here.

THE SECRETARY: Representative Andrade.

REPRESENTATIVE ANDRADE: Here.

THE SECRETARY: Bush.

REPRESENTATIVE BUSH: Here.

THE SECRETARY: Byrd

REPRESENTATIVE BYRD: Here.

THE SECRETARY: Clemons.

REPRESENTATIVE CLEMONS: Here.

THE SECRETARY: Drake.

REPRESENTATIVE DRAKE: Here.

THE SECRETARY: Driskell.

REPRESENTATIVE DRISKELL: Here.

THE SECRETARY: Goff-Marcil.

REPRESENTATIVE GOFF-MARCIL: Here.

THE SECRETARY: Grall.

REPRESENTATIVE GRALL: Here.
THE SECRETARY: Grant.
REPRESENTATIVE GRANT: Here.
THE SECRETARY: Jenne has been excused.
Latvala.
REPRESENTATIVE LATVALA: Here.
THE SECRETARY: Mariano.
REPRESENTATIVE MARIANO: Here.
THE SECRETARY: McClain.
REPRESENTATIVE MCCLAIN: Here.
THE SECRETARY: Omphroy.
Omphroy.
REPRESENTATIVE OMPHROY: (No audible response).
THE SECRETARY: Payne.
REPRESENTATIVE PAYNE: Here.
THE SECRETARY: Robinson.
REPRESENTATIVE ROBINSON: Here.
THE SECRETARY: Rommel.
REPRESENTATIVE ROMMEL: Here.
THE SECRETARY: Sirois.
REPRESENTATIVE SIROIS: Here.
THE SECRETARY: Slosber-King.
REPRESENTATIVE SLOSBER-KING: Here.
THE SECRETARY: Thompson.

REPRESENTATIVE THOMPSON: Here.
THE SECRETARY: Tuck.
REPRESENTATIVE TUCK: Here.
THE SECRETARY: Ex Officio Skidmore.
REPRESENTATIVE SKIDMORE: Here.
THE SECRETARY: Quorum is present, Mr. Chair.
CHAIRMAN LEEK: Thank you, DJ.
Members, a few reminders before we begin. Please silence all electronic devices. And if you're here today to give public testimony, please take time now to fill out an appearance form and turn it into the sergeant staff.
Also, as a reminder, for our members and speakers, please ensure that you turn your microphone on when you are speaking and off when you are finished.
Members, I'm going to kick off today's meeting a little differently than I had planned at the beginning of the week, such has been this week. We had a pause in our congressional redistricting process. We paused our process when the governor voiced an opinion over the legal standards of our maps and requested an

advisory opinion from the Supreme Court regarding CD5, in which we joined.

Once the Court chose not to opine on that request, we immediately resumed our process. We have a lot of work ahead of us today; and before regular session concludes, I want to make sure we are focused.

We received a letter from Ranking Member Geller. I think another letter. One of several. All along, I have encouraged the members to provide feedback and ask questions as we move maps throughout this process. Myself, Chair Sirois, and staff have met with dozens of members from both sides of the aisles, who have brought forth legitimate feedback and questions.

Despite all the fluidity that this process has encountered, I was feeling optimistic and like we had partners who wanted to work collaboratively with us in this process for a landing. This letter shakes my confidence in that.

On Monday, I received a letter from the Ranking Member requesting items that have been discussed ad nauseam on the record. This letter didn't espouse the same genuine concerns that

many of you have provided to us, rather it reiterated questions that have already been before us many, many times, with many, many answers.

I want to stop here, and I want to thank those of you who have engaged in the process. Those of you who have come to us, those of you who have brought your suggestions forth, many of which we have been able to accommodate.

Specifically, I'd like to thank Representative Brown. I would like to thank Representative Woodson. And actually, I'd like to thank the entire black caucus who took the time to meet with us the other day. We have been able to accommodate many, many of your requests, and I appreciate you bringing those genuine concerns to us.

So here's the deal. We're going to knock this out right now. I'm going to directly address this letter because we have a significant amount of work ahead of us today, and I don't want to spend any more time on things that don't bring us closer to the finish line.

Point one of the Geller letter. Your first point asked for functional analysis data.

That's the same data that has been before you, available to you the entire time. You already have it. Check your meeting packet. It's on the desk in front of you, posted to our website, emailed to you last night, and it's also available in our software.

You also asked for us to run a functional analysis on every single district in the map. This question at this point has been raised from the very first Committee meeting. I will tell you again that the partisan analysis of these maps that are not protected districts will lead us down a road to disaster. Stop injecting the partisan nature into this process. Let us do our work.

Let me be clear, the Committee will absolutely not run a functional analysis on every single district in the map. What you're asking us to do sets this Committee and this process up for failure. This has never been done by the House for any map drawn under the Fair District amendments. It would compromise our process, and I repeat, this Committee will not do it.

The second point of the letter. We have hired outside counsel to advise us in this

process because we want the House to be successful, because we want our maps to be upheld, just like it looks like the House map is going to be because we do not want to spend years in litigation. But the reality is we all know the chances of litigation are real.

The House is committed to a legal process, but there are entities that want to see us fail for their own selfish partisan benefit. Our counsel advises us on the legalities of our maps, period. The items you're seeking are not public records retained by the House.

And I want to step back for a second because, as I go through this and I see this come up again, there's something called a consulting expert, something called a testifying expert that many of us lawyers would know. I was standing in my office when I got a call from a reporter. I think it was August.

And the reporter was asking me to comment on the fact that the Fair Districts Coalition had announced that they had planned to file suit on redistricting. We didn't have numbers. We didn't have census data yet. We hadn't drawn the first line, and someone is

declaring that they're going to sue us over maps that have yet to be drawn.

I want to go back to one of the things that Ranking Member Geller has said in this Committee. We all know where we're headed. We all know that this will end up in litigation. That is why it's necessary for the House to retain its work product privilege. So you may not like my answer, but that is the answer. The House has conducted and analyzed the congressional map exactly the same way as the House map, which has gone unchallenged after receiving heavy criticism.

Finally, as it relates to your request for all alternate configurations of the maps, again, a question that I've addressed countless number of times, we have provided to the Committee, the districts that we believe are the best. All members have the exact same ability to draw districts and produce maps. All members have the same ability to come to staff with alternate ideas. And many of you have. Thank you for engaging.

This is not the same as changing a "shall" to "may" in a bill text. Every single

time you move a line means a ripple effect across multiple districts. Besides my amendment today, there has not been a single alternative district configuration produced for consideration during the Committee process, House or congressional, for the last five months.

I want to commend the members that have spent time to understand the maps and to ask questions. That is what this process is all about. So let's stop the political theater. Let's stop focusing on moving pieces across the litigation chessboard, and let's just do our work. With that, I'm moving on to the important business that we have before us today.

I'm not done. I'll call you. I'll call on you at the appropriate time.

You may have noticed the lengthy bill and amendment text for the congressional map and was once again not included in the meeting materials for today's meeting. The bill text reflects the technical census block, block group, and track numbers that comprise each district. These are the exact same districts that are depicted in the printed maps before you. DJ has the printed copy of the bill text, about 300

pages for the Committee's viewing right here at the desk.

To kick things off, I'm going to hand the gavel over to Vice Chair Fine in a second.

Ranking Member Geller, we'll get to you in just a minute in the appropriate order. You'll have all the time that you need to ask questions or debate and respond in any way you'd like. But we're going to make sure we get the work that we actually have to get done today over with first.

So now I'm going to hand the gavel over to Vice Chair Fine.

VICE-CHAIR FINE: Thank you, Mr. Chairman.

Members, up for consideration today we have one bill, it is HB 7503, Establishing the Congressional Districts of the State. And I would again remind everyone, we have a fair amount of time to do this. So everyone should have adequate time to have their questions, answers, and have whatever debate.

I think we did this well the last time when we did state redistricting. Hopefully, we can do this again here.

And with that said, Representative Sirois, you are recognized to present the bill.

REPRESENTATIVE SIROIS: Thank you, Mr. Chairman.

House Bill 7503 contains the congressional map that passed out of Congressional Redistricting Subcommittee last Friday. Chair Leek has offered an amendment to this bill, and I request that we take up the amendment to ensure we're discussing the most updated congressional map, as there have been updates made to it.

VICE-CHAIR FINE: Okay. Representative Sirois has addressed the Committee, are there questions on the bill? Members, we are in questions, and I'm sure you have a lot of questions. I would prefer, although you have the right, I'd prefer that we take up the strike-all amendment so we can get into the proper posture on the correct map. But I will recognize folks if they have questions for Rep. Sirois on the map that we're hoping to amend in a strike-all.

Ranking Member Geller, you are

recognized for a question on the existing map that we're planning to amend.

REPRESENTATIVE GELLER: Has the counsel retained by the House performed any analysis on that map or on the maps that are being offered as an amendment?

VICE-CHAIR FINE: You can ask questions relating to the other maps. I would note that it is my understanding that the amendment, which has two maps effectively, the second map is very similar to Representative Sirois's existing bill. But if you want to ask about the existing bill, I'll allow him to answer that question but not about the amendment until we get to the amendment.

Representative Sirois, would you like to answer that question?

REPRESENTATIVE SIROIS: Mr. Chairman, could you repeat the question, please?

VICE-CHAIR FINE: I'm not going to try that. I'm going to let Ranking Member Geller do that, within the confines of the map that is before us, which again, I think Representative Sirois and Chair Leek intend to amend away anyway.

You're recognized.

REPRESENTATIVE GELLER: My question is whether or not counsel retained by the House has performed any analysis or retained an expert to look at that particular version of the map.

VICE-CHAIR FINE: Chair Leek, I'm going to recognize you to answer that question.

CHAIRMAN LEEK: Yeah. That same question was asked and answered in the prior Committee stop. And because we're now wasting time on a map that's going to be amended out of this bill, I would recommend that we move on. But that question has certainly been asked and answered, and I know you know the answer to it.

REPRESENTATIVE GELLER: Well --

VICE-CHAIR FINE: Would you like a follow-up, Ranking Member Geller?

REPRESENTATIVE GELLER: If can respond to that, since I was addressed directly. With all deference, I was not in the prior Committee, the congressional subcommittee. I'm not a member of that committee. I didn't attend it, so saying that some other committee talked about it does not really go to my question.

But my question does go to the

statements that you made earlier. And I guess what I'm really trying to find out, first of all, was did counsel analyze it? I'll ask the same question about the amended maps when they're in front of us. But as to the existing one, did counsel analyze it? Did they retain an expert? Did the expert provide an opinion?

VICE-CHAIR FINE: Rep. Geller, I'm going to let you ask one question at a time. So if you want to ask --

REPRESENTATIVE GELLER: We'll stop with that on. That's fine.

VICE-CHAIR FINE: That was three. I'm relatively good at math.

REPRESENTATIVE GELLER: Okay. Then let me --

VICE-CHAIR FINE: So you can ask one question.

REPRESENTATIVE GELLER: I'll be happy to rephase it.

VICE-CHAIR FINE: And then you can ask a follow-up. You're recognized.

REPRESENTATIVE GELLER: The question is: Did counsel analyze it --

VICE-CHAIR FINE: Okay. You've asked a

question.

REPRESENTATIVE GELLER: No. I'm not done with that question, sir.

VICE-CHAIR FINE: Nope. There was a question mark after that.

REPRESENTATIVE GELLER: Did counsel analyze it --

VICE-CHAIR FINE: I'm going to move.

REPRESENTATIVE GELLER: -- retain an expert --

VICE-CHAIR FINE: Okay. I'm going to move on. We're going to be done with this. You can ask one question that ends with a question mark. I will recognize someone to answer it. If you're going to ask three or four again, we're going to be done and we're just going to move on to the amendment.

Would you like to ask one question? I'll ask more, but we're not going to do a three-minute soliloquy with 47 questions for Chair Leek. If you have a question, you can ask it. You're recognized to ask a question. Last chance --

REPRESENTATIVE GELLER: I promise it will not be a three-minute soliloquy --

VICE-CHAIR FINE: All right.

REPRESENTATIVE GELLER: -- with 47 questions. My question is: Did counsel analyze it or --

VICE-CHAIR FINE: That's a --

REPRESENTATIVE GELLER: -- or retain an expert who performed an analysis?

VICE-CHAIR FINE: Okay. Chair Leek, you're recognized to answer the question.

CHAIRMAN LEEK: The question is moot, Vice Chair, as this map's about to be amended away.

REPRESENTATIVE GELLER: I'm sorry, sir, but this map is still -- my understanding is --

VICE-CHAIR FINE: Ranking Member Geller, you don't have --

REPRESENTATIVE GELLER: No. Excuse me, sir, point of order.

VICE-CHAIR FINE: Yep.

REPRESENTATIVE GELLER: Point of order.

VICE-CHAIR FINE: What's your point?

REPRESENTATIVE GELLER: I cannot be told that I can't ask about the maps that are about to be introduced because they're not in front of us yet and simultaneously be told I can't ask about

the map that is in front of us because the amendment hasn't occurred yet. One or the other, sir.

VICE-CHAIR FINE: Rep. Geller, what I would say is you've asked a question about the map. Chair Leek has answered the question. I don't think you find his answer satisfactory, and that is your right. But he has asked a question about the map in front of you. And to --

REPRESENTATIVE GELLER: No, sir. The question --

VICE-CHAIR FINE: No. You don't like his answer. I'll recognize you for another follow-up on the map that is before us now. I would again note, it's Friday afternoon, many of us want to go home, and we're asking questions about -- I'm missing my son's first track meet. To lighten the mood, I can't understand why my son wants to be in a track meet, since he's my son. But you know, despite that, if you want to ask questions about a map that I believe the sponsor is hoping is amended, you can do that. So I'm going to recognize you for a question on this exact map.

REPRESENTATIVE GELLER: Thank you,

Mr. Chair.

And let me say that since we were to meet yesterday and it was postponed not because of me or anyone else, that to say, oh, now it's Friday, is not really appropriate. Now is when the Committee has decided to call the meeting.

My question is: Did counsel perform an analysis of the map that is before us or retain an expert to perform such an analysis?

VICE-CHAIR FINE: Okay. That question has been asked and answered. You don't like Chair Leek's answer. I understand that, but he's asked that question. So since you're asking the same question again and again, you all will remember, I had a three-word answer to this question before on the floor last year, I don't want to say it again in this room. We're going to move on.

REPRESENTATIVE GELLER: Sir, if I might?

VICE-CHAIR FINE: Yes.

REPRESENTATIVE GELLER: Being told my question is moot and will not receive an answer is not asked an answer.

VICE-CHAIR FINE: I did not say it -- well, okay. That wasn't what I said.

REPRESENTATIVE GELLER: No. So you said I got an asked and answered. "The question is moot" is not an answer.

VICE-CHAIR FINE: I think --

REPRESENTATIVE GELLER: It's a punch line from a TV show.

VICE-CHAIR FINE: Chair Leek is entitled to answer the question however he sees fit and that's how he chose to answer the question. Okay. We're going to move on.

All right. We are going to take up our first amendment. It's amendment barcode 258203 by Chair Leek. This is going to take a little bit of time.

As a reminder, we are holding questions until the end of the amendment presentation to ensure we have time to get through an explanation of the entire state and no one region is rushed.

So Chair Leek, you are recognized to explain the amendment.

CHAIRMAN LEEK: Thank you, members. We're going to focus on the substantive work in front of us now. And I'm going to go through some high-level items first, and we'll then explain the structure of the amendment and the

changes that were filed last night. Again, this is a strike-all, so this will replace everything that was before you initially.

Representative Sirois will also be helping me to explain those changes throughout the map. The Florida Legislature is directed to redistrict every ten years following the decennial census to account for growing and shifting population across Florida. A decade ago, the Florida House's process and methodology for drawing maps was allotted by the Florida Supreme Court. And I'd like to read a quote from the 2012 ruling.

"A review of the House plan in the record reveals that the House engaged in a consistent and reasoned approach, balancing the two-tier standards by endeavoring to make districts compact and as nearly equal in population as possible and utilizing political and geographical boundaries were feasible by endeavoring to keep counties and cities together where possible. In addition, the House approached the minority voting protection provision by properly undertaking a functional analysis of voting strength in minority

districts."

As I mentioned earlier, this Committee has undertaken several months of education in order to understand the redistricting process and uphold the high bar that was set for this chamber last decade. Last week, the Congressional Redistricting Subcommittee passed map H000C8011, what is now HB 7503, which proposes congressional districts that will be used on election cycle starting in 2022. Today, we will walk through an amendment to HB 7503 that has two maps. And I'll explain that further here in a few minutes.

As I mentioned earlier, this map has been drafted exclusively by Committee staff with the advice of legal counsel based on the data from the 2020 census and to be in alignment with the Florida Constitution, state and federal law, as well as court precedent.

Members, I want to make sure each of you has a map packet in front of you. This contains a printout of the proposed map itself, the statewide snapshot of statistics, the functional analysis data for our six protected minority districts, a list of county shares of population, a list of city splits, and finally, the boundary

analysis report. These items will be referenced throughout the presentation today, so please feel free to refer to your packet as needed. This packet is also available on our subcommittees webpage on myfloridahouse.gov.

Now, let's talk about the structure of the amendment before we segue into its specific contents. This is new, and I want to take time to explain. This amendment contains a primary map, H000C8017, that addresses concerns about the shape of Congressional District 5 by creating a more compact North Florida district that will enable minority voters to elect the candidates of their choice. We believe this solution creates a singular exception to the diminishment standard.

The amendment also contains a secondary map, H000C8015. The legislature knows it's legally compliant under the current law and keeps the previously proposed configuration of District 5. Outside of the districts impacted by the change to District 5, the structure of both maps is exactly the same throughout the rest of the state.

The amendment also includes other adjustments that have been made, the same in both

maps, to bring us more in alignment with our Senate partner so we can bring this process in for landing prior to the conclusion of the regular session. I want to emphasize that. Prior to the conclusion of the regular session.

So why two maps and one amendment, you may be asking. The primary map was put forward as a way to address the novel legal theory raised by the governor, while still protecting a black minority seat in North Florida. If this configuration of CD5 and the primary map is struck down by a court, the secondary map is postured to take immediate effect and contains a district configuration similar to the benchmark district.

I know this has a lot to take in. I acknowledge these maps look visually different, even having two maps is a unique setup. However, we are faced with a unique situation, and this is the House attempt at continuing to protect the minority group's ability to elect a candidate of their choice, addressing compactness concerns, and working to make sure we bring this process in for a landing during the regular session.

And perhaps most importantly, we want to

make sure all Floridians have clarity and finality, going into our upcoming election cycle with where our map stands. Now let's dive into the details of the primary map, and we'll walk through the secondary map after that.

Here's an overview of the primary map. Let's first look at the map as a whole. When compared to the benchmark congressional map, the new map of new proposed congressional districts has several points of improvement throughout tier 2 standards. When looking at a statewide average of each district's compactness scores, we have been able to recreate compact districts that improve on our benchmark metrics even after the addition of the new congressional district.

The proposed map statewide average compactness scores are a Reock score of 0.48, a Convex-hull score of 0.82, an Polsby-Popper score of 0.42. Where feasible, we also worked to improve visual compactness of districts or the eyeball test, such as being able to keep Polk County wholly within a single congressional district. When looking at the number of counties splits, we've kept similar to the benchmark map with 18 counties split last decade and only 18

counties split this decade.

The ideal population for this decade's congressional districts after adding the 28th district is 769,211 people. The overall deviation range is the same as it was last decade, with 27 districts being the exact ideal population and one district having a single person less than the ideal population. We also are proudly able to improve the number of cities split in our proposed map. In the benchmark map there were 39 cities split. In the PCB that passed last week, there were 27 cities split.

In today's amendment we've been able to decrease that to just 17 cities split. This proposed congressional map also allows a district to be placed wholly within each of Florida's top six largest counties, Miami-Dade, Broward, Palm Beach, Hillsborough, Orange, and Duval respectively. The proposed map is inclusive of three protected black districts and three protected Hispanic districts. This is the same number of protected districts as found in the benchmark map.

All six of these protected minority districts have had an individual functional

analysis conducted. And in performing this analysis, we can confirm each district will be a solidly performing district as under the benchmark map. And we will continue to provide minority voters with the ability to elect candidates of their choice and the equal opportunity to participate in the political process.

These districts are also drawn in a consistent manner, with respect to the Florida Supreme Court precedent, to maintain existing majority-minority districts. As we move throughout the map, I will highlight these districts as well. All of our districts consist of contiguous territory. And as I'm sure you're aware, the Committee has also implemented safeguards in order to ensure that we do not draw districts with the intent to favor or disfavor a political party or an incumbent.

Now that we've looked at the statewide overview, let's begin to review each region of the state. I'm going to hand it over to Representative Sirois to walk through each region.

VICE-CHAIR FINE: Representative Sirois,

you're recognized.

REPRESENTATIVE SIROIS: Thank you very much, Mr. Chairman. Thank you, Chair Leek. Good afternoon, members. Let's start with Congressional Districts 1 through 5.

Starting in the Panhandle, Congressional District 1 has the entirety of Escambia, Santa Rosa, and Okaloosa County. Walton County is then split as Congressional District 1 achieves the equal population threshold here.

Again, members, for congressional maps equal population for each district is plus or minus one person. And for the purpose of the boundary between District 1 and 2 primarily uses State Road 83 for the majority of its length, except where it deviates to ensure that the municipalities of Freeport and DeFuniak Springs are kept whole, with Freeport within Congressional District 1 and DeFuniak Springs in Congressional District 2.

Congressional District 2 and three 3 two of the districts that are affected by the changes we've made to Congressional District 5. Both Congressional District 2 and Congressional District 3 are compact districts that are made up

almost entirely whole counties, except where both districts need to add the necessary population to achieve equal population. Those districts that are split for this purpose are Lafayette and Marion Counties. However, Congressional District 3 contains the entire city of Ocala in Marion County.

These two districts alone contain 25 whole counties throughout the Panhandle and the Big Bend regions. Congressional District 4 contains all of Nassau and Clay County, along with the remaining part of Duval County that is not included in Congressional District 5, which I'll talk about more shortly. This leaves the district approximately 234,000 people short of the population needed for a congressional district.

So the district includes part of St. Johns County for population equality and to create a more compact district shape in the region. The part of the district in St. Johns County keeps all of St. Augustine and St. Augustine Beach within the district, and all the other municipalities in St. Johns County remain whole. The most striking visual

difference in this new configuration of the map is Congressional District 5, which is now wholly within Duval County.

Duval County itself is too large for a single congressional district and, therefore, has to be split. This district faithfully adheres to all tier 2 principles. This new district configuration creates a very compact district that utilizes the Duval County line for much of its boundary as well as I-295 and many other major roadways, while keeping this district within Duval County.

It also has compactness scores above the statewide averages for compactness, a Reock score of 0.51, a Convex-hull score of 0.91, and a Polsby-Popper score of 0.49.

The configuration of this district, although very visually different than the benchmark district, is still a protected black-performing district. There is a reduction in voting-age population; however, our functional analysis concludes that this is a reliable performing district.

We believe this configuration balances the feedback we've been perceived dealing with

the compactness of current Congressional District 5 and still protects the minority voting group of this district and helps to ensure the citizens of Florida have an enforceable congressional map before the fast approaching 2022 election cycle.

Congressional District 6 through 11 and 16. Moving south, Congressional District 6 is created in a circular compact shape that is tied for the highest Reock score of any district in the map at 0.71. It does this by keeping Flagler and Putnam County wholly within it, while including the southern part of St. Johns County, as well as parts of Volusia, Lake, and Marion Counties.

The oddly shaped flags of Lake and Volusia Counties are absorbed by this compact district, while also keeping every municipality and these counties whole, with the exception of Port Orange and Volusia County, which is split between District 6 and 7 to achieve equal population.

Because Congressional District 6 was created with such a compact shape, it left about 212,000 people in Volusia County without a district. So that population is included in

Congressional District 7, which also includes the entirety of Seminole County. Within Volusia County, Congressional District 7 primarily uses municipal lines keeping Debary, Deltona, Orange City, and Lake Helen whole.

District 7 is then left approximately 85,000 short of the ideal district population, and it continues south into Orange County to get this remaining population. Congressional District 8 includes all of Brevard and Indian River Counties, which leaves the district about 2,800 people short of the population needed for a district. In order to achieve the population equality required for congressional districts, the remaining population is added to Congressional District 8 by going north into Volusia County along I-95 and then including the entire municipality of Oak Hill and it's 1,986 people keeping it whole.

Congressional District 9 contains the entirety of Osceola County, which was the fastest-growing county in the state this past decade. The district includes part of Orange County following almost entirely primary roadways such as State Road 50, known as Colonial Drive;

State Route 436, known as Boulevard; and U.S. 441, known as Orange Blossom Trail; as well as others before using the Orange County line as well.

This compact tier 2 compliant district also happens to be a new majority-minority Hispanic district reflective of the Hispanic growth in this region.

Congressional District 10 is kept wholly within Orange County, similar to the benchmark map where a district is kept wholly within the county. After receiving feedback on this district, adjustments were made to align it closer to the district that exists in the benchmark map, as well as to -- excuse me. Let me go back, members, to clarify. I want to restate that.

After receiving feedback on this district, adjustments were made to align it closer to the district that exists in the benchmark map as well as to the proposal by our Senate partners. We accomplished this by bringing its western border all the way to the Orange County line, which enabled us to keep the municipalities of Edgewood, Belle Isle,

Eatonville, Maitland, Winter Park, Ocoee, Winter Garden, and Oakland whole within the district, while at the same time improving to have three mathematical compactness measures for the district bringing the Reock score to 0.50, up from 0.35 in the previous version of the district; and the Polsby-Popper score to 0.39, up from 0.35.

Congressional District 11 has the remaining population in Orange County, which is about 194,000 people, and goes west to include the majority of Lake County, all of Sumter County, and part of Marion and Citrus County where it achieves equal population.

Congressional District 16 keeps Polk County hole in this map. This is an improvement from the benchmark map where Polk County was divided in between three districts. Population growth this decade made this possible and is approximately 44,000 people shy of the ideal population of a congressional district. Pairing Polk County with a small part of Eastern Hillsborough County achieves the necessary population needed for the population of a congressional district while creating a very

compactly shaped district.

Moving on to Congressional Districts 12 through 15. Now looking at Congressional District 13 in the Tampa Bay area, which is kept wholly within Pinellas County. Its northern boundary follows the municipal lines of the cities of Dunedin, Clearwater, and Safety Harbor to enable every city within Pinellas County to remain whole. Because Pinellas County has more people than can fit into a single congressional district, this configuration of Congressional District 13 enables connecting the remaining portion of the county overlay into another county rather than over water.

Congressional District 12 is the entirety of Hernando County, the remainder of Citrus County, part of Pasco County, which is divided primarily along U.S. Highway 41, State Road 54, and the Suncoast Parkway, as well as the portion of Northern Pinellas County, not already included in Congressional District 13.

Congressional District 14 is located wholly within Hillsborough County. Its boundary follows primary roads Hillsborough Avenue, Busch Boulevard and I-4 for its northern border, State

and County Road 39 on the east side, and County Road 672, Balm Road and Big Bend Road on the southern side.

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

Moving on to Congressional Districts 17 through 19. Congressional District 17 is the last of the four districts that have part of Hillsboro County. This district actually has the exact amount of people in Hillsborough County, 112,723 people, so that exactly 12 districts make up all the remaining population in the counties to the south of the Polk, Osceola, and Indian River County line. This ensures that no other district has to cross these county lines and keeps the counties to the east whole.

Congressional District 17 then incorporates all of Manatee County and approximately 250,000 people in Sarasota County to complete its population. Every city in Sarasota County is kept whole with Congressional

District 17 utilizing the Venice municipal line for part of its southern border.

The remaining part of Sarasota County, along with six entire counties, Hardee, DeSoto, Charlotte, Highlands, Okeechobee, and Glades County, make up the majority of Congressional District 18. This leaves the district about 192,000 short of the ideal population, allowing it to cross into Lee County to acquire this remaining population using primarily the Caloosahatchee River, State Road 82, the Fort Myers municipal line, and other roadways.

Congressional District 19 connects the rest of Lee County with Collier County using primarily I-75, U.S. 41, and Collier Boulevard, creating a very recognizable boundary with the county, except where it deviates to achieve equal population.

Moving on to Congressional Districts 20 through 23 and 25. Congressional District 20 is a performing majority-minority black district that was recreated similar to the benchmark district that connects population in Palm Beach County to population in Broward County. As noted before, the functional analysis on this district

conducted by staff ensures the minorities' ability to elect does not diminish.

This decade, we were able to create this district in such a way that respects more major roadways in the area, such as U.S. 441, I-95, and the Florida Turnpike, and keeps more cities whole, keeping the cities of Lake Park, Margate, Tamarac, and others wholly within it, which were split a decade ago.

Congressional District 21 includes all of St. Lucie and Martin counties and includes just over 280,000 people in Palm Beach County in order to achieve equal population for this district. The district boundary follows a railway in the northern Palm Beach County to Okeechobee Boulevard, where it borders Congressional District 20 before going out to the coast, using the Palm Beach inlet to complete its southern border.

Congressional District 22 is kept wholly within Palm Beach County. Its boundary extends north through the Palm Beach inlet to meet Congressional District 21, before heading west to include the entire city of Wellington, creating the rounded point of the western side of the

districts.

It then uses the Loxahatchee National Wildlife Refuge to continue south until it gets the population necessary for a district without splitting any other city in Palm Beach County. It uses the Boca Raton and Highland Beach City municipal line for much of its boundary in this area.

This leaves approximately 200,000 people in southeast Palm Beach County that is then included in Congressional District 23. This district then connects this population with Broward County utilizing many municipal lines in this area for the boundary line, keeping the city of Coral Springs, Coconut Creek, and many others whole within Broward County.

Congressional District 25 is kept wholly in Broward County, giving Broward County a congressional district wholly within the county for the first time since the 1980 redistricting cycle. The district utilizes as many major roadways as possible, such as I-75, the Sawgrass Expressway, the Florida Turnpike, I-95, Davie Boulevard, Sunrise Boulevard, among others.

It also uses municipal lines of Weston,

Southwest Ranches, Pembroke Pines, Miramar, and Hallandale Beach, as well as the Broward/Miami-Dade County line on the southern side of the district.

Within these five districts, several adjustments were made to improve visual compactness, improve the boundary analysis scores, as well as keep more municipalities whole. One specific example of those changes is shown here. In the previous version of the map, the city of Royal Palm Beach was split between three districts. In this new map, an adjustment was made so that is now wholly within Congressional District 20.

Members, Congressional District 24 is a performing black district. As noted earlier, the functional analysis on this district conducted by staff ensures the minority group's ability to elect is not diminished. This is the only district that crosses the Miami-Dade/Broward County Line, which is an improvement over the benchmark map that had two such districts.

This district also includes many whole cities within Miami-Dade County, including Aventura, North Miami, Biscayne Park, Miami

Shores, Miami Gardens, Opa-locka, and others, and uses many other major recognizable roadways in the area as possible. This is another district that we heard some great feedback on by members regarding Miami Gardens and Opa-locka. Similar to our Senate partners, we have now been able to keep these two municipalities whole within Congressional District 24.

Moving on to Congressional Districts 26 through 28. Congressional Districts 26, 27, and 28, are all performing majority-minority Hispanic districts where the functional analysis on each district individually was conducted by staff, ensures the minority group's ability to elect is not diminished.

Congressional District 26, similar in shape to the benchmark map, connects part of Collier County, not including in Congressional District 19, with population in Hendry County, as well as Miami-Dade County using the Collier, Broward, and Miami-Dade County lines, as well as I-75, U.S. 41, the Tamiami Trail, and the Dolphin Expressway. It additionally shares a boundary line with the Congressional District 24 line in the eastern side of the district.

This district includes the municipalities of Hialeah, Hialeah Gardens, Medley, Doral, and Miami Lakes in their entirety.

Representative Latvala, did I pronounce that correctly?

REPRESENTATIVE LATVALA: (No audible response).

REPRESENTATIVE SIROIS: Our adjustments to Congressional Districts 27 and 28 mirror those of the districts that were in the map approved off the Senate floor. We were able to include these districts in this way as we try to bring this process in for a landing as soon as possible.

Congressional District 27 uses the Dolphin Expressway and the Florida Turnpike for the vast majority of its boundary line on its northern and western sides, while using the Cutler Bay municipal boundary along its southern border, creating a very compact district wholly within Miami-Dade County with a very high Reock score of 0.71.

Congressional District 28 includes all of Monroe County and then connects with the remaining population in southern Miami-Dade

County using U.S. 41 and the Florida Turnpike as its primary boundary lines in Miami-Dade County. The municipalities of Sweetwater, Florida City, and Homestead are whole within the district.

And I'd like to highlight a couple of technical changes. Along with the changes we've already highlighted, staff made other technical changes in the map by adjusting lines to improve the visual shape of the districts, clean up roadblocks, or make small adjustments to improve the mathematical compactness of districts.

Two examples are included here. Now using I-75 as the major roadway between Districts 17 and 18, on the left and following the cleaner railway as a boundary line between Districts 12 and 15 on the right.

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Thank you.

Members, I want to pause for a second and refocus before we move on to our secondary map. What we just heard described by Representative Sirois, was a description of the primary map that is part of this amendment. As I mentioned before, the secondary map that we are

about to segue into would only take effect should CD5 and the primary map be struck down by a court.

The secondary map is labeled H000C8015. The structure of this map is exactly the same as the primary map except for six districts that are impacted by the changes to CD5. The other 22 congressional districts are identical to the districts in the primary map. For everyone's sanity, in this next presentation, we are only going to walk through those districts that are different than the primary map.

All right. Let's begin. Overall, this map splits 20 counties, which is the same as the map that passed our subcommittee last week. It now only splits 18 cities, an improvement of nine cities when compared to the previous version of this map. There were also improvements made in the overall mathematical compactness score and in the boundary analysis. The mathematical compactness scores are now Reock, 0.45; Convex-hull, 0.80; and Polsby-Popper at 0.40.

So even though this is our secondary map, it is still an improvement over the map that passed through the subcommittee with the same

methodology being applied for the improvements. And similarly, this map still maintains three protected black districts and three protected Hispanic districts.

I'd now like to hand it back over to Representative Sirois to take us through the differences in the secondary map from the primary map.

VICE-CHAIR FINE: Rep. Sirois, you're recognized to explain the secondary map.

REPRESENTATIVE SIROIS: Thank you. Thank you, Chair Leek.

The changes to Congressional District 5 impact an additional five districts, Districts 2, 3, 4, 6, and 11. Let's start with Congressional District 5. The configuration of this district is very similar to the map passed out of the subcommittee and has had slight changes made to bring it more in alignment with our Senate partners and improve our boundary analysis metrics.

It still of course remains a protected black district as well. Additionally, we have been able to equalize our population in Leon County, which prevents Congressional District two

from having to split Marion County to find the remainder of its population. This is a combination of both the House and Senate configurations of this district with the additional benefit of not splitting Lake City in Columbia County.

Segueing back to Congressional District 2. This district is made up mostly whole of whole counties. It contains 15 whole counties along with the remaining portion of Walton County not contained within Congressional District 1 and the parts of Leon, Jefferson, and Columbia County that are not in Congressional District 3. Its eastern boundary is the county lines of Levy, Gilchrist, and Columbia Counties.

Congressional District 3 is made up of five whole counties: Alachua, Bradford, Union, Clay, and Putnam Counties. It then splits Marion County for its remaining population, while keeping the city of Ocala wholly within it, creating a very compactly shaped district, similar to the current Congressional District 3.

Congressional District 4 has all of Nassau County along with the remaining part of Duval County that is not included in

Congressional District 3. This leaves the district approximately 213,000 people short of the population needed for a congressional district. So the district must continue south into St. Johns County for population equality.

In doing so, it is able to keep all of St. Augustine within the district, and all of the other municipalities in St. Johns County remain whole. This district configuration is similar to the current district.

In an effort to impact as few districts as possible with regard to the primary map, Congressional District 6 uses the same boundary line with Congressional District 7 in Volusia County, while including all of Flagler County and a part of St. Johns, Lake, and finally, Marion County. This district helps absorb the uniquely shaped parts of Lake and Volusia Counties to create a compact district for this area.

Congressional District 11 is very similar to the district in the primary map as it adds the remaining population in Orange County, which is about 194,000 people, and goes west to include the majority of Lake County, all of Sumter County, and part of Marion and Citrus

County, where it achieves equal population.

The final slide shows all the remaining districts throughout the state that are unchanged between the two maps. The gray area represents the area of the six districts impacted by the changes to Congressional District 5, where the changes occurred.

And that, Mr. Chair, are both maps in the amendment.

VICE-CHAIR FINE: Thank you for the presentation of the amendment.

Members, are there any questions on the amendment? Are there any questions?

Mr. Representative Driskell, you're recognized for a question.

REPRESENTATIVE DRISKELL: Thank you, Mr. Chair. I have a lot of questions, actually.

VICE-CHAIR FINE: Well, you're welcome to ask them, but one at a time.

REPRESENTATIVE DRISKELL: Okay. Thank you. So I know, as we've been going through this process, we talk a lot about the methodology that we've used and that we have to make sure that they're compliant with tier 1 and tier 2 criteria in the Constitution. So looking at the primary

map, could you identify the districts where those criteria were in tension with one another?

VICE-CHAIR FINE: I'm sorry, can you identify those criteria where what? I just didn't hear the end of the question.

REPRESENTATIVE DRISKELL: Yep. Sure. So we've got methodology that we have to follow, tier 1 and tier 2. We have to look at those criteria. And when they're in tension with one another, you have to --

VICE-CHAIR FINE: Oh, "in tension." Okay.

REPRESENTATIVE DRISKELL: Yes.

VICE-CHAIR FINE: Or in conflict, I understand.

REPRESENTATIVE DRISKELL: Sorry. Probably did not articulate that, enunciate it clearly enough. And when they're in tension with one another, you have to reconcile or harmonize or prioritize them. And so, in trying to make sure that we did that, I just want to identify like were there any districts --

VICE-CHAIR FINE: I understand.

REPRESENTATIVE DRISKELL: -- where those criteria were in tension, and if so, can we

identify them?

VICE-CHAIR FINE: Two words, in tension as opposed to an intention. So I understand.

REPRESENTATIVE DRISKELL: In tension. Yes.

VICE-CHAIR FINE: Chair Leek, you're recognized to answer the question.

CHAIRMAN LEEK: Thank you. I'll do the best I can with it.

And Representative Driskell, I want to thank you again for all of your work on this and engaging in the process.

So as I think we know, there's tier 1 and tier 2. Each of the pieces of tier 1 are in tension with the other pieces of tier 1, so one doesn't get priority over the other.

REPRESENTATIVE DRISKELL: Right.

CHAIRMAN LEEK: Same thing with tier 2. So there is no tension between tier 1 and tier 2. There is tension between each of the categories within each tier, and that tension happens in every district.

VICE-CHAIR FINE: Okay. You're recognized.

REPRESENTATIVE DRISKELL: Thank you, Mr.

Chair.

So then how did the Committee staff -- I'm presuming Committee staff -- resolve the times where they had tension? What policy decisions were made to resolve the tension in the districts set out in the primary map?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Thank you.

I don't think there's any way to answer that question as asked. If you look at the maps in front of you, you can see where a railway was chosen over a road, or you can see where a waterway was chosen over a county line. That's the best I'm going to be able to do with that question as it's asked.

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE DRISKELL: And was the same methodology used throughout both maps, both the primary and the secondary map?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Yes.

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: And by the way, I'll do this the same way I did the state redistricting map. So if people want to ask a few questions, take another bite at the apple, it won't get held against you if you want to round robin. And so you don't have to know all your questions right now. So feel free to keep going, but this isn't your only shot. So you're recognized for another question.

REPRESENTATIVE DRISKELL: Thank you, Mr. Chair.

So I know in dealing with the state House maps, it seemed like we relied primarily on census data. But for purposes of the congressional maps, did we use more than census data?

VICE-CHAIR FINE: You're recognized.

CHAIRMAN LEEK: We relied primarily on census data again.

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE DRISKELL: So no secondary data was used?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: The process that we use in the congressional maps is the exact same process that we used in the state maps.

REPRESENTATIVE DRISKELL: So to be very clear --

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE DRISKELL: I probably didn't ask that clear enough. So was only census data used in preparing the primary and secondary congressional maps?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: There's a lot more that goes into that. So what I'm having trouble with is confining it to "only census data," because we used a lot of member input as well. There's also elections data and performing a functional analysis. So to state that it's "only census data," I think would be inaccurate.

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: Rep. Driskell, you're recognized if you want to couple more, or do you want to take a break?

REPRESENTATIVE DRISKELL: No. I want to I want to follow up on that thread to just make

sure that we get absolute clarity.

Was there anything other than census data, member input, I think you said political data, that was used?

VICE-CHAIR FINE: You recognized.

CHAIRMAN LEEK: I said elections data.

REPRESENTATIVE DRISKELL: Oh, elections data. I apologize.

CHAIRMAN LEEK: You know, the only data used was the data that we are permitted to use. Now, I don't want to get in a situation where we're quibbling whether this was member input or communities of interest or those types of things because sometimes member input crosses over into arguments about communities of interest or, you know, whether tier 2 standards are being met. Is it appropriate to use this road, is it appropriate to use this highway, et cetera.

So I'm having trouble confining it to a single set of lists, which I know we, as lawyers, like to get a single set of list. I can't do that for you. But the only information that was used was information that is appropriate in drawing maps.

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE DRISKELL: Yes. So let's talk about those six districts where we receive the performance data for. And I know we've gone through this with the House maps too. Could you talk about the process for the congressional maps for how we selected those six districts that were identified as protected districts?

VICE-CHAIR FINE: You're recognized, Chair Leek.

CHAIRMAN LEEK: It was the exact same process that we use for the state maps.

VICE-CHAIR FINE: Follow up?

REPRESENTATIVE DRISKELL: Yes.

So just to get clarity because it's been a couple of weeks since we had that meeting. So that means that we looked at the BVAP scores, and I believe that was the primary metric that we use for purposes of the House maps? Oh, and HVAP. Sorry. Yes.

CHAIRMAN LEEK: Yeah, thank you. No. That would be inaccurate. So you have to look at the process as a whole. You take the benchmark maps. You layer on top of it the 2020 census data. You'd look at the benchmark. Then you

perform a functional analysis, and it could be BVAP, HVAP. Could also be election data. It could be a number of different things that go into a functional analysis.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE DRISKELL: I had another question about Tampa Bay, in the area where I represent. So the old Congressional District 15, actually, the way that is in the benchmark map actually is designed to be -- I know we don't identify it as protected, but it is thought of, at least back home, as like a black district or a district where there are a lot of black voters who could elect the candidate of their choice, even though their candidate of their choice happens to be non-black.

I guess my question is: Did the Committee staff take a look at that district and make a decision about it, that, no, it doesn't look like it could be a black district, and is it possible to take another look at that one?

VICE-CHAIR FINE: Representative Sirois, you're recognized to answer that question.

REPRESENTATIVE SIROIS: Thank you, Mr. Chairman.

Congressional District 15 in the benchmark map is not presently a protected district.

REPRESENTATIVE DRISKELL: To follow up, my question was: Can we take another look at that one?

VICE-CHAIR FINE: Representative Sirois, you're recognized.

REPRESENTATIVE SIROIS: Thank you, Mr. Chairman.

No. The functional analysis process that occurs on the benchmark map is to make sure that protected districts have been properly identified in the benchmark map.

VICE-CHAIR FINE: I'm going to recognize our staff director, Ms. Kelly --

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: -- to add a little more color on that.

STAFF DIRECTOR KELLY: Thank you, Mr. Chair.

And I'll just piggyback off what Rep. Sirois had said. So if you'd like to stop by, you know, we can take a look at that. And I will piggyback off of what Chair Leek had said

originally as well.

Going into additional functional analysis on districts that aren't protected may lead us down a path of having information that would potentially lead to improper intent behind the decisions we're making. So we would not analyze that district normally because it was not a performing district in the benchmark map. So again, I know that was kind of a combination of what they said, but just to help clarify. Thank you.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE DRISKELL: Thank you, Leda. So that actually is really helpful. So it sounds like, on the benchmark map -- by the end of this, we're all going to be redistricting experts, I hope. On the benchmark map, the functional analysis was performed on all districts to identify which might be protected and CD15 did not rise to that threshold.

VICE-CHAIR FINE: I know the answer to that's no. But Chair Leek, you're recognized to answer the question.

CHAIRMAN LEEK: No. Functional analysis is only performed on the protected districts.

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: Yeah. I'll come back.

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: So Ranking Member Geller, you're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

If I'm not mistaken, I believe, Chair Leek, that you used the phrase "singular exception" when you were discussing, I think it's the primary map, and I think it was the proposed District 5. Would you explain what you mean by "singular exception" and why there is this singular exception? What does that mean?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Thank you. CD5 in the primary map has a reduction in the BVAP, and that's the only place that that reduction has been more than immaterial. That is the singular exception of it. CD5, however, still is a performing district.

VICE-CHAIR FINE: Follow up?

REPRESENTATIVE GELLER: What is the reduction in BVAP in that particular map, that

district?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: It goes from about 43 to about 35 and a half percent BVAP.

REPRESENTATIVE GELLER: Follow up.

VICE-CHAIR FINE: Yep. You're recognized.

REPRESENTATIVE GELLER: What is the effect of that reduction in the functional analysis of the ability of the minority voter population to elect representatives of their choice?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Well, the district still performs, so the answer is none.

VICE-CHAIR FINE: Yep. Follow up.

REPRESENTATIVE GELLER: Okay. Thank you, Mr. Chair. My ears play tricks on me. Did you say the districts still perform so the answer is there is no effect of that reduction?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Yeah. The question that

you asked was: What affect would it have on the functional analysis? Functional analysis is a combination of several factors to determine whether something performs. This district, CD5, as drawn even in the primary map, still performs. So there was no effect on the functional analysis for CD5.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

Under the non-dilution standards that apply to drawing constitutionally compliant maps, isn't weakening of the performance of historically performing districts considered dilution?

VICE-CHAIR FINE: You're recognized.

CHAIRMAN LEEK: No. Remember we're talking about overall performance, right. So a change, a variation, in any of the factors that go into that performance analysis, that doesn't impact performance. It's not a weakening, and you know, ultimately, a court is going to have to decide what diminishment means, which is, I think, what you're getting after. Ultimately, a court's going to have to decide that, but this

district drawn in the primary map still performs.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

The House filed a brief for the Florida Supreme Court in the state legislative reapportionment case, apparently with the assistance of Andy Bardos of GrayRobinson. And I think it said that, in a prior case called Apportionment I, new districts may not weaken historically performing districts and that that constituted diminishment. And then further said, reducing a safe district to a competitive district is a downward shift and that differences are at the margins where many elections are decided. And I'm quoting from the position that the House itself just took in court.

VICE-CHAIR FINE: Is there a question?

REPRESENTATIVE GELLER: I'm getting there, Chair Fine. Called a predicate.

Doesn't that contradict this statement that moving from 43 to 35, which is considered to be in that questionable margin, does not constitute dilution or weakening?

VICE-CHAIR FINE: Chair Leek, you're

recognized.

CHAIRMAN LEEK: You know, again, the ultimate question of diminishment is going to have to be one determined by a court. But I can tell you looking at all of the factors, this district still performs. So what we know is we don't have to stay strictly where it was before, right. The courts have been out saying you can move, in this case, BVAP up and down, right, as long as the district still performs.

Ultimately, I think a court is going to decide whether that constitutes diminishment or not. But in our analysis, the functional analysis, that district still performs.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

Isn't it so that, in the analysis that's actually released to us, that very limited analysis that we've gotten to look at, that instead of performing in 14 out of 14 test elections under the old configuration, under the new configuration, approximately one-third of those same test elections, it does not perform to allow minorities to elect the candidate of their

choice?

VICE-CHAIR FINE: I'm going to recognize Staff Director Kelly to answer that question.

STAFF DIRECTOR KELLY: Thank you, Mr. Chair.

And thank you, Representative, for that question. I think this is a really good point to drive home why a full functional analysis is needed, right.

So we have primary and general elections for every statewide election throughout the entire decade. So what you're referencing, the portions where that district would not perform for a candidate of choice, we're in the earlier parts of the decade. So as we look at the trends of how that portion of the state performs and how it's moved over the decade, the portions that you said where it does perform are actually the more recent elections, which again, is why wholistically, not only election results, but looking at voter registration turnout is also important.

I think it's also important to acknowledge, you know, the primary maps configuration of CD5 does have a slightly

different electorate than the secondary map or the maps that we've previously put before the Committee as well.

So again, with having a different electorate, that could change voting patterns as well. Hopefully that provides some context. Thank you.

VICE-CHAIR FINE: Ranking Member Geller, you're recognized.

REPRESENTATIVE GELLER: Thank you.

Thank you for that answer. Does that answer mean that it doesn't perform as well based on the analysis but there is some suppositions that are being made about possible trends and how much weakening still allows it to, as the Chair calls it, "perform"?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Okay. You know, first of all, performance is not an air quote thing. It's an actual part of the law. So the district itself --

REPRESENTATIVE GELLER: It's all air quote stuff, Chair. It's all air quotes in here.

CHAIRMAN LEEK: The district still

performs. You know, when you redraw districts necessarily, they're going to change. I mean, that happens with every redistricting, so necessarily going to change. They're not suppositions. The trends are what the trends are. This district that we have that is now in this primary map, CD5, would still perform.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Thank you, Chair.

Chairman, I hear you. I think I understand the word. When you say "perform," you don't mean -- and go ahead and correct me, I'm sure you will -- you don't mean it will have the same result; you mean that based on assumptions about things like trends, you think it's likely that it would get to the same place when you say "perform" but statistically, it is less likely to get there. But you think it'll get there anyway. Is that basically what you're saying?

VICE-CHAIR FINE: Chair Leek, you're recognized?

CHAIRMAN LEEK: Thank you.

The ultimate measure is performance. And every time you move a line and you put this

neighborhood in that district now, the performance of that district may change. But the ultimate measure is whether the district that is drawn before you performs. This district under a functional analysis still performs.

VICE-CHAIR FINE: Ranking Member Geller, you're recognized,

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

And I hear you, Chair. But every time you move a line, it changes, but you can move those lines in a way that makes it more likely that it will perform or less likely that it will perform. And we're moving those lines in a way that makes it less likely that it will perform, right?

VICE-CHAIR FINE: You're recognized.

CHAIRMAN LEEK: Thank you.

That happens in every map drawing every, changes in every map drawing. And what I can tell you is after the functional analysis of CD5, is still performs. Is it less likely to perform? Honestly, I don't know. Is it more likely to perform? But what I want you to understand is you can't take and pull BVAP out alone and draw

the conclusion that it's less likely to perform. So it's important that you look at all of the factors and then come up with the performance scale. This one performs.

VICE-CHAIR FINE: I'm going to ask a question real quick, if that's okay. Just to maybe help move this long.

Chair Leek, would it be fair to say, just since we can talk about performance, it's not a guess, it's not a trend, it's an actual data thing, would it be fair to say, looking at the 2020 performance in this district, that the district outperformed by 13 points? So it wasn't close in 2020 in terms of the performance of the district based on how we do the functional analysis, a 13-point overperformance?

REPRESENTATIVE GELLER: Can I object to the leading question?

VICE-CHAIR FINE: No. You can and you're denied. So I'm asking a question.

Chair Leek.

CHAIRMAN LEEK: Thank you. And you raise an excellent point. So it's relative performance, right. And so that's the trends, right. When you look at the trends, that

district performs stronger and stronger in each election cycle. So it's relative. The district still performs. It is not a diminishment unless the district does not perform.

VICE-CHAIR FINE: But one follow-up by me, but 13 percent's not close, right?

CHAIRMAN LEEK: I would agree with you.

VICE-CHAIR FINE: Okay. Great. Ranking Member Geller, we'll come back to you now.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

Was outside counsel retained to analyze that congressional district or to hire an expert to analyze that congressional district?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Okay. I'm going to answer this one more time again, right, because I know you know the answer to this question. Outside counsel has been retained. They've spoken to you. Outside counsel has performed all of the required analyses for each protected district.

VICE-CHAIR FINE: Ranking Member Geller, you're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

Who is their client?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Ultimately, the House is by and through the Speaker. And I want to correct something I just said. Remember staff performs functional analysis. So I said outside counsel, but staff performs the functional analysis.

VICE-CHAIR FINE: Ranking Member Geller, you're recognized.

REPRESENTATIVE GELLER: Well, thank you, Mr. Chair.

Let's clarify that. Was an expert retained by counsel to review and opine on the functional analysis or performance of that district? Let's get that clear.

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Staff performs the functional analysis, and our counsel advises the staff and Committee through the staff.

REPRESENTATIVE GELLER: And the expert?

VICE-CHAIR FINE: I'm sorry. You're recognized, Ranking Member Geller. Is there an expert, I guess, was the question.

Chair Leek, you're recognized.

CHAIRMAN LEEK: Thank you.

Our expert is not retained for functional analysis, but experts advise staff.

VICE-CHAIR FINE: I'm going to -- sort of go into round robin, so if you --

REPRESENTATIVE GELLER: Let me just --

VICE-CHAIR FINE: If you want to bring this kind of question in for a landing --

REPRESENTATIVE GELLER: Just this one point. Let me --

VICE-CHAIR FINE: -- you'll get a second bite at the apple to collect your thoughts.

REPRESENTATIVE GELLER: Let me just close this one point, Mr. Chairman.

VICE-CHAIR FINE: Yep. Ranking Member Geller, you're recognized.

REPRESENTATIVE GELLER: Is my understanding of your other answer that the client is the House? Is that correct?

VICE-CHAIR FINE: He answered that, but yes, so --

REPRESENTATIVE GELLER: Okay. So if the client is the House, and last time I looked, I'm still a member of it, why is it not available to every member of the House to see what the outside counsel's opinions were and what the expert they retained included, recommended, studied, advised, or whatever it is that the expert did?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Thank you.

It seems we're going to go down the path here of consulting expert versus testifying expert. But the short answer, and probably the one that you want to hear, is you, along with many folks out there, have gone on record saying you're going to sue the House. So if you take your analogy to its end, you would be suing yourself under that analogy and not accepting the decision as of the whole.

So because we are in anticipation of litigation, as previously announced by you, and because the House moves through the Speaker, we are retaining the consulting expert work product privilege.

VICE-CHAIR FINE: Still on this?

REPRESENTATIVE GELLER: Oh, yeah.

VICE-CHAIR FINE: Okay. Ranking Member Geller.

REPRESENTATIVE GELLER: Mr. Chair, and I say this with the greatest respect for you personally, but with all deference, you totally have misstated what I said. And since I said it, I think I have a pretty good idea of what I've said. I assure you I never said I was going to sue the House, possibly for some of the reasons you just mentioned but others as well.

When I said, undoubtedly, there will be litigation, it was a comment on the process and results that we have followed. But I never said I was going to sue the House. And by the way, I don't think any of my colleagues on my side of the aisle have ever said they were going to sue the House. Predicting that there will be litigation is not the same as saying that we would, or I would, be the author of it.

If that's the only reason why some decision apparently has been made, that I, as a member of the House, are not entitled to see what our counsel has done or the experts --

VICE-CHAIR FINE: If you'd bring it in

for a question.

REPRESENTATIVE GELLER: -- to that counsel, I would say, respectfully, that I'd like that information today because I at present --

VICE-CHAIR FINE: I'm going to ask you for a question.

REPRESENTATIVE GELLER: -- have no intention --

VICE-CHAIR FINE: What's your question?

REPRESENTATIVE GELLER: -- of suing the House.

VICE-CHAIR FINE: Okay. So all right. I let you talk there for a while. Is there a question? I'm not recognizing Chair Leek. You didn't ask a question.

REPRESENTATIVE GELLER: Yes. There is ask a question.

There is a question.

VICE-CHAIR FINE: Let's ask a question quickly.

REPRESENTATIVE GELLER: Okay. Thank you.

The question that I would follow that with is: Will that information be released to any House member who verifies they have no

present intention of suing the House?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: No.

VICE-CHAIR FINE: All right.

REPRESENTATIVE GELLER: Why? I'd just like to ask why that is.

VICE-CHAIR FINE: You're recognized, Chair Leek.

CHAIRMAN LEEK: Work product doctrine privilege.

VICE-CHAIR FINE: Okay. We're going to move on. And again, you'll get another bite at the apple. I know Representative Skidmore has been waiting to ask a --

You had questions, correct? Yeah.

So you're the only other hand I've seen. So if other people -- okay. All right. I'll come to you guys.

So your next, Rep. Skidmore. Go ahead, you're recognized for a question.

REPRESENTATIVE SKIDMORE: Thank you, Mr. Chair.

And I think we kind of were touching on this, but I'm still a little confused about a

CD5. And this may be a question for either Chair Leek or staff or Chair Sirois.

But when I'm looking at the primary map and we are talking about performance, in more than one-third of the time that districts did not elect the candidate of its choice. But in the secondary map, 100 percent of the time they did. So can you explain, again, for me how that's not diminishment under the definition, as I understand it?

VICE-CHAIR FINE: Chair Leek, you're recognized.

REPRESENTATIVE SKIDMORE: And I hope I asked that the right way.

CHAIRMAN LEEK: You did. I appreciate the question. The answer is going to be the same. Ultimately a court is going to have to determine what diminishment means. Diminishment is a legal conclusion. We have determined that that district still performs.

VICE-CHAIR FINE: Follow up?

REPRESENTATIVE SKIDMORE: Thank you, Mr. Chair.

And when you say that "it still performs," the rest of that sentence is for the

candidate of choice for that district?

VICE-CHAIR FINE: You're recognized.

CHAIRMAN LEEK: Correct. Yeah. Under the legal standards. I'm sorry. I'm trying to move the meeting along. When I say "performs," I mean the functional analysis still demonstrates to the candidate that they're able to choose or elect a candidate of their choice.

REPRESENTATIVE SKIDMORE: Okay. Follow up, Mr. Chair?

VICE-CHAIR FINE: Yes, you're recognized.

REPRESENTATIVE SKIDMORE: Thank you. I'm sorry I have so many papers. I lost one of my questions. But it ultimately has to do with the 30-day statute of limitations for filing against the maps. And is there any precedent for that? Have we done that before in this type of a situation, and does federal law not supersede that at some level?

VICE-CHAIR FINE: You're recognized, Chair Leek.

CHAIRMAN LEEK: Thank you.

And listen, I think that is a very, very fair question. Of course, throughout law, there

are statute of limitations. In this particular instance, we have qualifying in what, four months? I think we have an election, let's call it nine months. So the statute of limitation is designed to move the process along and get to an end so people know what districts they're running in.

VICE-CHAIR FINE: Follow up?

REPRESENTATIVE SKIDMORE: Thank you, Mr. Chair.

Thank you for that answer. That filing of the lawsuit, however, doesn't end, necessarily, the lawsuit in time for that. So how does that really jive with us being able to know what districts we're going to run in or any candidate know what districts they're going to run in?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: The filing of the lawsuit is the initial step that gets us to that answer. And the Court can then accelerate the process such that you can get an answer prior to June, but this is the part of it that we can control is when the lawsuit, when it must be

initiated.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE SKIDMORE: Thank you, Mr. Chair.

And the second part of that is does federal law, VRA, you know, I think there's a six-year statute of limitations on that level, does that now in conflict with the 30 days?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Potentially it could conflict if it has a longer statute of limitations and if the person -- but potentially it may not. So if the challenge is solely within federal court on federal law, then I would say the federal statute of limitations would likely prevail. Ultimately, a court's going to have to decide this. I'm just giving you my opinion as I sit here today. But if it's going to be filed in state courts, it's a 30-day statute of limitations.

VICE-CHAIR FINE: Rep. Skidmore, do you have another question?

REPRESENTATIVE SKIDMORE: I'm good for now. Thank you, Mr. Chair.

VICE-CHAIR FINE: Okay. Again, everyone can have a second.

REPRESENTATIVE SKIDMORE: I may reorganize.

VICE-CHAIR FINE: Yep, that's fine. I think it keeps us moving a little more smoothly.

Representative Thompson, I think I saw your hand. Did you have a question?

REPRESENTATIVE THOMPSON: Yes. Thank you, Mr. Chairman.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE THOMPSON: I have a question regarding the increase in the minority population across the state of Florida. And I'd like to know, given the proportional increase of minorities in Florida, was there the possibility of creating additional minority districts that are not in either the primary or the secondary plans that we've seen?

VICE-CHAIR FINE: I'm actually going to answer that question myself since I spoke to it on the floor. The proportion of black voters in Florida has not materially changed in the last ten years.

REPRESENTATIVE THOMPSON: Thank you,

Representative Fine. And yes. I did raise this same issue on the floor, and I guess I just don't understand, given 1.5 million individuals who, when they responded to the census, identified themselves as Hispanic and 500,000, who identified, additional individuals, as black, why there's no change, you indicated that there's no change?

VICE-CHAIR FINE: I'll take this, again, particularly as it relates to black voters. Let me give a mathematical example.

If ten years ago, there was there were ten people who lived in Florida and one of them were black and ten years later, there are two people in Florida that are black, that would be a 100 percent increase. But if the population of Florida has gone from 10 to 20, even though the black population has doubled, their proportion remains the same at 10 percent. That is the situation in the state of Florida as it relates to the black population.

Yes. There are more. But there are more of everybody, so the black percentage has not materially changed.

REPRESENTATIVE THOMPSON: Thank you. So

I should understand, then, from your response that there was not an opportunity to create additional minority districts. Is that correct?

VICE-CHAIR FINE: That'd be a question for Chair Leek.

CHAIRMAN LEEK: Yep. We've maintained the benchmark. They're not entirely in the same places, but we've maintained the benchmark.

VICE-CHAIR FINE: Do you have a follow-up?

Okay. You're good for now.

Representative Slosber-King, I see you.

And then Rep. Omphroy, you'll be up next.

REPRESENTATIVE SLOSBER-KING: Thank you, Chair. My question centers around the statute of limitations. So what is the current statute of limitations that somebody can bring to challenge the maps?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Yeah. So remember that each one of these redistricting bills lives its own life, and that life necessarily ends at the end of the decade. So there's not a current one,

period. There was not, to my knowledge, a statute of limitations on the prior set of maps. Right.

But because of where we are, because we know this is headed to litigation, and because we want finality for people out there to know what district they live in, to know what district they want to run in, a 30-day statute of limitations works.

Listen, people are going to have to make that decision and qualify in four months, right. You know, people are going to have to make that decision and win or lose an election in nine months. So forcing the initiation of a lawsuit early is the best course of action to have some finality of what district you live in and what district you're going to run in.

VICE-CHAIR FINE: Follow up.

REPRESENTATIVE SLOSBER-KING: Thank you.

Is there any other laws that you're aware of that has a 30-day statute of limitations?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Not that I'm aware of,

but again, this is its own beast.

VICE-CHAIR FINE: Okay. All right. Again, there'll be more bites of the apple.

Rep. Omphroy, you're recognized for a question.

REPRESENTATIVE OMPHROY: Thank you so very much, Chair.

So I'm looking at the protected districts. And when I look at the protected districts, all six of them, my concern happens to be -- well, I know the House and the Senate worked on this map. Unfortunately, the senator for my part of Broward County is not in seat. So I'm looking at this map, and I'm noticing that Congressional District 20, there's eight city splits. And I only compared it to the other protected districts.

There are eight city splits in Congressional District 20. There are two city splits and Congressional District 24. There is one in 5. There is one in 26. There is one in 27 and zero in 28. So my question is: Why is it that CD20 has been split eight times?

I'm going to recognize our Chief Map Drawer, Mr. Poreda, to answer that question.

CHIEF MAP DESIGNER POREDA: Thank you, Mr. Chair.

That's a good question. That revolves heavily around there being so many municipalities all right up against each other in Broward County, where that district -- and really, into Palm Beach County too. And the other areas, where a lot of the other minority districts that you're referring to, they're either not cities or their cities that can be incorporated differently into the district.

So it's simply that there are just so many municipalities in Broward County that are all right up against each other.

VICE-CHAIR FINE: Follow up.

You're recognized.

REPRESENTATIVE OMPHROY: How many municipalities are in Miami-Dade County?

VICE-CHAIR FINE: I don't know that that's the subject of the bill.

REPRESENTATIVE OMPHROY: My reason for asking the question, Chair, is that we're talking about Broward County having all these cities all configured all together. I'm almost certain that Miami-Dade has a similar amount of cities, and

yet Miami-Dade does not have a similar amount of splits.

VICE-CHAIR FINE: Do you want to take a shot at that?

CHIEF MAP DESIGNER POREDA: I don't have that exact number in front of me, Representative. But I'd be happy to get the total number of municipalities for both Broward and Miami-Dade County. You are correct that Miami-Dade County does have a great number of municipalities just like Broward County, but it's where those minority populations are distributed throughout those cities and how the districts can be constructed where it might lend itself to splitting fewer in Dade County than in Broward County because, if you remember, the keeping of municipalities being closed at tier 2 concern and all of these districts are tier 1 protected districts.

So splitting them sometimes is a requirement to make sure those districts can perform rather than trying to keep the municipalities whole. So it's just a function of where their geography is, but I'll be happy to get you the total number of municipalities in

both those particular counties.

VICE-CHAIR FINE: Follow up?

REPRESENTATIVE OMPHROY: Yes. Is there any way for us to -- because, you know, when we look at these maps, we can't necessarily see all the cities that are in the particular protected districts. And is there any way for me to get all the cities within 20, all the cities within 24, all the cities within -- I know 5 only has one city, all the cities within 27, all the cities within 28.

I just want to be able to look at actual cities within the protected districts. And I thank you very much for allowing me to ask questions.

VICE-CHAIR FINE: of course. And I'm going to let Chair Leek answer this in a minute. But I would note that in the software, you can zoom in. I've done it. You can zoom in and you can see cities and you can do that. It's hard to see on the maps, but it is available on the software that we all have access to and we've been trained on.

I don't know if you have anything you want to add to that, Chair Leek.

CHAIRMAN LEEK: That was precisely what I was going to say. I would also invite you, if you would like, to sit down with any of the staff, and we can walk you through all of that.

VICE-CHAIR FINE: You're recognized, Representative Omphroy.

REPRESENTATIVE OMPHROY: Thank you so very much, Chair.

I have zoomed in, zoomed around, sat with staff. It is extremely difficult for me to see because some of my cities are very, very tiny, and that's why my area had to be zoomed in the way it is where it has a southeast section. It is extremely difficult, and so that's why I'm asking for a printout of the actual cities within each of the protected districts because I have zoomed. I have swum through these maps. So I please ask for that consideration. I thank you.

VICE-CHAIR FINE: Sounds like we need to ask the Speaker for bigger computer monitors, but staff has said they're happy to sit down and provide that to you.

Okay. Is there any member who has not yet asked a question who would like to before we move on to round two?

Okay. I see Ranking Member Geller. You're recognized. Okay.

And you'll be next, Rep. Driskell.

REPRESENTATIVE GELLER: Thank you very much, Mr. Chair.

The obligation we have is to produce a map that is constitutionally compliant. Is it the belief of -- I'll direct it to whoever wants to answer whether that's the Chair or the staff -- that the so-called primary map is constitutionally compliant?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Thank you.

You know, so you've hit on the crux of the question, right. It is a novel legal question that is being put forth, and if that question is answered in the affirmative, it will be constitutional. But that's also why we have a secondary map in case that that question is not answered in the affirmative.

VICE-CHAIR FINE: Ranking Member Geller, you're recognized.

REPRESENTATIVE GELLER: Thank you.

Appreciate that answer. Is it therefore

fair to say -- and watch for what follows that -- is it therefore fair to say that there is a serious legal question in the mind of the proponents of the so-called primary map as to whether it will be found constitutionally compliant and that's why a secondary map is being proposed?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: You know, I think all questions that go to the Supreme Court are serious legal questions. So it is a serious legal question, and what we've done is we put forth a primary map. But we don't know the answer to the question, right. So we put forth a primary map, and if that primary map is found to be unconstitutional, then the secondary map kicks in.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

Is it a fair paraphrase of what you've just said that there is -- watch again, be careful here -- is it a fair paraphrase of what you just said to say that there is a serious

doubt or question as to the constitutional compliance of the so-called primary map?

VICE-CHAIR FINE: Chair Leek, you can answer that question.

CHAIRMAN LEEK: No. I mean, the nature of a novel question is that it's unknown. It's unanswered. And so, you know, what you see is the effort to make sure that we're covered if the novel question is if the answer is not as expected.

REPRESENTATIVE GELLER: Follow-up question.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Has the Chair, a noted attorney, or any of the staff or our -- I use the word "our" in a colloquial sense -- outside legal expert opined as to whether or not proposing two different maps violates the single-subject rule because we're being asked to vote on two completely distinct legal propositions as part of a single bill?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: No.

REPRESENTATIVE GELLER: Follow up?

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Has there been consideration given to whether or not voting on two alternative propositions in a single bill violates the single-subject rule?

VICE-CHAIR FINE: And before Chair Leek answers that, I would note that -- I don't remember what the vote was, but the House passed HJR. And that did have two maps in it, a House map and a Senate map, even though it was a single --

REPRESENTATIVE GELLER: Not the same, but --

VICE-CHAIR FINE: Maybe not, but there were two -- one bill, two maps, and by the way, completely different. One was the House, and one was the Senate.

But with that, Chair Leek, you're recognized to answer the question.

CHAIRMAN LEEK: And this doesn't violate the single subject. The subject is redistricting, and this has two maps, one secondary and one primary. Doesn't violate the single subject.

VICE-CHAIR FINE: Yes, you're

recognized.

REPRESENTATIVE GELLER: My next set of questions is intended to focus on how this primary/secondary approach, which is apparently novel, would work. Is it intended that if the reviewing court makes any change whatsoever in the so-called primary map, if it does not strike it in its entirety, if it says there's a problem here or a problem there, we have to adjust this district or the boundaries of this district, which of course affects at least the contiguous ones, or if it says this precinct is in the wrong place, is it the intent of this -- because I can't tell from the way the bill was worded -- that any change whatsoever automatically disqualifies the entire primary map and automatically moves us to the secondary or is the secondary only intended if the whole map gets struck?

VICE-CHAIR FINE: Chair Leek, you're recognized?

CHAIRMAN LEEK: Yeah. I addressed that upfront, and it's also in the bill language. If the Court strikes down CD5, then the secondary map goes into place.

VICE-CHAIR FINE: Yep, you're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

If there is any other change made anywhere else in the map by the Court, am I to understand that the secondary still doesn't kick in?

VICE-CHAIR FINE: Before he asks that, I mean, isn't the map the same, the primary and the secondary, other than the CD, so they're the same map other than that. So I'm not sure it would matter.

But Chair Leek, you're recognized to answer the question.

CHAIRMAN LEEK: Yeah. The secondary only kicks in if the court finds a problem with CD5.

REPRESENTATIVE GELLER: I'm good for now.

VICE-CHAIR FINE: All right. Rep. Driskell, you're recognized, and then Rep. Omphroy will be after you.

REPRESENTATIVE DRISKELL: Thank you, Mr. Chair.

So it sounds like, I just want to go back to CD10, that the Senate views CD10 as a protected black performing minority access district but that the House maintains that it's not. Could you talk to us about why it's not now that we have the Senate data to understand why they believe it is?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Yeah. The underlying data is roughly the same, but the conclusion is different. And if you look at the performance trends of CD10, we've come to the conclusion that it's no longer a protected district. The Senate came to the opposite conclusion.

VICE-CHAIR FINE: Rep. Driskell, you're recognized. Or do you want to wait and come back?

There could be --

REPRESENTATIVE DRISKELL: Just I guess --

VICE-CHAIR FINE: -- a third bite of the apple even. So if you don't know your question, you can take a few minutes.

REPRESENTATIVE DRISKELL: Thank you. I

guess the question is, you know, it's why. I mean, why are we drawing that opposite conclusion?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: I'll kick part of this over to staff, but we're drawing that opposite conclusion based on the trends and the performance data.

But if somebody wants to go through those trends, I'm happy to do it.

VICE-CHAIR FINE: Staff Director Kelly, you're recognized.

STAFF DIRECTOR KELLY: I'll piggyback off of -- thank you, Chair. I appreciate it.

And thank you, other Chair, for that answer. I'll piggyback off of what you were saying.

So I can't speak to the Senate's process. I want to be real clear about that. The House, whether it's going through the state House map, the state Senate map, or any other congressional proposals that have come before us, we've run independent processes. So I want to be clear that we're not opining on what the Senate

has done or the conclusions that we've reached.

Whenever we analyze this district, as we know, going through the subcommittee and the other maps we put out, we don't feel that it's performing. I think one thing that's good to focus on with, you know, the primary, and again, it's the same district in the secondary map for this proposal as well, we've been able to bring it more in alignment with where we know the Senate is. I think that's important because it shows that we're working towards an in-process and it's also as a direct result of several members' feedback actually, some that was given in committee and some that have come to talk with staff as well. Thank you.

VICE-CHAIR FINE: All right. It's going to be Rep. Omphroy, and then I will come back to Rep. Skidmore.

Rep. Omphroy, you're recognized.

REPRESENTATIVE OMPHROY: Thank you so very much, Chair.

Okay. So my question this time around is in regards to CD24. And I'm looking at the 2012 information for the black voting-age population, and then I'm looking at the proposed.

And I'm trying to figure out why there's a 6 percent difference between what it was before compared to what it is currently being proposed.

VICE-CHAIR FINE: Rep. Omphroy, could you point us exactly --

REPRESENTATIVE OMPHROY: Sure. I'm on page 3 on -- and I'm looking at --

VICE-CHAIR FINE: "The total registered voters percentage" at the top?

REPRESENTATIVE OMPHROY: Yes.

VICE-CHAIR FINE: Okay. So what exactly? Which line are you looking at and which column are you looking at?

REPRESENTATIVE OMPHROY: So I'm looking at column 2012, and it's 48.21. And then I'm looking at the proposed BVAP, and it's 42.7, which I'm trying to figure out why we have gone down 6 percent in eight years.

VICE-CHAIR FINE: Okay. So thank you. We see the data.

And Mr. Poreda, you're recognized to answer that.

CHIEF MAP DESIGNER POREDA: Thank you.

Just to make sure I'm looking at the right column, you're on the packet for 8017, and

you're on page 4. And you're looking at the --

REPRESENTATIVE OMPHROY: No, sorry. Page 3.

CHIEF MAP DESIGNER POREDA: Oh, I'm sorry, page 3. So page 3, and you're looking at District 24, and you're looking at the black column from 2012 to 2012 and wondering why there was -- and here, it looks like in 2012, it was 48.21 percent black total registered voters, and in 2020, it was 44.01 percent registered voters. Am I looking at the right data points?

REPRESENTATIVE OMPHROY: Correct.

CHIEF MAP DESIGNER POREDA: Okay. So that just indicates that over the course, from 2012 to 2020, and you look at the other data points in between, there's been a steady decline of the share that black total registered voters are of the total electorate in that particular district. So over the course of the decade, with the five election cycles that we have, that black population has decreased from 48 percent to 44 percent just naturally throughout the decade.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE OMPHROY: Thank you for the follow-up, Chair.

So my question is: When I look at, let's say, 26 or 27 and 28, I see that we have tried to intensify the Hispanic voting-age population in those districts, is there a reason why we didn't intensify the black voting-age population in 24?

VICE-CHAIR FINE: You're recognized, Mr. Poreda.

CHIEF MAP DESIGNER POREDA: I mean, you're dealing with different types of population, and you're just dealing with the different geographies for the different districts. And 24, that black population has just naturally decreased over the decade, and in Districts 26, 27, and 28, it's just a different segment of population that you're looking at.

That's also why the functional analysis is individual for each individual district in looking at its individual functional analysis to determine that. And looking here, I would say looking at the Hispanic total registered voters over the course of the decade in all three of those districts, they, all three of them are less in 2020 that they were in 2012.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE OMPHROY: Thank you, Chair.

I just want to say thank you.

VICE-CHAIR FINE: Okay. Thank you.

Okay. Rep. Skidmore, you are recognized for your second round.

REPRESENTATIVE SKIDMORE: Thank you, Mr. Chair.

And this is a question that has probably been asked, and I apologize. During the period of time that the maps could be under litigation, do we adopt what has been proposed in the primary map or secondary map in terms of what candidates would be able to prepare for?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: I think I'm answering your question, but once it's adopted, the primary map becomes the map.

REPRESENTATIVE SKIDMORE: I'm sorry. Say it again.

CHAIRMAN LEEK: So the primary map becomes a map upon adoption. And if it's challenged, it is the map that is being challenged, but it is in place.

VICE-CHAIR FINE: And the secondary map's like that backup plan if the primary map gets thrown out for whatever reason.

REPRESENTATIVE SKIDMORE: Okay.

VICE-CHAIR FINE: I'm going to do a third round in a minute. Let's let Rep. Skidmore go ahead.

REPRESENTATIVE SKIDMORE: So I'm just trying to sort of play out the scenario in my head knowing we don't have crystal balls. I don't mean to suggest that. So because we have an additional congressional seat, we wouldn't be able to stick with our current map while that litigation is taking place. We'd have to adopt either the primary or secondary.

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Yeah. Let me see if I can explain it. So when this comes out of the legislature as a bill, it will either be signed or vetoed or become law without being signed, that is then the adoption time that map is in place unless it's overturned or replaced.

VICE-CHAIR FINE: And Chair Leek, wouldn't it be fair to say that if we only passed

one map and it was litigated, same thing? It would still be in place. The only difference being that, if it got tossed for whatever reason, there's a plan B, and the other instance, it's back to the drawing board, correct?

Okay.

CHAIRMAN LEEK: Right.

VICE-CHAIR FINE: All right. I'll let us have a third bite at the apple in a minute, but I do want folks to be aware that we do have two amendments to the amendment that we're going to be considering. There won't be questions back on it afterwards, but I just want people to know from a sense of timing here that I want everybody to know what's coming up. I'm happy to allow more questions on the amendment if there are questions.

Rep. Omphroy, are you ready for round three?

All right. You're recognized.

REPRESENTATIVE OMPHROY: You might have answered this already, Chair, but very hypothetical, maps are passed out of the House, they're passed out of the Senate, governor says no, and he vetoes it, how does that work? And

has that ever happened in the history -- and this is just me being completely curious.

VICE-CHAIR FINE: It's a process question.

REPRESENTATIVE OMPHROY: Yeah. I'm just wondering what that looks like for us as a committee.

VICE-CHAIR FINE: Okay. So even though this isn't a question relating to the bill, I mean, I think it's a question relating to the process. People have the right to know.

Staff Director Kelly, would you like to talk about the process?

STAFF DIRECTOR KELLY: Absolutely. And I don't know about the entire history of Florida's redistricting, so I don't want to misspeak on that. I'd say in recent history that hasn't happened.

And so, you know, as you described, you know, we'll have a congressional map that goes out of the House. It'll eventually pass out of the Senate. And since the congressional map is formed just like any other bill or piece of litigation, as opposed to the House and Senate maps, it doesn't go to the Supreme Court for

review.

It will go straight through to the governor, and he has three options. He has the ability to veto it, the ability to sign it, or the ability to allow it to pass into law. So depending on what happens at that stage in the game, would indicate what comes next.

VICE-CHAIR FINE: Did that answer your question?

Okay. So anyone else wishing to ask any more questions before we move on?

Yes. Representative Thompson, you're recognized.

REPRESENTATIVE THOMPSON: Thank you, Representative Fine.

Is the primary map that you're proposing essentially the same as what the governor is proposing in terms of the congressional maps?

VICE-CHAIR FINE: Chair Leek, even though it's not a question relating to the bill, you're welcome to answer that.

CHAIRMAN LEEK: No, it's not.

REPRESENTATIVE THOMPSON: Thank you.

VICE-CHAIR FINE: Any additional questions?

Representative Driskell, you're recognized.

REPRESENTATIVE DRISKELL: Thank you.

With this novel process that we're proposing with having a primary and a secondary map, there's nothing in the legislation that would preclude the Court -- not saying that the Court would, but if the Court decided that it didn't like either map, from just tossing both of them out?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Yeah. This doesn't restrict the authority of the Court. Right.

REPRESENTATIVE DRISKELL: Okay.

VICE-CHAIR FINE: All right. Yep. Ranking Member Geller, round three.

CHAIRMAN LEEK: Four? No, five.

VICE-CHAIR FINE: I don't know. I'm losing track.

All right. Ranking Member Geller, whatever round it is, you're recognized.

REPRESENTATIVE GELLER: Thank you. I think it's round and round to be technical.

But Chair, are you concerned and have

you considered whether the adoption of a 30-day statute of limitations is not authorized in the Florida Constitution Fair District Amendment?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: No.

REPRESENTATIVE GELLER: Follow-up, please.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Given the -- let's just say, does that mean that you're not concerned about it or you haven't considered it, which?

VICE-CHAIR FINE: Chair Leek, you're recognized.

CHAIRMAN LEEK: Yeah. There's nothing set forth in the Constitution that would require it or disallow it.

REPRESENTATIVE GELLER: Follow-up, please.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: You don't think there is anything in the abruptness of that 30-day statute that would interfere with the constitutional right of access to courts?

VICE-CHAIR FINE: I think that's a different question than what you asked before.

But Chair Leek, you're recognized.

REPRESENTATIVE GELLER: It is a different -- yes, sir. That's correct.

CHAIRMAN LEEK: Yeah. You're asking my legal opinion, and no. I don't think it would interrupt or disrupt access to court.

REPRESENTATIVE GELLER: Okay.

VICE-CHAIR FINE: You're recognized.

REPRESENTATIVE GELLER: Thank you.

Am I correct that we have been unable to determine anytime in the history of this state in any previous separate beasts, as you call them, these individual redistricting or reapportion laws, where a statute of limitations has been imposed?

VICE-CHAIR FINE: One second. When you're ready, Chair Leek, you're going to be recognized.

Just a minute.

CHAIRMAN LEEK: I'm sorry. I needed a little refresher. But this is very much akin to the 30-day challenge to ballot language. So your specific question is whether it's ever happened

in reapportionment or redistricting. And I actually don't know the answer to that question, but the 30-day challenge actually goes on each time you've tried to put something on the ballot.

VICE-CHAIR FINE: Chair Leek, just a follow-up, isn't the reason for that is the timeliness because there's an election coming up?

CHAIRMAN LEEK: That's exactly right. So the reasoning would be consistent with what we have here.

VICE-CHAIR FINE: Ranking Member Geller, you're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

Given that the previous redistricting and reapportionment plan adopted after the 2010 census and the plan that was voted in 2012, including the congressional plan which was struck down, did not occur until 2015, affecting elections in 2016, what's the policy reason behind the rush to try to compel this litigation to be filed when it's manifest that if it takes longer to resolve, if it's filed later, heard later, tried later, ordered later, it simply doesn't kick into effect until it kicks into

effect?

VICE-CHAIR FINE: Chair Leek, you can answer that.

But my understanding is when that happened, that lawsuit, by the way, was filed almost immediately. They didn't even need 30 days. It sounds like they needed like 30 minutes.

You're recognized, Chair Leek.

CHAIRMAN LEEK: Thank you. Yeah. You know, we're trying to give the Court every opportunity to expedite resolution of any litigation that happens.

VICE-CHAIR FINE: Okay. Any other questions before we move on to the amendment to the amendment?

Okay. Seeing none, we're going to move on. You should each have yellow papers on your desk. These were not distributed in advance. So I am going to take up -- and they don't have barcode on them, so I'm going to explain which one we're going to do by basically reading the amendment so you know.

They're both by Rep. Driskell. The one we're going to do is the one that says, "Remove

lines 7129 to 7136 of the amendment." It's Draft Request 84152. So we're going to take that amendment to the amendment up.

Representative Driskell, you're recognized to explain the amendment.

REPRESENTATIVE DRISKELL: Thank you, Mr. Chair.

This amendment removes the portion -- the amendment to the amendment removes a portion of the amendment that is imposing the 30-day statute of limitations. Presently, the statute of limitations for challenge to districts will be four years under statute 95.11(3)(p). Moving this statute of limitations from four years to 30 days, I believe, would be highly problematic, and actually, it does nothing to help the Court expedite litigation.

It expedites the timeframe to file litigation. But in terms of the judicial economy or judicial efficiency, it's not an apples-to-apples comparison. So what we're trying to do is make sure that we remove that to give potential litigants the time that they need to review the information and to file a lawsuit.

And while it may not be the intention, I

sincerely doubt it is the intention of this Committee or the legislature when we vote on this map to appear as though we're using procedure as a weapon to stave off substantive challenges, I'm concerned about the appearance of that. And I'm trying to save us from that and just remove that language in the amendment so that we can leave things with the status quo as they've always been.

And that is the amendment, Mr. Chair.

VICE-CHAIR FINE: Okay. Thank you.

Representative Driskell having explained her amendment, members, are there questions on the amendment to the amendment?

Representative Mariano, you're recognized for a question.

REPRESENTATIVE MARIANO: Thank you, Chair. Thank you, Representative.

Can you please explain why a potential litigate would not be able to meet the requirements within 30 days?

VICE-CHAIR FINE: Representative Driskell, you're recognized.

REPRESENTATIVE DRISKELL: Absolutely. And there may be a number of reasons why they

couldn't. For example, look at how thick this packet is and thick this packet is. I mean, it's a lot of data that we're considering. It takes a lot of time to analyze it. It may take time to develop legal theories and to make sure that the lawsuit is in the posture that they want. It may take time for them to do pre-suit discovery and talk to people who were involved, if they can get that. It may take time to go through legislative records, for example.

So with these hearings that we've been having, sometimes these committee meetings have gone or hours long. And the meeting that we're in right now, we've already been here for an hour and 52 minutes. It takes a lot to review that material. It can take a lot of time to do legal research, take a lot of time to read briefs. It could take a lot of time to do comparative analyses under the law.

In other words, in sum, it could take a lot of time. And I keep saying "a lot of time," and maybe I shouldn't use that descriptive. What I'm just saying is that it could take more than 30 days. Thirty days sounds like a lot, but I can tell you, as a business litigator, it's not a

lot of time to review an entire record and the evidence that you may want to rely on in bringing a case.

VICE-CHAIR FINE: Representative Mariano, follow up.

REPRESENTATIVE MARIANO: Thank you.

And are you aware of any previous challengers not filing within this deadline? How quickly do they normally file?

VICE-CHAIR FINE: Representative Driskell.

REPRESENTATIVE DRISKELL: You know, I can't answer that for you. And to be very honest with, you know, this being filed overnight and it only coming to my attention this morning, on the same day that we had session, I've done the best that I could to try to make sure that we're not wading into a situation where we could appear that we want to use procedure as a way to stave off litigation.

Listen, if we believe that our maps are good and they're constitutional, we should give people every right that they're afforded under the law to challenge those because, hopefully, and I do believe we'll come up with congressional

maps, this is not the way to stave off litigation.

VICE-CHAIR FINE: Representative Mariano. Good?

All right. Any other members wishing to ask a question on this amendment to the amendment?

Okay. Seeing none, we don't have any public testimony, I don't think, on the amendment to the amendment?

No? Okay. Seeing no public testimony, members, is there anyone wishing to debate on the amendment?

Ranking Member, you're recognized.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

I support this amendment. I urge the members to support it. We've only heard about this idea, for one thing, since pretty late last night, and 13 and a half hours in advance of our meeting today. I did try to use a couple of those to get a little bit of sleep.

I actually also think not only that it's not harmful to have people file a little bit later and take a little more time to be able to

investigate so things can go more quickly, even if that means that the maps we vote might turn out to be the ones that govern the elections at the end of this year.

In fact, there was recently a decision that was made in regard to Alabama, that the Supreme Court, by a narrow vote, decided to leave the map that had been put forth in place for the moment. They said that that can be reviewed and decided in the fullness of time. And perhaps that's what will happen here in this state and maybe it'll take more time and maybe it won't get done before 2022 since I don't personally plan to be that litigant. I have no idea how long they might need.

But I'll point out one other unintended consequence. If you require people to file within 30 days, you're likely to force some litigation that perhaps, in the fullness of time, might not occur.

If you simply gave people enough time to study all the issues, gather all the data, perhaps they would find that the plan that's ultimately adopted is satisfactory, that they don't need to challenge it, and forcing them to

run down and get to the courthouse and get something in before the 30 days is up might actually result in unnecessary litigation, which I know we would all not like to see happen.

So I strongly support the amendment to delete the 30 days, and I urge you to vote in support of it.

VICE-CHAIR FINE: Representative Rommel, were you wishing to debate?

REPRESENTATIVE ROMMEL: Thank you, Chair.

And Rep. Driskell, I understand your concern in making sure possible litigants have proper time to prepare for a possible lawsuit, but I truly don't think it's necessary. And I urge our members to vote down on this.

Before we even started session this year, multiple groups on the outside already indicated there were prepared to file lawsuits before we even filed a bill. So I think 30 days is more than ample time since they've already threatened to file lawsuits. So please vote down.

VICE-CHAIR FINE: Any of the members wish to debate?

Representative Skidmore, you're recognized.

REPRESENTATIVE SKIDMORE: Thank you, Mr. Chair.

Because the 30 days doesn't really indicate how long litigation is going to take, it just really just a number picked out of the air. Just filing doesn't do anything about restricting how long it's going to take. So it doesn't help in terms of, oh, we need to know what we're doing, candidates need to know where they're running, because the litigation could take, you know, two, three years before it's completed. So I'm not sure I really understand the purpose for that.

And I also think one year is certainly a compromise between what we understand four years is what we have at the moment in terms of other types of statutes of limitation. So I certainly think one year is an appropriate compromise from 30 days giving the folks who want to be able to understand all of this process.

And Rep. Driskell, you know, she motioned to some of the things on our desks that we're going through, not to mention the bill

itself that is sitting on the counter that has repeatedly been, we've been reminded is, you know, in excess of 300 pages.

So I certainly think one year is a significant compromise, and we should definitely vote up on this amendment.

VICE-CHAIR FINE: Representative Goff-Marcil, you are recognized.

REPRESENTATIVE GOFF-MARCIL: Thank you, Chair.

I need to reiterate as well, because going from four years to 30 days, that's enough of a red flag to have people file a lawsuit just from that. So I definitely think that this is a great amendment, and we should vote up on it.

VICE-CHAIR FINE: Yes. Representative Thompson, you are recognized.

REPRESENTATIVE THOMPSON: Thank you, Representative Fine.

I just want to point out that in 2012, there was a challenge to the State Senate maps, not to the House but to the Senate that certainly took considerably more than 30 days. So I wanted to point that out and ask for your support of Representative Driskell's very good amendment.

VICE-CHAIR FINE: And not to -- just that challenge, while it took a long time, it was filed within 30 days. It was filed, my understanding is within 30 minutes. So just so folks understand.

Any other members wishing to speak in in debate? Anyone else?

Representative Leek, you are recognized. Chair Leek.

CHAIRMAN LEEK: Thank you. I appreciate it. And listen, the first lawsuit, 2012, was filed within the first hour of the maps. We need to disabuse ourselves of the fantasy that these lawsuits aren't already prepared and weren't started before we got census data.

Any serious challenge to the maps can easily be achieved within the first 30 days, and we can start the clock running to get the Court to expedite the case and give some finality to our voters. That's the purpose of the 30 days. I urge you to vote this amendment down.

VICE-CHAIR FINE: Before I recognize Representative Driskell to close on her amendment, look, I would add to what Chair Leek said. There's a compelling public policy

interest for this to be done quickly. And anyone, frankly, who has concerns with the maps and who wishes to sue, if they don't sue fast, they're not all that concerned because we have an election very soon.

Let's just hypothetically play this out. If the governor were to sign this, we get this done over the next couple of weeks, governor signs that by the end of March, you know, qualifying is two months later. The primary is four months later.

So voters have a right, we have an obligation to help our voters have some funding to vote on. And frankly, if people think those districts are wrong, then they owe it to those voters to do it fast to try to change it before the election.

If they're going to drag it out, then they're actually hurting the same people that they claim to want to help.

With that, Representative Driskell, you're recognized to close on your amendment.

REPRESENTATIVE DRISKELL: Thank you, Mr. Chair, and thank you, members, for the robust conversation around this.

I suppose what I would say is a few points. The first is that the measure of concern that a member of the public or group may have about the constitutionality of the maps is not a perfect measure for how quickly that lawsuit should be filed.

I think that the rules of civil procedure are enacted to provide guardrails and make sure that litigation has a cognizable basis and that a lawsuit is reasonable when it is brought. It doesn't track or comport to say I really don't like this map, I really want to bring this lawsuit, and slap something together within 30 days. No. You want to take your time and make sure that you get it right.

Second, there was a lot of comment about groups that have made statements in the public. I don't know what all groups have done that, but it sounds like there's been some conversation today that there are groups that have made comments around wanting to sue. Well, that's great. And it sounds to me -- I mean, I don't want to say that's great. I'm just like, well, you know, whatever, that they did that. But my suspicion is that any group that would say that

might have more resources than just say like an average citizen who wanted to bring a lawsuit. We keep talking a lot about groups.

But this is a statute of limitations that would govern everybody. And so you think about the members of the public who have been doing their best to track the process, to use the website to submit their maps, and you think about what resources they may have. They may not have the resources to retain counsel or, you know, to mount a large challenge, but they certainly would have standing to bring a challenge if they wanted to. And 30 days is far too short a time for something that this important.

And the third thing that I would mention. I really don't understand the arguments that are being made. To me, it's just a red herring around wanting to have the Court resolve these issues as quickly as possible.

I've yet to see in any of the jurisprudence that I've read around redistricting, the Court saying that it hasn't had sufficient time, or if only these lawsuits had been brought sooner, they could have done their job better. This has nothing to do with

the Court's ability to do its job. What we're talking about is on the front end, giving litigants the time, potential litigants the time that they would need to bring an effective lawsuit.

And if we think that these maps are constitutional, if we believe in our work, and I believe that through this process, we will be able to get to a place where we can all stand behind our work, then we should stand behind our work and not use a procedural and, frankly, arbitrary deadline that is removing it from four years, 48 months. If my math is right, Randy's probably better, Chair Fine's better at math tonight than I am. He always says. Forty-eight months down to one month to do it.

We're using procedure as a weapon and it's wrong. We're using procedure as a weapon to stave off substantive challenges and that is wrong. That's why I brought the amendment. You know, I regret that there was not enough time to talk to the Chair about it. It all kind of came together pretty fast this morning. But that's the intention of the amendment because I do not believe that it would be the intention of this

Committee or the legislative body to not stand behind its work product. So please vote up on the amendment.

VICE-CHAIR FINE: Having closed on the amendment, members will vote on the amendment now. All in favor say yea.

MULTIPLE SPEAKERS: Yea.

VICE-CHAIR FINE: All opposed, nay.

MULTIPLE SPEAKERS: Nay.

VICE-CHAIR FINE: Show the amendment failed.

Okay. We're now going to move on to our second amendment. Again, you should have the yellow piece of paper in front of you. At the bottom, it says Draft Request 84153. And just so you know, we're talking about the amendment having three lines in it. They're on line 7, 8, and 9. So that's the amendment.

Representative Driskell, you are recognized to explain the amendment.

REPRESENTATIVE DRISKELL: Thank you, Mr. Chair.

So this amendment, rather than maintain the status quo, which would be four years under statutes, would bring it to one year. Although

one year is only 25 percent of the current statute of limitations, at least it's longer than 30 days, and I think it would be a reasonable compromise to require litigants to bring a lawsuit within one year. And that is the amendment to the amendment.

VICE-CHAIR FINE: Okay. Thank you. And that math is correct.

Members, are there any questions on the amendment?

All right. Seeing no questions. We don't have any public comment on this amendment to the amendment. Members, is there anyone wishing to debate on the amendment?

Yes. Representative Goff-Marcil, you are recognized.

REPRESENTATIVE GOFF-MARCIL: Thank you, Mr. Chair. And thank you for this really good amendment. I think the other amendment was better than this amendment that this amendment, but this seems like a compromise.

I feel when we go from 48 months to 30 days, that just seems -- we're starting to go into violating notice and due process of law, which is very concerning. And again, there will

be a lot of red flags going up on that.

But going from 48 months to 12 months, is a very good compromise. And as Representative Driskell said, if these maps are fine, this is all a moot point because it doesn't matter how many lawsuits are out there or are brought up, they would have to be successful to overturn the map. And these are congressional maps, and they're constitutional maps, then there's not a problem. So please accept this, vote up on this amendment.

VICE-CHAIR FINE: Any other members wishing to debate on this amendment to the amendment? Okay.

Oh, yes. Representative Leek you're recognized.

CHAIRMAN LEEK: Thank you. Members, I urge you to vote down on this. And if you think about what you're asking, right, you're asking for someone to initiate a challenge. Not the conclusion. This 30-day statute of limitations doesn't require the Court to rush, doesn't require the Court to conclude it within 30 days. But you're telling the world that you can file a lawsuit three months after we've elected a member

into one of the districts.

I mean, that just does not make any sense. All this requires is that you initiate the lawsuit within the 30 days. I urge you to vote down on this.

VICE-CHAIR FINE: Seeing no additional debate, Representative Driskell, you are recognized to close.

REPRESENTATIVE DRISKELL: Thank you, Mr. Chair.

I'm having a hard time with this one because we already have process and procedure in place for if the maps get challenged. We just move forward with the maps that we passed. Why do we do that? Because we believe in the maps that we passed. And that's the process that's allowed.

The process is the process. I know we've wanted this process to be very collaborative. This is a change that I was surprised to see. Maybe with some further conversation, we can talk about a compromised position as these head to the floor, because moving it from four years to 30 days, it's quite drastic. And I don't think that this is an

invitation to litigation in any way. It's not an invitation. We're not asking people to sue us.

I'm sure the Committee would prefer that they didn't and that they, you know, like our work product. But that's not what statute of limitations are for. Statute of limitations are to recognize, with a sense of equity and fairness and justice under the law, that you cannot restrict people's access to the Court. And part of access to the Court is providing a reasonable amount of time for people to bring a lawsuit.

We have statutes of limitations for like everything under the law, whether it's a wrongful death suit, you know, whether it's an action in tort, an action in contract, if it's not clear what it is, you've got latches, you got all sorts of things to make sure that people have the access that they need.

And I'm here to tell you that this looks like we're weaponizing procedure to cut off substantive challenges to the map. And I don't think that's right. And so this is a compromise position to try and do this within one year, which frankly, probably also is still too short, but at least we're trying to work with what's

been proposed by the Committee staff and by the Chair and try to reach a compromise position.

And if the amendment is voted down today, I do hope that maybe we can continue conversations and see what a compromise position might be. With that, I asked you to vote up on this amendment to the amendment. Thanks.

VICE-CHAIR FINE: Representative Driskell having closed on her amendment, all in favor say yea.

MULTIPLE SPEAKERS: Yea.

VICE-CHAIR FINE: All opposed, nay.

MULTIPLE SPEAKERS: Nay.

VICE-CHAIR FINE: Show the amendment failed.

Okay. That concludes both of our amendments to the amendment. So we will now return to the original amendment that has been unchanged. We're now at the point in the process where we would do public testimony.

We do have one public testimony card on this amendment. It is Cecile Scoon, with the League of Women Voters of Florida who wishes to speak for information only.

MS. SCOON: Thank you for this

opportunity. Cecile Scoon, president of the League of Women Voters of Florida. And I've been listening. It's been a very interesting debate and a lot of information without a whole lot of time to absorb it. The league would say that we would like this body to exercise caution with regards to the primary map that has been presented with the change in the voting-age population of the black population.

As Chair Leek indicated, it is not a de minimis change. He indicated it was substantial and when asked, readily admitted, he didn't know for sure if a court or anybody would say it was constitutional or not because it's kind of a new concept to present two maps in this way.

And the concern that we have is, when you all were presenting your prior map, I believe on Friday, there was only one real force against your map at that time, a strong force, and that was the governor's office and his representative, Mr. Popper, came and spoke before you. And of course, we know that the governor had presented a map that diminished the voting strength of African Americans by two districts.

And so to have this map here now before us, that is the only entity that we know that was pushing in that direction was the governor who has indicated that his desire was to limit access, it is concerning that anything would change that may be possibly go in that direction.

So I think that -- just ask everyone to be very cautious about this move. Your analysis from Friday, I think was interesting and strong. And you asked a lot of really good questions of Mr. Popper. He had no case law to support what he was advising you to do.

So I would just ask you to be cautious in adhering in any way to the guidance from that direction from Mr. Popper and his efforts, when he could not cite any case law to support his position and actions. So we'll just leave it there.

There's not a lot of time to do the deep analysis that we would normally like to, you know, work on, and we know that everybody's working as hard as they can. But we just asked you to be very cautious in this move. Thank you.

VICE-CHAIR FINE: Thank you for your testimony. I would note, however --

We're good. You're welcome.

I would note, however, most of us aren't on the committee last Friday. And while we said there was one, you said there's only one strong force against what was presented Friday, it was my understanding that every single democratic member of the Committee voted against it. So I don't know that it's very respectful of them to say they're not a strong force because it didn't pass unanimously.

Ranking Member Geller.

REPRESENTATIVE GELLER: I had a question if Ms. Scoon would entertain one.

VICE-CHAIR FINE: That's fine. You're welcome to come back up.

MS. SCOON: Absolutely. And Representative Fine, I was referring to District 5 with regards to that part of the map. Just to clarify for you. Thank you.

Yes, sir.

REPRESENTATIVE GELLER: Thank you, Mr. Chair.

Ms. Scoon, I understand they haven't been out very long and we're all in the same boat. But so far, has your organization been

able to develop any analysis as to whether or not the proposed primary map with an all in Duval County purported minority district to elect representatives of the Community's own choice is constitutionally compliant or whether conversely, it constitutes diminishment, dilution, or backsliding?

MS. SKOON: No, we have not had that opportunity.

VICE-CHAIR FINE: Thank you. Okay.

Seeing that, we're going to move on to debate on the amendment. We will obviously still have debate on the bill as amended, assuming it is amended.

Members, is there anyone wishing to debate on Chair Leek's amendment?

Okay. Well, seeing none, Chair Leek -- oh. Okay.

Ranking Member Geller, you are recognized to debate on the amendment.

REPRESENTATIVE GELLER: Thank you.

I don't believe that the change in the proposed minority district contained wholly within Duval County is constitutionally compliant in that I think that it represents a substantial

dilution or diminishment of the minorities' ability to elect representatives of that community's own choice. In that sense, I believe that proposed map is constitutionally deficient.

I understand there have been concerns raised about compactness. Compactness is a tier 2 standard. Tier-two standards are not supposed to imperil tier 1 standards.

This is a protected district or ought to be a benchmark district. The proposed dilution of having that district entirely within Duval County, which is a substantial numerical dilution, is not, in my opinion, satisfied by reliance on trends, especially where we've not been able to see that analysis, the work of outside counsel, or any of what the consulting expert may have determined.

The notion that that map is constitutionally compliant is belied by the very fact that there is a so-called secondary map in an effort to assure constitutional compliance. If there was confidence that the proposed district in Duval County was constitutionally compliant, we would not have a secondary map or a need for a secondary map. And it is therefore

apparent that even the proponents of that map have no confidence in it as being constitutionally compliant.

It may, in fact, be a novel legal theory, or it may be simply a blatantly unconstitutional violation of all the jurisprudence we have seen under Voting Rights Act cases and the precedent set when this map was, in fact, drawn only a few years ago by the same courts that we're now saying, well, who knows what they'll do.

If it was as unconstitutional as we've been led to believe, why did the Court draw it? At the conclusion of that, I also think the process of a primary and secondary is improper. I think it violates the single-subject rule, and I think it is a terrible precedent for us to set.

Can you imagine applying that precedent to every law, that this body votes? We're going to have a new law. We don't know if it's legal, but we're going to have a new law. And in case it turns out it's not legal, we'll have a different law.

What if we did that on everything? I don't think it's the right approach. I have

serious questions as to whether it's authorized by law, and it is, in fact, the culmination of a process that has left minority members of this Committee seriously in the dark.

It is the culmination of a process that has seen our lawyers and our experts working for our House produce information and analyses and opinions which are not shared with us, though they are paid for by the taxpayers of Florida, whom the minority members of this Committee represent, as well as the majority members of the Committee.

This primary secondary approach is flawed. Perhaps the secondary map, if adopted, with some tweaks that have been put on it, would be something there that an agreement could be reached with the Senate. I can't say that that map would be constitutionally compliant based on the fact that I haven't seen all of the data I would need to look at, apparently based on some incorrect assumption that I said I personally was going to sue the House, which I have no intention of doing it this time.

But regardless of whether I have the information to determine if that secondary map is

or is not constitutionally compliant, I think it is abundantly clear that that so-called primary map is not constitutionally compliant.

And again, if the people voting it in thought it was, we would not have a secondary map. So I oppose this amendment. And I would ask, respectfully, that the Chair and the majority party members of the Committee make a choice. Pick a map that you think will survive constitutional review and pass that map because this primary/secondary approach unprecedented in the history of our state is wrongheaded, bad precedent, and in my opinion, unconstitutional.

Vote down on this proposed amendment and make a choice as to what you think is constitutional. Thank you.

VICE-CHAIR FINE: Any other members wishing to speak in debate?

Yes, Representative Sirois, you are recognized.

REPRESENTATIVE SIROIS: Thank you very much, Mr. Chairman.

And you know, as I'm sitting here listening to these comments and I hear that, you know, the amendment before us is improper, I look

at it and find it to be prudent and reasonable given the circumstances ahead of us.

This amendment, I think, is making the best decision that we can with the information that we have in front of us in our awareness of the timetable moving forward. We also have an election cycle ahead of us. And I think that Floridians deserve some clarity in terms of district boundaries.

I think candidates deserve some clarity in terms of qualifying. You know, so I think that this is a good step for us to take to kind of lay the groundwork but also recognize the time constraints that exist as we approach the end of session.

You know, we also have a Senate that we have to work with, and obviously, take into consideration their views on these matters. The governor has proposed a novel legal theory that, you know, remains somewhat of an open question for us moving forward. So I think that the amendment, you know, takes all of that wholistically into account and puts us in a good position to proceed.

The other thing that I feel compelled to

talk a little bit about, because with all due respect, Ranking Member, you know, I think this suggests that this hasn't been an effort where there's been collaboration and communication among members. That's not been my experience.

And I think as Chair Leek indicated in his comments at the start of our Committee meeting, both of us have been open and receptive to feedback from members, perspectives, experiences that members have in their own communities and neighborhoods that they're bringing to the table. And I think that there's a lot in this map, in the amendment that we can all be very proud of in terms of member input and a collaborative effort towards, you know, a final product.

And I've been a participant in those meetings around the Capitol with many of you and members not on this Committee, and I think those conversations have been very productive and helpful and have resulted in the amendment, the maps that are before us today.

So I encourage members to be proud of this work product to vote up on this amendment, and I appreciate the continued conversation.

VICE-CHAIR FINE: Any other members wishing to speak in debate?

Before I give it to Chair Leek to close, a couple of comments of my own. I want to reject a couple of the comments that were made, because I don't think they're accurate, relating to the process.

The notion of the secondary map, frankly, is probably a good idea that might have been done before, because I would note that, even if what we're proposing is a secondary map or the primary map, there are folks who have said they would litigate against it. And so the notion that was put forth as though like the second map is like the safety school, if you think about college admissions, that you know you're going to get into if you don't get into your stretch school, I think is a false analysis.

I mean, frankly, there's no guarantee because there are folks who take issue with that map as well. So the notion is it's a guaranteed backup. And so if we were so confident about it, why wouldn't we put that out as the only map I think is false equivalence.

Again, there are folks who have

legitimate concerns about that map. And I think the notion, you know, that the governor's argument is going to be so easily dismissed, I think there's a lot of reason to support that.

The other thing I would note is this notion of "what if's." I'd like to remind folks that a number of months ago, we did something exactly like this in what is one of our other most significant things we will work on the legislature because of the time horizon. When we passed the Seminole Compact, which had a 30-year time horizon, this is a 10-year time horizon, we all knew that there was a risk in the compact. And so we put in that compact, distinct severability that said, if X is found illegal by the courts, the rest of it can still exist.

Now, unfortunately, the Biden administration did not share that information with the courts, and so we are in a different place than we expected to be. But all of us who voted for that compact explicitly voted for something that included severability and a backup plan if there was an issue with the Court. So something we actually all thought was a good idea just a few months ago, and I think this builds on

that here as well.

With that, Representative Leek, you are recognized to close.

CHAIRMAN LEEK: Thank you. Very well said. And in fact, good enough I don't think I need to add any more of the substantive arguments here.

But what I do want to tell you is where we are procedurally. This, much like a budget, even though we pass a budget out of a committee, then it goes on to the floor, we pass it on the Committee then goes to conference, and the budget that you end up eventually may not resemble entirely the budget that you passed out of the committee. That's where we are today.

So what we're doing is we're putting this in a posture to move on to the next step. The next step for us will be the floor, and then potentially it's in conference and then potentially, to the governor's office. So that's what we're doing today. I urge you to vote up on this amendment. Let's keep us moving. Our timeline is getting shorter, so we need to get this thing moving and out of Committee now. And with that I close.

VICE-CHAIR FINE: Having closed on the amendment, all in favor of this amendment say yea.

MULTIPLE SPEAKERS: Yea.

VICE-CHAIR FINE: Opposed nay?

MULTIPLE SPEAKERS: Nay.

VICE-CHAIR FINE: Show the amendment adopted.

All right. Members, we are on the bill as amended. Are there any questions on the bill as amended? There shouldn't be because it's the same thing we just talked about.

All right. Seeing none, we're going to move on to public testimony on the bill as amended. We do have two appearance forms.

The first is Jerry Nolan, who's representing himself as an individual citizen and voter. Multiple titles. Are you here, Mr. Nolan?

He is not here, but he is a proponent.

And our second speaker is Lashonda Holloway, who is representing, I think herself. Is she here?

Okay. And she is also a proponent of the bill. All right.

Unless there's anybody else, public testimony? All right. Seeing none, members, are there any members wishing to debate?

Yes. Representative Skidmore, you're recognized in debate.

REPRESENTATIVE SKIDMORE: Thank you, Mr. Chair.

And as a member of the Congressional Redistricting Subcommittee, I was encouraged by our meeting last week and encouraged by the individual meetings that Chair Sirois has acknowledged. So this big change overnight has me, you know, a little caught off guard a little bit. And I do have some major concerns with a couple of things. Not as many as maybe Ranking Member Geller, but a couple of things.

I am very concerned about the primary map District 5 because it does seem to me, based on language that the House actually used, that it does reflect diminishment. And I recognize that the secondary map is there in case the Court does rule that way. But to me, I feel like we should have just gone forward with the secondary map. And I really reject the governor's interference in our legislative process. I think it's wrong.

He gets to, you know, to veto or approve the maps that we create. He has no authority here. And I'm kind of disappointed that our House acquiesced based on testimony that was given that really did not have a lot of substance behind it.

I also think 30 days is an inappropriate maneuver, and it's a false narrative that that 30 days would somehow compel the Court to rule more quickly or sooner rather than later, in any litigation that was brought forward. And I also believe that the work product that's created by the general counsel and Mr. Alford, the expert consultant, is mine. I am the client. We are all the client. And I truly believe that.

And I don't see any reason why that information has been withheld from us, so that we can understand this map better and be more collaborative partners so that we understand some of the analysis, some of the things threshold data that we don't have and we don't know how to analyze.

So I think there are some flaws here, and I won't be able to vote for it. I still have high hopes at the end of the day, with our Senate

partners, we're going to get somewhere that we all agree on. And I think we all want to do that. And so that is the direction I will continue to move in.

But for today, I will not be able to support the bill as amended. Thank you.

VICE-CHAIR FINE: Representative Robinson, you're recognized in debate.

REPRESENTATIVE ROBINSON: Thank you, Mr. Chair.

Look, our Committee has met six or seven times this session. We've done a lot of different things, whether it's education or our workshop maps, and I'm very proud of what we've done over the past several weeks. But frankly, we only have one charge, and that's to produce a legally compliant map to the full vote by the House.

And to me what we're doing today, while being unique, I frankly, don't think it's terribly unique. As Chair Fine mentioned, we do severability stuff all the time here, and so I have no problem changing our goal from a legally compliant map to a legally compliant product, which is exactly what we're doing here.

And to me, we accomplished our primary goal, which is to produce a legally compliant product to the full House for consideration. And look, this product is closer to our Senate colleagues. So that's very good. And frankly, to me, the voters and the candidates in these congressional districts deserve some certainty and deserve us to do this work to move it forward, to give them all certainty.

So I'm very pleased with what we've done, and I look forward to voting on this product. Thank you.

VICE-CHAIR FINE: Ranking Member Geller, you are recognized.

REPRESENTATIVE GELLER: I won't waste my colleagues' time with a repetition of what I've already said. I just ask that for the record my comments against the amendment be considered against the bill as amended. Thank you.

VICE-CHAIR FINE: Representative Tuck, you are recognized.

REPRESENTATIVE TUCK: Thank you, Mr. Chair.

And members, I think we need to keep in mind here that every redistricting cycle was very

different, very unique. I had the privilege to sit on both the congressional and this Committee as well. And it's been incredible to see the input from members from the public, from everybody to get it in a posture to what we see today. And I want to commend staff and everybody involved for that.

I think the changes that we see here are a great effort to make sure that members, all members have the opportunity to participate in the entire process in a meaningful way while still bringing a constitutionally compliant product in for a landing during our regular session. So with that, I would encourage everyone to vote up on this great change to this map. Thank you.

VICE-CHAIR FINE: Okay. Representative Driskell, you are recognized.

Yep, Representative Driskell.

REPRESENTATIVE DRISKELL: Thank you, Chair.

So just a few things I'm not sure had been raised and just wanted to make sure that they were covered. When it comes to CD10, I don't think we're there yet. The Senate

recognizes that as a protected district, the House does not. I have concerns around that. As Rep. Skidmore pointed out, and as I attempted to correct in my amendments to the amendments, 30 days is not a lot of time. It's not sufficient time for litigation to be brought. I'm concerned about us shortening that statute of limitations.

And then the third point that I wanted to make was around CD5. I have real concerns about how it's drawn in the primary map. And while it's capable of -- it appears under this analysis of being drawn wholly within Duval County, you know, I think about those voters in Tallahassee and Gadsden and other places who would be perhaps losing their ability to elect the candidate of their choice.

And so, for those reasons, I'll have to be down. You know, I would echo that I appreciate the staff for taking time to meet and try to help answer some of my questions about this process. And I think that's a good thing. I think we're headed on the right track in terms of having this be a collaborative process. And I remain optimistic that we can get there.

But we have some work to do. We have

some real work to do around CD5, around CD10. And you know, just to echo Rep. Skidmore and Rep. Geller's comments, you know, I hope we can continue this conversation around legal counsel because I was personally not satisfied with the rationale that I heard today for why, as members of the House, we aren't all able to have access to that counsel.

And if it's the situation where, you know, we can't have access to that counsel, then could resources be made available to provide counsel for those who of us who would appreciate the opportunity to talk to counsel in this process? So thank you. And for those reasons, I'll be down today.

VICE-CHAIR FINE: Additional debate?

Representative Byrd, you are recognized in debate.

REPRESENTATIVE BYRD: Thank you, Chairman Fine.

A decade ago when litigation arose over redistricting, Congresswoman Corrine Brown said redistricting makes strange bedfellows, and it certainly does because, while I'm going to join Representative Geller in opposing the bill under

constitutional grounds, I'm going to do so for very different reasons.

And I'm sure it's no surprise to any of you that I'm going to focus my comments on the concept of the constitutionality of what we're about to do.

So I think it's a necessary to understand the legal landscape, which includes the Federal Constitution, the Federal Voting Rights Act, and the rules contained in Article III, Section 20 of the Florida Constitution.

Since 1993, the Supreme Court has held, under the equal protection clause and the 15th Amendment to the Constitution, that states are prohibited from using race as a predominant factor in drawing district lines unless the state can show a compelling state interest and that its reason for doing so are narrowly tailored to pursue that compelling state interest. This is the strict scrutiny test, and outside of redistricting litigation, states are almost never able to meet it.

There's been some discussion about what the Supreme Court of Florida did back in 2015.

But redistricting cases continue to evolve. And I want to look at three cases that have come out from the United States Supreme Court. Cooper v. Harris in 2017, Bethune-Hill v. Virginia State Board of Education in 2017, and Abbott v. Perez in 2018.

Cooper struck down racial gerrymanders designed to create majority-minority House districts in North Carolina. So I want to read from the Cooper case, and once again, this is 2017. Supreme Court of Florida case in the last redistricting round was 2015.

And this opinion was delivered by Justice Kagan she wrote the majority opinion for the Court. She says, "The Constitution trusts states with the job of designing congressional districts, but it also imposes an important constraint. A state may not use race as the predominant factor in drawing district lines unless it has a compelling reason. The Equal Protection Clause of the 14th Amendment limits racial gerrymanders and legislative redistricting plans. It prevents a state in the absence of 'sufficient justification' from separating its citizens into different voting districts based on

race.

"First, the plaintiff must prove that race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district. That entails demonstrating that the legislature subordinated other factors. Compactness, respect for political subdivisions, partisan advantage, as have you, to racial considerations. The plaintiff may make the required showing through direct evidence of legislative intent, circumstantial evidence of a district shape and demographics, or a mix of both.

"Second, if racial considerations predominated over others, the design of the district must withstand strict scrutiny. The burden now shifts to the state to prove that its race-based sorting of voters serves a 'compelling interest' and is narrowly tailored to that end. This Court has long assumed" -- again assumed not required -- "that one compelling interest is complying with operative provisions of the Voting Rights Act of 1965.

"So how do racial gerrymanders survive

such strict scrutiny? Supreme Court has assumed the Voting Rights Act sometimes requires drawing racial gerrymanders and, therefore, states have a compelling interest in complying with federal law that is itself an exercise of Congress's power to enforce the 14th and 15th amendments.

"A state doesn't have to prove that its racial gerrymander was literally required by the VRA, only that the state had good reasons or a strong basis to believe that it needed to discriminate on the basis of race and drawing district lines in order to create a VRA district.

"The state then must meet the narrow tailoring requirement, it must show that the actual district doesn't go too far in packing disparate voters into a district just because they are black. States are more commonly faulted for excessive packing than for the creation of such districts in the first place."

So now, I want to focus a little bit on the secondary map, which was the primary map before the amendment. And I think that's where some of the disagreement begins because we assume, and I understand why there's the illegal assumption that that map is the benchmark map,

because it is the one that the Supreme Court of Florida approved last redistricting cycle.

But I want to read from Justice Polston's dissenting opinion. And in the 2015, Florida Supreme Court case, he said -- and this is under our current map, which is the same or essentially the same as the secondary map. And this is so this is concerning the district that runs from Jacksonville, west of Tallahassee.

This is what Justice Polson said. "This is a court adopted map, not a legislative-drawn map. The map the trial court recommended and the majority adopts was drawn by a democratic consulting firm, a firm that has performed mapping and data analysis for numerous democratic candidates and causes.

"It traditionally adopts a remedial plan drawn entirely by Democrat operatives. Plaintiffs even stated in oral argument, and the majority opinion agrees, that if the remedial plan had been drawn by the Democratic National Committee itself, the outcome would be the same. Not only is this ironic, it is an unconstitutional violation of the Fair District's amendments in the separation of powers."

And Justice Polston, therefore, dissented. I think it's important to put that in the proper context.

It's also important to note that we've talked a little bit when we were going through the historical analysis, the Shelby County opinion, which struck down the pre-clearance requirements under the Voting Rights Act. Fair District amendments were passed prior to the United States Supreme Court's opinion in Shelby, and that's important for this reason.

So in addition to the federal law, there is the Florida rule that districts shall not be drawn with the intended result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice and district shall consist of contiguous territory.

The requirements of compactness and following existing boundaries are flagrantly violated by the secondary map, in my opinion and the opinion of others. It's really not in dispute, and I think that's why we've gone to the primary map.

But the Florida rule incorporates language similar to Sections 2 and 5 of the Voting Rights Act and gives those rules preference over compactness, and this is where things get tricky.

The prohibitions on districts that diminish racial minorities' ability to elect a representative of their choice is a state analog to Section 5 of the VRA. Section 5 was written to apply only to states that were required to pre-clear changes in their voting rules or districts before implementing them. Covered jurisdictions had to show that they were not retrogressive a rule that the Court read to mean, among other things, that states could not reduce the number of majority-minority districts.

Proponents have argued that once a VRA district exists, a VRA territory exists forever. Here's what's important to note, the state of Florida was never one of the pre-clearance districts. Five counties in Florida were pre-clearance districts. None of those five counties are in the district in question.

So if we call Florida's little Section 5, it prompts the question of complying

with Section 5 of the VRA is a compelling state interest that justifies racial discrimination, is complying with the state version of Section 5 also enough to justify racial discrimination?

I would submit that it does not because, last week when Mr. Popper testified, and I watched the entirety of the committee, and he was asked the question, you know, do you have any case law to support your proposition? He said, no. The flip side is true as well. There's no case law addressing whether or not the State Fair Districts amendments are or constitute a compelling state interest for the State of Florida to draw racially gerrymandered districts, or use race as the predominating factor in opposition to the 14th and 15th amendments.

So now we come to the primary map, which I think during the presentation of the amendment, it was conceded that, you know, while it addresses the compactness issue, it's still a racially gerrymander or a district drawn upon a racial basis that violates the 14th amendment.

It has been suggested that the governor has a novel legal theory. I don't think it's a novel at all. I think it's well grounded in the

United States Constitution, the 14th and 15th amendments which, let's remember, the 14th and 15th Amendments were specifically written to prevent states from using race in voting and in redistricting. We have to remember that.

So the State Fair Districts, I do not believe can constitute the compelling state interest to draw maps based on racial lines. And so therefore, just because the Court approved the districts in 2015 and they were court-approved, does not mean today that they are constitutionally valid when looked in light of the 14th and 15th amendments and the subsequent case law and cases that are continuing, you know, currently and before the Supreme Court, such as the Alabama opinion.

So for that reason, because I believe that both the primary and secondary maps violate the United States constitutional provisions of the 14th and 15th Amendment, I regretfully must be down today. Thank you.

VICE-CHAIR FINE: Additional members wishing to speak in debate?

Okay. Seeing none, just a couple of points. I did want to address the comment that I

thought was inappropriate here about the governor's involvement. Neither map that we are voting on today is the governor's map. The governor has a separate map that we have not considered here.

And I also want to belie the notion that his interest and his opinions are not appropriate. He's a citizen of the state of Florida. And he submitted a map the same way any other citizen did. In addition, he does have the right to veto whatever we pass.

And frankly, if you don't talk to the governor's office when you're running any bill in the process to make sure you're getting their opinion as you move through the process, then you're not doing a good job of being a bill sponsor because he does have that right. We sometimes assume if you get a bill through the House and Senate, he's just automatically going to sign it. I think some of you have experienced that that is not necessarily the case.

I certainly respect his view. And I certainly respect the opinion that Chair Byrd has put forth. I think that it's an interesting concept, and it's one that certainly does need to

be explored. But I also recognize we're 14 days from the end of session, and we do have an obligation to keep a product moving forward.

I think you've seen, this Committee listens at every step of the process, and you see changes. There have been changes, I think, on every map and every committee at every stage, and I'm assuming that there will continue to be as all of the stakeholders are involved in all of the opinions are weighed as it moves through the process.

So I'm optimistic that at the end of these next 14 days, we've got something that everyone can be excited about, hopefully, whether it is my good friend and, I think, future law professor Cord Byrd or Rep. Driskell and our Ranking Member. Hopefully that is where we will end up over the next two weeks, but we will see.

And with that, I'm going to let Rep. Sirois close on his bill.

REPRESENTATIVE SIROIS: I appreciate the time, members, this afternoon. I won't spend too much of your time revisiting subjects that we have already talked about. But I do want to mention I'm proud of the significant member input

that we have had, and I also appreciate all of the comments that my colleagues have made in supportive Chair Leek's amendment.

I'm not much of a legal scholar, far from it. But I believe that the bill that we have in front of us today is the best outcome that we could have given the information and the realities in front of us.

When I embarked on this process over the summer, a lot to learn, especially from you, Chair Leek, and I appreciate that and the time that we have spent together.

But part of my understanding is that this process of redistricting is not as much about what the law could be, as it is as much about what it is. And I feel compelled to revisit what the law is related to this process that we have touched on time and time again in this Committee and in my subcommittee, and I just want to take a moment to read from our constitutional standards because we haven't had an opportunity to do that today. And I think we should before we have an opportunity to vote on the work product that is in front of us.

So our tier 1 standards. "No

apportionment of planned or individual districts shall be drawn with the intent to favor or disfavor a political party or an incumbent. Districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish the ability to elect a representative their choice. Districts shall consist of contiguous territory."

Our tier 2 standards. "Districts shall be nearly equal in population as practical. We know with our congressional districts, they must be drawn to the person. Districts shall be compact. Districts, where feasible, shall utilize existing political and geographical boundaries."

Members, the work product that is in front of you today is legally compliant. I am proud to have my name attached to it. I am proud to have spent the last six months working with members and receiving their input and perspective on it. I think is the best product that we could have given the information and the reality that is in front of us. And I ask for you to join me

in voting yes today.

VICE-CHAIR FINE: Thank you. Having closed on his bill, members, please remember to turn on your microphones when you vote.

DJ, please call the roll.

MS DJ: Chair Leek.

CHAIRMAN LEEK: Yes.

THE SECRETARY: Representative Andrade.

REPRESENTATIVE ANDRADE: Yes.

THE SECRETARY: Bush.

REPRESENTATIVE BUSH: No.

THE SECRETARY: Byrd.

REPRESENTATIVE BYRD: No.

THE SECRETARY: Clemons.

REPRESENTATIVE CLEMONS: Yes.

THE SECRETARY: Drake.

REPRESENTATIVE DRAKE: No.

THE SECRETARY: Driskell.

REPRESENTATIVE DRISKELL: No.

THE SECRETARY: Fine.

VICE-CHAIR FINE: Yes.

THE SECRETARY: Geller:

REPRESENTATIVE GELLER: No.

THE SECRETARY: Goff-Marcil.

REPRESENTATIVE GOFF-MARCIL: No.

THE SECRETARY: Grall.
REPRESENTATIVE GRALL: Yes.
THE SECRETARY: Grant.
REPRESENTATIVE GRANT: Yes.
THE SECRETARY: Jenne has been excused.
Latvala.
REPRESENTATIVE LATVALA: Yes.
THE SECRETARY: Mariano.
REPRESENTATIVE MARIANO: Yes.
THE SECRETARY: McClain.
REPRESENTATIVE MCCLAIN: Yes.
THE SECRETARY: Omphroy.
REPRESENTATIVE OMPHROY: Yes.
THE SECRETARY: Payne.
REPRESENTATIVE PAYNE: Yes.
THE SECRETARY: Robinson.
REPRESENTATIVE ROBINSON: Yes.
THE SECRETARY: Rommel.
REPRESENTATIVE ROMMEL: Yes.
THE SECRETARY: Sirois.
REPRESENTATIVE SIROIS: Yes.
THE SECRETARY: Slosber-King.
REPRESENTATIVE SLOSBER-KING: No.
THE SECRETARY: Thompson.
REPRESENTATIVE THOMPSON: No.

THE SECRETARY: Tuck.

REPRESENTATIVE TUCK: Yes.

THE SECRETARY: Ex Officio Skidmore.

REPRESENTATIVE SKIDMORE: No.

THE SECRETARY: Fifteen yeas, nine nays, Mr. Chair.

VICE-CHAIR FINE: Show the bill reported favorably.

Members, I will now give the gavel back to Chair Leek.

CHAIRMAN LEEK: Thank you, all. Boy, this is a technical, tedious process. And I want to thank, you know, the few members of the public who showed up at the committee meetings and all the members in this Committee for your thorough and thoughtful questions.

I also want to thank our staff. When I say this is a tedious process, I mean that it requires hours upon hours upon hours of work to achieve the first piece of work product. So I want to thank our staff: Leda, Jason, Sam, DJ, Karen. Am I missing anybody? Don't get me in trouble. Kyle.

I want to thank all of you because I know how much work that you've put in coming up

with any work product. I also want to thank you for sitting down with every member who engaged in the process in a substantive way and walking them through the same thing that I'm sure you had walked us all through at some point or another so that they had an understanding of how to participate and how to engage in the process.

This concludes our committee meeting for this Committee. I want to thank you all for stepping up, engaging in the process, and I want to encourage you all to know that this is not the end. We'll keep going. You'll see this on the floor, probably see this on conference, and the work product, much like the budget, the work product that we end up with may look different than what we're doing here today. But thank you for keeping the process moving.

And with that, Vice Chair Fine moves, we rise.

(END OF VIDEO RECORDING)

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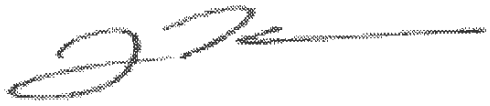
I certify that the foregoing is a true and accurate transcript of the digital recording provided to me in this matter.

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

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Exhibit 46

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

KETO NORD HODGES, et al.,

Plaintiffs,

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

KATHLEEN PASSIDOMO, et al.,

Defendants.
_____/

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

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

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

I. Introduction, Methods, and Summary of Conclusions

a. The initiatives

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

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

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

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

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

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

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

b. Methods

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

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

c. Conclusions

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

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

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

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

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

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

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

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

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

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

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

a. 1977-78 CRC

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

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

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

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

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

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

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

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

b. 1980 – 1993: Not quite

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

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

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

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

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

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

[20] Id.

c. 1997-98 CRC

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

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

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

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

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

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

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

d. 2002 initiatives

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

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

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

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

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

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

e. 2004 Election Cycle

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

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

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

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

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

The proposed standards did not mention minority representation.

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

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

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

f. 2006 Election Cycle

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

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

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

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

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

Ballot Title:

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

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

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

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

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

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

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

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

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

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

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

III. Fair Districts Proposals 2008 - 2010

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

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

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

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

A. Purpose of Fair Districts Amendments Based on Historical Review

a. The Text and Its Organization

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

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

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

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

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

They can be atomized as follows:

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

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

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

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

AND

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

denying OR abridging

the opportunity of racial OR language minorities

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

[36] Fla. Const. Art. III, § 20.

6) Districts shall consist of contiguous territory.

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

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

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

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

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

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

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

b. Proponents' Purpose

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

i. Officers/Spokespeople

a. Ellen Freidin

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

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

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

b. Barry Richard (Ballot-validity attorney)

1. Positions as argued in briefs

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

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

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

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

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

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

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

It then closed its logical circle:

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

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

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

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

2. Positions as argued in oral argument.

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

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

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

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

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

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

In their own words:

Legislature:

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

Fair Districts:

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

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

c. Additional spokespersons; coordinated effort

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

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

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

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

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

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

ii. Major Contributors.

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

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

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

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

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

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[52] Id. at 12-13.
[53] *E.g.*, Scott Powers, "2 Ballot Measures Pit GOP vs. Dems," *Orlando Sentinel* (Oct. 20, 2010).

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

iii. What Spokespeople said about the proposals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. Fair Districts Proposals From the Voters' Perspective

a. Sources.

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

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

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

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

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

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

b. Early coverage

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

c. Opposition Begins to Emerge

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

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

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

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

i. Members of Congress Brown and Diaz-Balart

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

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

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

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

ii. Senator Haridopolos

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

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

iii. The Legislature's poison pill amendment

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

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

[74] HJR 7231 (2010).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. Public opinion polls

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

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

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

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

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

Authors Eagleton and Smith concluded from this data:

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

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

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

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

e. Final media push

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

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

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

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

f. Patterns of information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Conclusion

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

VI. Statement of Compensation and Qualifications Regarding Expert Report Author

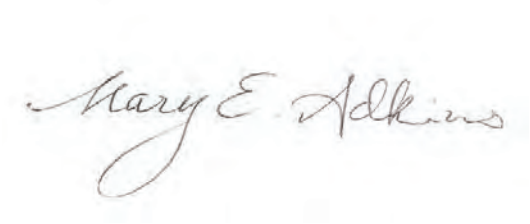
Although I have testified in federal court, I have not done so in the past four years. I have been retained in this matter at an hourly rate of $400.00 per hour; my deposition and court testimony rates are compensated at $450.00 per hour.

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

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

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

Respectfully,



Mary E. Adkins September 9, 2024

APPENDIX 1.

1977-78 CRC proposal

SECTION 16. Legislative and Congressional Reapportionment.

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

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

(c) Reapportionment Standards.

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

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

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

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

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

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

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

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

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

APPENDIX 2.

1980 proposal.

Reference: Article III, Section 16

Ballot Title: Citizen's Amendment for Better Representation

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

SECTION 16. Legislative and congressional reapportionment.-

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

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

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

(c) REAPPORTIONMENT STANDARDS.

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

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

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

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

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

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

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

APPENDIX 3.

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

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

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

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

ARTICLE II
GENERAL PROVISIONS

SECTION 10. Legislative apportionment and congressional redistricting.

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

(b) REAPPORTIONMENT COMMISSION.—

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

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

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

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

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

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

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

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

(c) REAPPORTIONMENT STANDARDS.-

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

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

(3) Districts should be compact in form.

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

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

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

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

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

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

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

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

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

APPENDIX 4.

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

Committee Substitute for Proposals No.172 & 162

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

A proposal to repeal

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

It is proposed by the Florida Constitution Revision Commission that:

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

ARTICLE II

GENERAL PROVISIONS

SECTION 10. Legislative apportionment and congressional districting.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 5.

2002 People Over Politics proposal 99-06

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

FOR REAPPORTIONMENT.

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

2002 People Over Politics proposal 99-07

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

Section 16. Legislative apportionment.—

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 6.

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

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

APPENDIX 7.

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

APPENDIX 8.

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

APPENDIX 9.

Listing of Legislative Hearings for HJR and Reapportionment

Legislative Hearings on HJR and SJR

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

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

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

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

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

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

Select Legislative Hearings on Reapportionment

August 31, 2011 Redistricting hearing in Naples

August 30, 2011 Redistricting hearing in Sarasota

May 6, 2011 Joint meeting on redistricting

February 7, 2011 Senate reappointment committee

January 25, 2011 Senate reappointment committee

December 9, 2010	Senate reappointment committee
April 16, 2010	Senate reappointment committee
April 12, 2010	Senate reappointment committee
April 12, 2010	House Ethics and Elections Committee
March 17, 2010	Senate Committee on Reappointment
March 15, 2010	Senate Committee on Reappointment
March 5, 2010	Senate Committee on reappointment
March 2, 2010	Senate Committee on Reappointment
February 17, 2010	Senate Committee on Reappointment
February 11, 2010	Joint Meeting (Ellen Freidin)
January 20, 2010	Senate Committee on Reappointment
January 13, 2010	Senate Committee on Reappointment
January 11, 2010	Joint Meeting (Brown and Diaz-Balart)
November 3, 2009	Senate Committee on Reappointment (1:03 start)

Exhibit 75

IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

Black Voters Matter Capacity
Building Institute, Inc., *et al.*,

Plaintiffs, Case No. 2022-ca-000666

v.

Cord Byrd, in his official capacity as
Florida's Secretary of State, *et al.*,

Defendants.
_____/

FLORIDA LEGISLATURE'S TRIAL BRIEF

The Florida House of Representatives and the Florida Senate (collectively, the "Legislature") oppose the Plaintiffs' contention that Congressional District 4 in the Enacted Map should be declared unconstitutional and replaced with a sprawling district spanning more than 200 miles from Duval County to Gadsden and Leon Counties. This Court should reject Plaintiffs' challenge in its entirety. The Enacted Map is lawful and should be upheld.

The Legislature writes separately to address the specific legal basis for upholding the Enacted Map raised in the House's Fifth Affirmative Defense: given the unique geography and population demographics in North Florida, any application of the non-diminishment provision to Benchmark Congressional District 5 would violate the Equal Protection Clause of the United States Constitution.

Background

The 2020 decennial census revealed that the population of Florida had grown significantly, and the State was apportioned an additional seat in the United States House of Representatives. To accommodate this new allocation and the population changes shown by the census, the State of Florida commenced its redistricting process in the fall of 2021 with legislative committee and subcommittee meetings.

Relatively early in the 2022 legislative session, it became apparent that the status of Benchmark Congressional District 5 presented significant legal questions not present elsewhere in the map. The district's configuration resulted from two Florida Supreme Court decisions in 2015 that ordered the creation of an "East-West" district with a sufficient Black voting-age population so as not to diminish the ability of Black voters to elect their candidates of choice as compared to the 2002 benchmark district. *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 402–06 (Fla. 2015) ("*Apportionment VII*"); *League of Women Voters of Fla. v. Detzner*, 179 So. 3d 258, 271–73 (Fla. 2015) ("*Apportionment VIII*").

The "East-West" configuration adopted by the Florida Supreme Court arose from its conclusion that the "North-South" orientation adopted by the Legislature in 2012 was intended to favor the Republican Party and incumbent Congresswoman Corrine Brown. *Apportionment VII*, 172 So. 3d at 403. Because the plaintiffs in *League of Women Voters of Florida v. Detzner* had asserted *political* gerrymandering claims against the 2012 congressional map, the Florida Supreme Court had no occasion to consider

whether Benchmark Congressional District 5 complied with the Equal Protection Clause's prohibition against *racial* gerrymandering.

On February 1, 2022, Governor DeSantis requested an advisory opinion from the Florida Supreme Court regarding whether the Florida Constitution "requires the retention of a district in northern Florida that connects the minority population in Jacksonville with distant and distinct minority populations (either in Leon and Gadsden Counties or outside of Orlando) to ensure sufficient voting strength, even if not a majority, to elect a candidate of their choice." *Adv. Op. to Gov. re Whether Article III, Section 20(a) of Fla. Const. Requires Retention of a Dist. in N. Fla.*, 333 So. 3d 1106, 1107–08 (Fla. 2022). The Governor's request cited intervening precedent from the United States Supreme Court interpreting the Equal Protection Clause and affirming that where "racial considerations predominate[] over others, the design of the district must withstand strict scrutiny." Letter from Ron DeSantis to the Chief Justice and Justices of the Florida Supreme Court at 5 (Feb. 1, 2022) (quoting *Cooper v. Harris*, 581 U.S. 285, 292 (2017)).

The Legislature filed a brief requesting that the Court accept jurisdiction and provide an opinion interpreting the Florida Constitution's non-diminishment requirement in the specific context of Benchmark Congressional District 5. The Legislature's brief noted that judicial guidance on the narrow question presented by the Governor "will provide needed resolution of a question of significant importance to the enactment and executive approval of a congressional redistricting plan for the State

of Florida, and may obviate the need for judicial involvement at later stages of that process." Fla. Legislature's Jurisdictional Br. at 3 (Feb. 7, 2022). Three days later, the Florida Supreme Court issued an opinion "acknowledg[ing] the importance of the issues presented by the Governor" but declining to grant an advisory opinion in the absence of a complete factual record. *Adv. Op. to Gov. re Whether Article III, Section 20(a) of Fla. Const. Requires Retention of a Dist. in N. Fla.*, 333 So. 3d at 1108.

On March 4, 2022, the Legislature passed Senate Bill 102, which apportioned the State into 28 congressional districts. That map contained a district that, like Benchmark Congressional District 5, connected portions of Duval County with Gadsden County and portions of Leon County in an attempt to comply with the Florida Constitution's non-diminishment provision. Governor DeSantis vetoed the bill on the basis that the North Florida district violated the Equal Protection Clause.

In a special session, the Legislature considered a new proposed map that incorporated some districts approved by the Legislature at its regular session and a new configuration in North Florida. The new configuration in North Florida proceeded on the premise that the unique geography and population demographics in North Florida would preclude the drawing of a district that satisfied the non-diminishment requirement without racial considerations predominating over traditional redistricting criteria.

The redistricting process concluded with the Florida Legislature's passage and the Governor's approval of Senate Bill 2-C on April 22, 2022.

Argument

I. The Equal Protection Clause prohibits the drawing of a North Florida Congressional District that would satisfy the Florida Constitution's non-diminishment provision as to Benchmark Congressional District 5.

Plaintiffs ask this Court to declare Congressional District 4 unconstitutional under the Florida Constitution because it "diminishes" the opportunity of Black Floridians to elect the candidate of their choice as compared to Benchmark Congressional District 5. But Plaintiffs ask this Court to ignore the other side of the "competing hazards of liability" facing States that consider race in the districting process. *Abbott v. Perez*, 138 S. Ct. 2305, 2315 (2018) (quoting *Bush v. Vera*, 517 U.S. 952, 977 (1996) (plurality opinion)). That is because the only way to satisfy the Florida Constitution's non-diminishment requirement under the unique geography and population demographics of North Florida is to create a sprawling and non-compact congressional district that subordinates all other redistricting criteria to racial considerations in violation of the federal constitution's Equal Protection Clause. Because the Supremacy Clause requires this conflict to be resolved in favor of the federal constitution, the non-diminishment requirement cannot constitutionally be applied to Benchmark Congressional District 5.

Ordinarily, a State violates the Equal Protection Clause when it makes race the predominant factor in drawing an electoral district. *Miller v. Johnson*, 515 U.S. 900, 916 (1995). In other words, a State may not "subordinate[] traditional race-neutral districting principles, including but not limited to compactness, contiguity, and respect for political

subdivisions or communities defined by actual shared interests, to racial considerations." *Id.* Race predominates in establishing district boundaries when "race-neutral considerations come into play only after the race-based decision had been made," *Allen v. Milligan*, 143 S. Ct. 1487, 1510 (2023) (quoting *Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178, 189 (2017)), or when race furnished "the overriding reason for choosing one map over others," *Cooper*, 581 U.S. at 301 n.3 (quoting *Bethune-Hill*, 580 U.S. at 190).

When race predominates over traditional race-neutral districting principles, then, to survive constitutional scrutiny, the district must be narrowly tailored to serve a compelling governmental interest. *Abrams v. Johnson*, 521 U.S. 74, 91 (1997). Apart from a State's interest in prison safety, the only compelling interest the United States Supreme Court has ever recognized to justify race-based government action is the remediation of "specific, identified instances of past discrimination that violated the Constitution or a statute." *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 143 S. Ct. 2141, 2162 (2023). The Supreme Court has only assumed, but not decided, that a State's compliance with the federal Voting Rights Act advances a compelling interest. *Bethune-Hill*, 580 U.S. at 193.

These standards are demanding because even benign race-based government action offends the "core purpose of the Fourteenth Amendment . . . to do away with all governmentally imposed discrimination based on race." *Palmore v. Sidoti*, 466 U.S. 429, 432 (1984) (footnote omitted); *accord Miller*, 515 U.S. at 904 (explaining that the

central mandate of equal protection is "racial neutrality in governmental decision making" and applies "regardless of 'the race of those burdened or benefited by a particular classification'"). Race-based redistricting, "even for remedial purposes, may balkanize us into competing racial factions; it threatens to carry us further from the goal of a political system in which race no longer matters—a goal that the Fourteenth and Fifteenth Amendments embody." *Shaw v. Reno*, 509 U.S. 630, 657 (1993). "It reinforces the perception that members of the same racial group—regardless of their age, education, economic status, or the community in which they live—think alike, share the same political interests, and will prefer the same candidates at the polls"—perceptions that the Supreme Court has "rejected . . . as impermissible racial stereotypes." *Id.* at 647. The "Constitution's pledge of racial equality" cannot, therefore, be "overridden except in the most extraordinary case." *Students for Fair Admissions, Inc.*, 143 S. Ct. at 2161, 2163.

The Supreme Court acknowledged in *Abbott v. Perez* that "[r]edistricting is never easy." 138 S. Ct. at 2314. States must draw districts that are substantially equal in population. They must comply with the federal constitution's Equal Protection Clause, which prohibits the intentional assignment of citizens to districts on the basis of race without sufficient justification and also forbids intentional "vote dilution"—the invidious minimizing or cancellation of the voting potential of racial or ethnic minorities. *Id.*

At the same time that the Equal Protection Clause restricts the consideration of race in the districting process, compliance with the VRA pulls in the opposite direction.

Since the Equal Protection Clause limits what the VRA demands—the consideration of race in redistricting—a legislature attempting to produce a lawful districting plan is vulnerable to "competing hazards of liability." *Id.* at 2315 (quoting *Bush*, 517 U.S. at 977 (plurality opinion)). The Supreme Court has assumed, without deciding, that compliance with the VRA is a compelling state interest and that consideration of race in making districting decisions is narrowly tailored if the State has "good reasons" for believing that those decisions are necessary to comply with the VRA. *Cooper*, 581 U.S. at 293 (quoting *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 278 (2015)).

The Florida Constitution also prescribes standards for establishing congressional district boundaries. Art. III, § 20, Fla. Const. As relevant here, the Tier One standards prohibit the drawing of districts "with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice." *Id.* at § 20(a).[1] The Florida Supreme Court has held that these requirements parallel the requirements of both Section 2 and Section 5 of the VRA. *In re Senate Joint Resol. of Legislative Apportionment 1176*, 83 So. 3d 597, 620 (Fla. 2012) ("*Apportionment I*"). Section 2 of the VRA applies nationwide and prohibits "vote dilution." *Id.* at 620–22. Section 5 of the VRA prohibits

[1] The "Tier One" standards also prohibit the drawing of districts with the intent to favor or disfavor a political party or an incumbent and require districts to consist of contiguous territory. Art. III, § 20(a), Fla. Const. These provisions are no longer at issue in this case following Plaintiffs' abandonment of the partisan gerrymandering claims in Count III of the Amended Complaint.

"retrogression"—a diminishment in the ability of a racial or language minority group to elect representatives of their choice as compared to a "benchmark" district that provided that ability. *Id.* at 623–24. Five Florida counties[2] were subject to Section 5's non-diminishment requirement, *id.* at 624—at least before the coverage formula was invalidated by the Supreme Court in *Shelby County v. Holder*, 570 U.S. 529 (2013). The Florida Constitution's non-diminishment provision applies statewide and—unlike its federal analogue—has no sunset or expiration date.

The "Tier Two" standards of the Florida Constitution, which apply except in the case of a conflict with the Tier-One standards, require districts to be compact, "as nearly equal in population as is practicable," and, where feasible, to "utilize existing political and geographical boundaries." Art. I, § 20(b), Fla. Const.

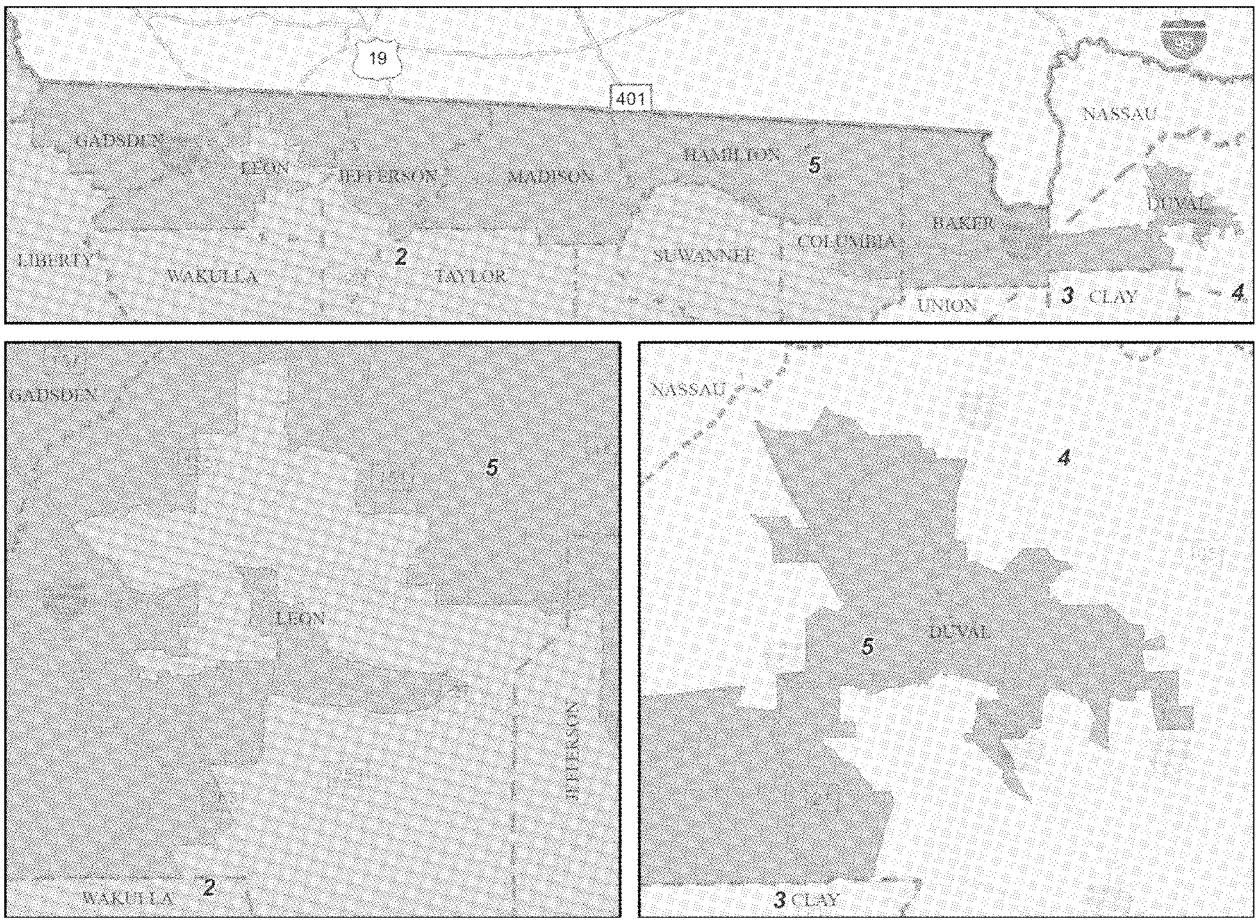
II. The Equal Protection concerns raised by the application of the non-diminishment requirement are limited to Benchmark Congressional District 5.

Because of North Florida's unique geography and population demographics, Benchmark Congressional District 5 presents unique equal-protection concerns in the application of Florida Constitution's non-diminishment provision. Benchmark Congressional District 5's configuration renders it an extreme outlier on the "traditional redistricting criteria" reflected in Florida's Tier Two standards. It is egregiously non-compact and disregards existing political and geographical boundaries on both the east

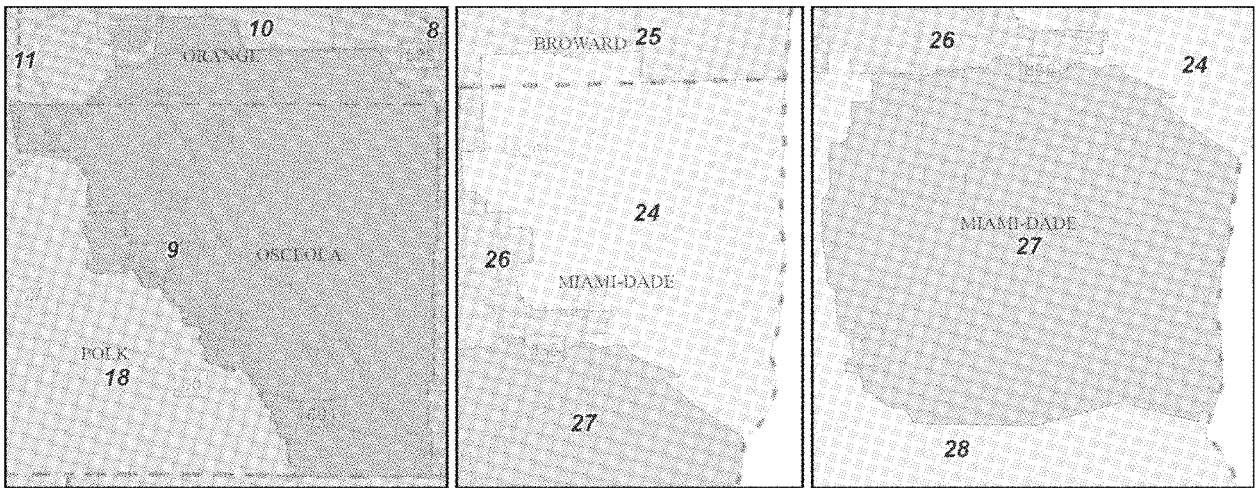
[2] Florida's five "covered counties" were Collier, Hardee, Hendry, Hillsborough, and Monroe—none of which are in North Florida. *Apportionment I*, 83 So. 3d at 624.

and west ends of the district in an attempt to capture a sufficient number of Black voters to satisfy the Florida Constitution's non-diminishment requirement. In short, the population demographics in North Florida reflected in the 2020 census simply do not allow for the creation of a congressional district that accomplishes non-diminishment with respect to Benchmark Congressional District 5 without elevating race to the predominant consideration in the assignment of voters to districts.

Benchmark Congressional District 5 abandons traditional race-neutral districting principles. Its 200-mile length is approximately ten times its 20-mile height, which narrows to approximately two miles north of Tallahassee and west of Jacksonville. The district not only does not respect political and geographical boundaries; it splits four counties and reaches into Jacksonville and Tallahassee with narrow, tortured arms and fingers to carve from these cities large numbers of minority voters. The district strings eight counties together in a line. In the process, it combines some of the State's most densely populated urban areas with some of Florida's most sparsely populated, agrarian counties—and does so to connect pockets of minority voters in urban Jacksonville and Tallahassee that are more than 150 miles apart. Most of the district's population lies at its outermost ends, with comparatively little population found in the five-county corridor that connects those populous, far-flung extremities.



No other district in the Benchmark Map raises the same equal-protection concerns. In contrast to Benchmark Congressional District 5, concerns about racial predominance did not prohibit Florida from drawing congressional districts elsewhere in the State that satisfy the Florida Constitution, the VRA, and the Fourteenth Amendment. For example, Congressional Districts 9, 24, and 27 in the Enacted Map are compact districts both visually and by statistical measurements and were drawn with respect for existing political and geographical boundaries. But these districts also do not diminish the ability of racial and ethnic minorities to elect representatives of their choice.



In Central and South Florida, the geography and population demographics can accommodate congressional districting decisions that are simply not possible in North Florida.

Plaintiffs have not demonstrated[3] that a compelling state interest justifies a North Florida district drawn predominantly on the basis of race. The record contains no evidence that the maintenance of a race-based district is necessary to eradicate the ongoing effects of specific, identifiable instances of past discrimination. *See, e.g.*, *Bush*, 517 U.S. at 982 (plurality opinion) (explaining that a State's interest in remedying past

[3] As the proponents of a race-based assignment of voters to congressional districts, Plaintiffs necessarily bear the burden to demonstrate that the use of race is justified by a compelling state interest and is narrowly tailored to accomplish that interest. *Bethune-Hill*, 580 U.S. at 193 (explaining that, where the State has enacted a race-based district, the burden shifts to the State to prove that consideration of race was narrowly tailored to serve a compelling interest). This allocation of the burden is consistent with the disfavored status and presumptive invalidity of racial classifications under the Equal Protection Clause. *See Johnson v. Bd. of Regents of Univ. of Ga.*, 263 F.3d 1234, 1244 (11th Cir. 2001) ("The proponent of the classification bears the burden of proving that its consideration of race is narrowly tailored to serve a compelling governmental interest.").

discrimination is "compelling" when the discrimination is "specific" and "identified," and the State had a "strong basis in evidence" to conclude that its remedial action was necessary); *Miller*, 515 U.S. at 920–22. Nor does any party claim that the VRA protects Benchmark Congressional District 5 and requires its preservation. Absent a compelling interest in its preservation, Benchmark Congressional District 5's subordination—and indeed outright abandonment—of traditional race-neutral districting principles cannot be justified.

The Supreme Court has repeatedly assumed, without deciding, that a State's compliance with the VRA serves a compelling interest. But the Court has never extended the same presumption to a State's efforts to comply with its own laws requiring government decisions to be made on racial grounds. This distinction is perhaps unsurprising when considering the history that led to the adoption of the Fourteenth Amendment: States' denial of the equal protection of the laws on the basis of race.

Moreover, even if compliance with the VRA serves a compelling state interest, it does not follow that compliance with Florida's non-diminishment standard does too. As the Secretary argues in his Trial Brief, there are important differences between the VRA and Florida's non-diminishment standard. The VRA's mandates are narrow in scope; section 5 of the VRA, which prohibited retrogression, was both time-limited and limited to "covered" jurisdictions in which Congress found evidence of race discrimination in elections. 52 U.S.C. §§ 10303(a)(8), (b), 10304; *Shelby Cnty.*, 570 U.S.

at 537–39. Thus, when the U.S. Supreme Court assumed that compliance with a federal retrogression prohibition advances a compelling state interest, its assumption was limited to a prohibition that applied only to jurisdictions with a demonstrated history of racial discrimination.

Florida's non-diminishment standard, in contrast, has no time limitation and applies statewide without regard to whether an affected jurisdiction has any recent or identifiable history of racial discrimination in elections. Unlike section 5 of the VRA, then, it is *not even arguably* tethered to specific, identified instances of past discrimination that demand remediation. The U.S. Supreme Court has never assumed, let alone held, that there is a compelling state interest in preventing retrogression or diminishment for its own sake, or on a blanket basis. Moreover, the non-diminishment standard does not share the VRA's storied legacy as landmark civil-rights legislation and, unlike the VRA, Florida's non-diminishment standard finds no express constitutional warrant in the Fourteenth Amendment. Mere compliance with Florida's non-diminishment standard is not, without more, a compelling state interest that might justify the elevation of race above traditional race-neutral districting principles consistent with the requirements of the Equal Protection Clause.

Plaintiffs' absolutist approach would require Florida to ensure non-diminishment no matter how much the resulting district would subordinate traditional redistricting criteria to racial considerations. But Plaintiffs offer no limiting principle or logical endpoint to this argument. *Cf. Students for Fair Admissions, Inc.*, 143 S. Ct. at 2170-

73, 2175 (holding that race-based admissions programs could not be reconciled with the Equal Protection Clause, in part, because they lacked any meaningful endpoint). If the 2020 census had revealed that Black population of Benchmark Congressional District 5 had decreased by 50%, the Plaintiffs' approach would require the State to draw an even more sprawling district with tendrils stretching perhaps as far as Panama City and Orlando to ensure non-diminishment. The Equal Protection Clause does not tolerate the total abandonment of traditional race-neutral districting principles in favor of the single-minded pursuit of racial considerations in redistricting. And in regions of the State where application of the Florida Constitution's requirements would necessarily conflict with the requirements of the Fourteenth Amendment, the Supremacy Clause requires the former to yield.

When racial considerations outrank race-neutral considerations in redistricting, the resulting district is subject to strict scrutiny. Here, the non-diminishment standard, as Plaintiffs interpret it, would require not only the elevation of racial over race-neutral considerations, but also the adoption and perpetual preservation of a district so focused on race that it wholly abandons—and does not even minimally advance—traditional race-neutral districting principles. Because the maintenance of Benchmark Congressional District 5 would have violated the Equal Protection Clause, the non-diminishment standard could not compel its preservation.

Conclusion

Plaintiffs' challenge to the Enacted Map should be denied in its entirety, and the Court should enter final judgment in favor of Defendants.

Respectfully submitted,

/s/ Andy Bardos
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Counsel for the Florida Senate

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on all parties of record through the Florida Courts E-Filing Portal on August 16, 2023.

/s/ Daniel Nordby

Exhibit 4

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR LEON COUNTY, FLORIDA

COMMON CAUSE; LEAGUE OF WOMEN VOTERS OF FLORIDA, INC.; and **LEAGUE OF UNITED LATIN AMERICAN CITIZENS,**

Plaintiffs,

CASE NO: 2026 CA 00928

VS.

RON DESANTIS, Florida Governor; **CORD BYRD**, Florida Secretary of State; **JAMES UTHMEIER**, Florida Attorney General; **DANIEL PEREZ**, Speaker of the Florida House; **BEN ALBRITTON**, President of the Florida Senate; **MIKE REDONDO**, Chair of the Florida House Select Committee on Congressional Redistricting; **KATHLEEN PASSIDOMO**, Florida Senate Committee on Rules Chair; **DON GAETZ**, Florida Senator; **JENNA PERSONS-MULICKA**, Florida Representative; the **FLORIDA HOUSE**; and the **FLORIDA SENATE**,

Defendants.
_____/

DECLARATION OF WILLIAM S. COOPER

I, William S. Cooper, swear under penalty of perjury that the following information is true to the best of my knowledge and state as follows:

1. My name is William S. Cooper. I have a B.A. in Economics from Davidson College. As a private consultant, I currently serve as a demographic and redistricting expert in the above-captioned case. I am being compensated at a rate of $170 per hour. No part of my compensation is dependent upon the conclusions that I reach or the opinions that I offer.

A. Redistricting Experience

2. I have testified at trial as an expert witness on redistricting and demographics in federal courts in about 60 cases since the late 1980s.

3. Eight of the 60 lawsuits requiring my trial testimony resulted in changes to statewide legislative boundaries.[1]

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[1] *Rural West Tennessee African-American Affairs Council, Inc. v. McWherter*, No. 92-cv-2407 (W.D. Tenn.); *Old Person v. Brown*, No. 96-cv-0004 (D. Mont.); Bone Shirt v. Hazeltine, No. 01-cv-3032 (D.S.D.); *Alabama Legislative Black Caucus v. Alabama*, No. 12-cv-691 (M.D. Ala.); *Thomas v. Reeves*, No. 18-cv-441 (S.D. Miss.); Caster v. Merrill, No. 21-1356-AMM (N.D. Ala.); *Pendergrass v. Raffensperger*, No. 21-05337-SCJ (N.D. Ga.); and *Alpha Phi Alpha Fraternity v. Raffensperger*, No. 21-05339-SCJ (N.D. Ga.). In *Bone Shirt v. Hazeltine*, the court adopted the remedial plan I developed.

4. Approximately 27 of the cases where I provided trial testimony led to changes in local election district plans.

5. At least two dozen other local-level Section 2 redistricting lawsuits in 14 states[2] where I served as a consultant for the plaintiffs resolved favorably before trial.

6. In 2001 and in 2011, I served as a redistricting consultant (along with others) to the Miami-Dade County Commission and School Board.

7. In more recent years, I have been involved in two redistricting lawsuits at the federal court level in Florida:

- In June 2020, I testified at a preliminary injunction hearing in federal court in Tallahassee (via Zoom) on behalf of the City of Quincy defendants in *Baroody v. City of Quincy, Florida (Case No.: 4:20-cv-217-AW-MA)*. The Court ruled in favor of the Defendants.

- In 2016, I filed declarations on behalf of the plaintiffs in *Calvin v. Jefferson County Board of Commissioners and* School Board *(Case No.: 4:15-cv-00131-MW-CAS)*. The court ruled in favor of the Plaintiffs prior to trial.

8. Since the release of the 2020 Census, I have developed local government redistricting plans for the following jurisdictions:

- Navajo County, AZ (HUD 14 School District)
- Bolivar County, MS
- Washington County, MS

[2] Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, Montana, North Carolina, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and Washington.

- City of Grenada, MS
- San Juan County, Utah (Commission and School Board)

9. In September 2024, a state court in Yakima County, Washington ordered into effect a remedial school board plan I developed on behalf of the plaintiffs under the Washington State Voting Rights Act in *In re Sunnyside School District, Case No. 24-2-02258-39* (Wash. Superior Ct.).

10. I currently serve as a redistricting consultant to the Port of Sunnyside Commission in Yakima County, Washington.

11. In January 2026, I testified on behalf of plaintiffs at trial in *Williams et al. v. Board of Elections of the State of New York et al.,* which was a lawsuit brought under the New York State Voting Rights Act. The plaintiffs prevailed at trial but the lawsuit was dismissed by both parties following a March 2026 ruling by the U.S. Supreme Court.

12. In February 2026, I testified at trial on behalf of the plaintiffs in *Harris v. Desoto County, Miss. (Civil No. 3:24-cv-00289-GHD-RP).*

13. In an April 28, 2026 remedial hearing in *White v. State Board of Elections (Civil No. 4:22-cv-00062-SA),* I presented a race-blind remedial plan favored by the plaintiffs for the 3-district Mississippi State Supreme Court.

14. **Appendix A** provides additional information about my experience in redistricting and demographic analysis.

B. Purpose of Report

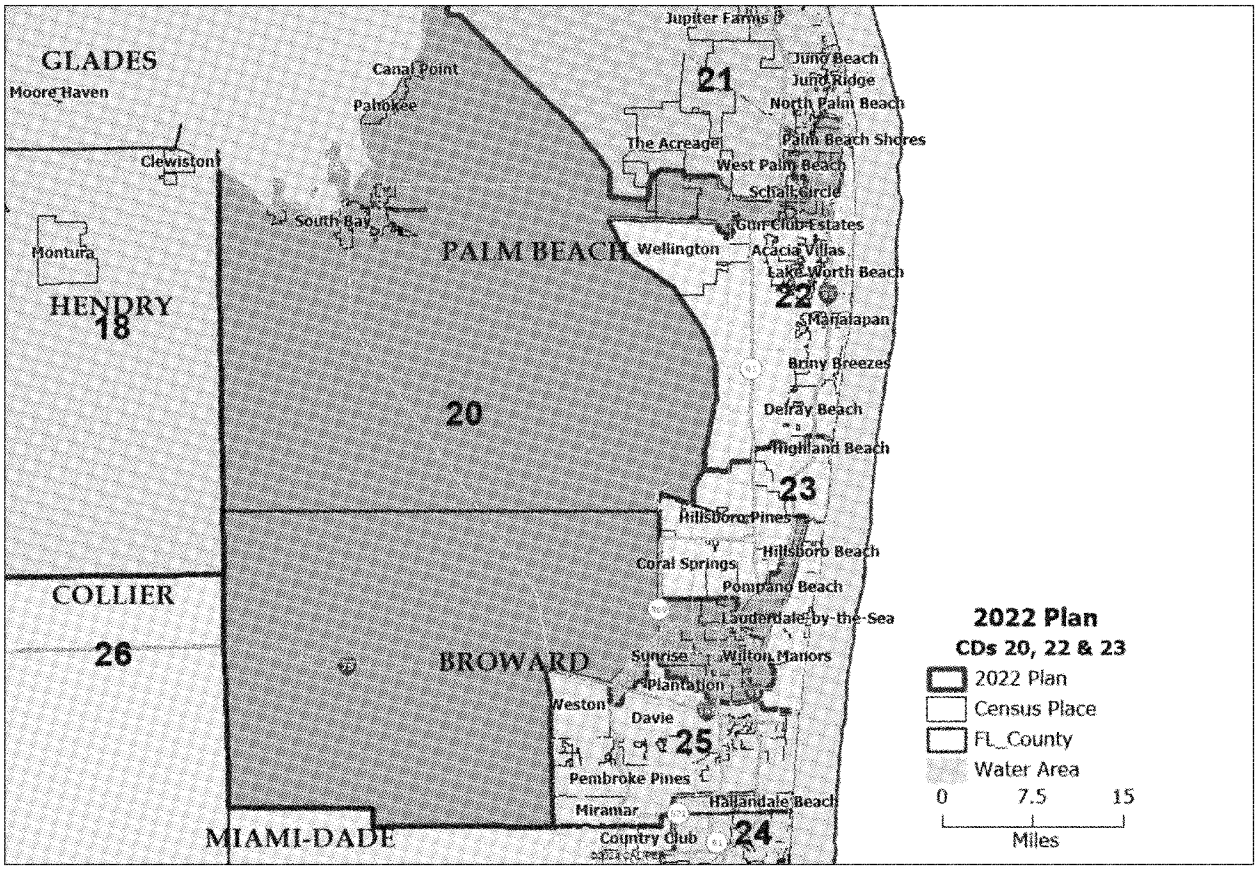
15. The attorneys for the plaintiffs in this lawsuit have asked me to develop an illustrative plan that would improve the shape of CD 20 and reduce political subdivision splits in CD 20 and adjacent districts, while keeping any changes to the rest of the plan to a minimum. More specifically, I was asked to do so without referencing partisan data or demographic data (race or ethnicity) from the 2020 Census.

C. Demographic Background

16. As shown in **Figure 1**, CD 20 under the 2022 Plan encompasses parts of Broward County and Palm Beach County. It is adjacent to CD 22 and CD 23, which are also in Broward and Palm Beach Counties.

17. **Appendix B-1** is a higher resolution map of Figure 1. **Appendix B-2** is a statewide map of the 2022 Plan.

Figure 1: 2022 Plan CDs 20, 22, and 23



D. Illustrative Plan Redistricting Methodology

18. During the development of the Illustrative Plan, I did not look at the 2026 Plan nor did I have access to a shapefile depicting the 2026 Plan, enacted by the Florida Legislature on April 29, 2026.

19. Throughout this redistricting project, I have restricted the Maptitude data view screen to display nothing more than total 2020 Census population and deviation from the ideal district size (766,221) by district.

20. I started with an onscreen *Maptitude for Redistricting* map showing random colors for the 28 congressional districts under the 2022

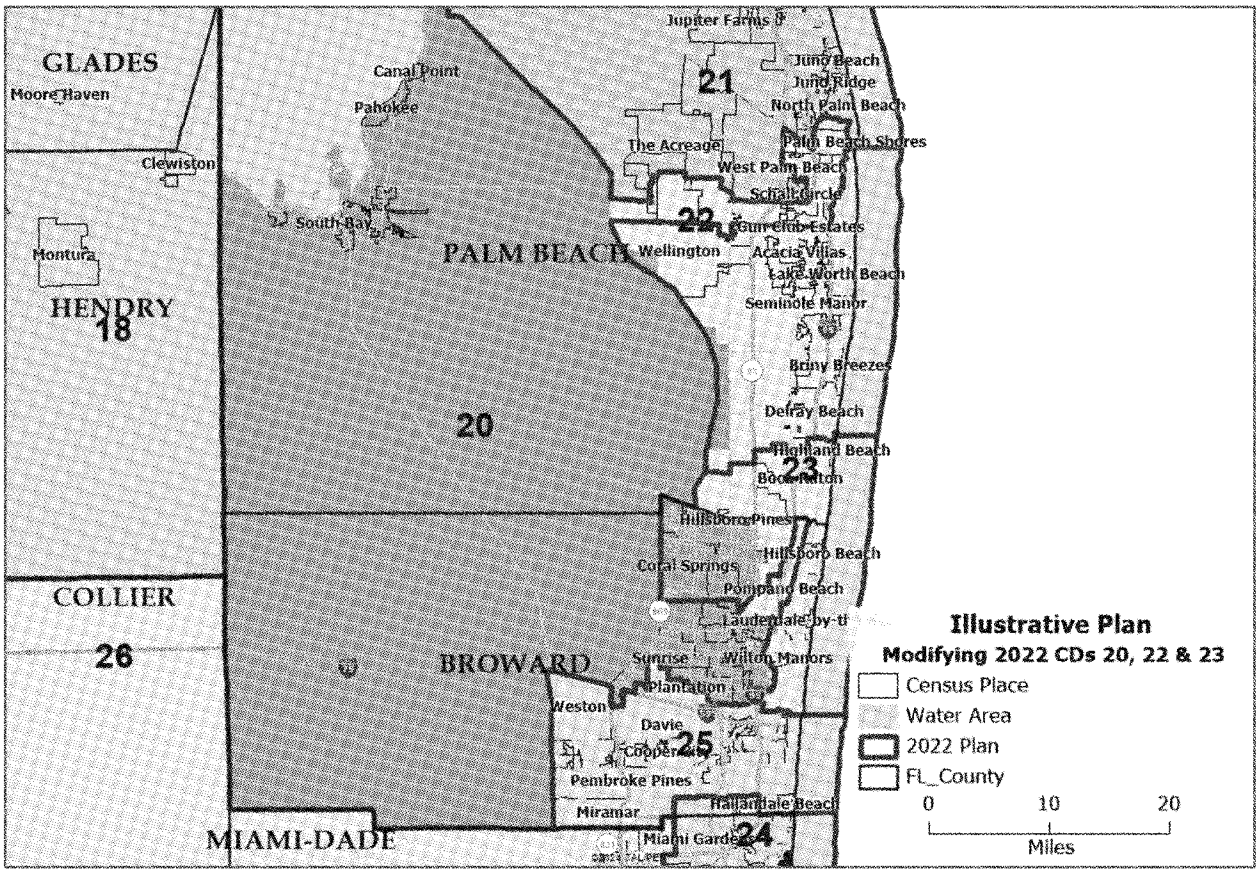
Plan. Black lines demarcated county boundaries with thin black lines for municipalities and thin red lines for precincts (2020 Census VTDs). Black labels identified the total 2020 population in each VTD.

21. From start to finish, I spent no more than 40 minutes to develop the Illustrative Plan. The initial 2020 VTD-level modifications I made to CDs 20, 22, and 23 took about a half hour. As a final step to bring all three districts from about +/- 140 persons to zero deviation, I turned on census block boundaries and displayed census block total population with labels. In less than ten minutes, I was able to shift a few census blocks in order to bring the plan-wide overall deviation back down to -1 person – the same as the 2022 Plan.

E. Illustrative Plan

22. The map in **Figure 2** shows the 3-district modification, displaying the Illustrative Plan. A blue-line overlay depicts the 2022 Plan district boundaries.

Figure 2: Illustrative Plan with 3-District Modification to 2022 Plan



23. **Appendix C-1** is a higher resolution map of Figure 2. **Appendix C-2** is a statewide map of the Illustrative Plan.

24. An address-searchable online map of the Illustrative Plan (color coded) with a blue-line overlay of the 2022 Plan can be viewed via Maptitude Online at the link below.

https://online.caliper.com/mas-874-drp-290-ujr/maps/moyhi40m000scskra6oo

25. As shown in **Figure 3**, the 3-district revision embodied in the Illustrative Plan improves compactness when compared against the same three districts under the 2022 Plan. The mean average is higher for two of

three widely referenced compactness measures[3] – Reock[4], Polsby-Popper[5], and Area Convex Hull.[6]

Figure 3: 3-District Compactness Score Comparison

(Mean Average)	Illustrative Plan	2022 Plan
Reock	0.45	0.48
Polsby-Popper	0.38	0.33
Convex_Hull	0.84	0.77

[3] Source for definitions: Maptitude for Redistricting Technical Documentation.

[4] The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact. The Reock test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan.

See [Reock 1961] and [Young 1988].

[5] The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter: 4pArea/(Perimeter2). The measure is always between 0 and 1, with 1 being the most compact. The Polsby-Popper test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan.
See [Cox 1929], [Polsby and Popper 1991], and [Niemi, Grofman, Carlucci, and Hofeller 1990].

[6] The Area/Convex Hull test computes the ratio the district area to the area of the convex hull of the district (minimum convex polygon which completely contains the district). The measure is always between 0 and 1, with 1 being the most compact. The Minimum Convex Polygon test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan.

See [Niemi, Grofman, Carlucci, and Hofeller 1990].

26. **Appendix D-1** is a Maptitude report documenting compactness scores for CDs 20, 22, and 23 under the Illustrative Plan. **Appendix D-2** is the same report for CDs 20, 22, and 23 under the 2022 Plan.

27. As shown in **Figure 4**, statewide comparisons for the mean average of all 28 districts under the Illustrative Plan are about the same when compared against the 2022 Plan (.01 higher for two of the three measures under the Illustrative Plan).

Figure 4: 28-District Compactness Score Comparison

(Mean Average)	Illustrative Plan	2022 Plan
Reock	.46	.47
Polsby-Popper	.44	.43
Convex_Hull	.82	.81

28. **Appendix E-1** is a Maptitude report documenting compactness scores for all districts under the Illustrative Plan. **Appendix E-2** is the same report for all districts under the 2022 Plan.

29. **Figure 5** shows that with the 3-district modification, the Illustrative Plan is significantly superior to the 2022 Plan with respect to VTD splits. The Illustrative Plan splits 40 VTDs – half as many as the 80 VTD splits found in the 2022 Plan.

Figure 5: 3-District 2020 County and VTD Splits Comparison

	Illustrative Plan	2022 Plan
County splits	2	2
VTD splits	40	80
VTD splits (populated)	29	37

30. **Appendix F-1** is the Maptitude political subdivision split report for CDs 20, 22, and 23 in the Illustrative Plan. **Appendix F-2** is the same report for CDs 20, 22, and 23 in the 2022 Plan.

31. **Figure 6** shows that with the 3-district modification, the Illustrative Plan is significantly superior to the 2022 Plan with respect to municipal splits. The Illustrative Plan contains 17 municipal splits involving CDs 20, 22, and 23. By comparison, the 2022 Plan contains 24 municipal splits in the same three districts.

Figure 6: 2020 Municipal Splits Comparison

	Illustrative Plan	2022 Plan
Municipal splits	17	24
Municipal splits (populated)	17	23

32. **Appendix G-1** is the Maptitude municipal split report for CDs 20, 22, and 23 under the Illustrative Plan – identifying the split municipalities and population affected. **Appendix G-2** is the same report identifying split municipalities for the three districts under the 2022 Plan.

33. Because the Illustrative Plan makes changes to only three congressional districts, the remaining 25 congressional districts keep the same constituencies and district lines as they had under the 2022 plan. This results in a statewide core retention rate of 96.46%, which is extremely high.

34. In **Appendix H**, grey shading identifies the largest population subgroup kept together by district in the Illustrative Plan, irrespective of the district number or incumbent in the 2022 Plan. The sum of the shaded rows divided by the state population results in the 96.46% core retention calculation.

F. Conclusion

35. It is very easy to make changes to CD 20 so that it adheres to traditional redistricting principles while impacting only 2022 Plan CD 22 and CD 23. Indeed, this may be the simplest redistricting project I have ever undertaken. I cannot think of any non-partisan reason to make further changes to the 2022 Congressional Plan in the Miami-Fort Lauderdale-West Palm Beach MSA (Metropolitan Statistical Area).

The findings and conclusions in this report are based upon information that has been made available to me or known by me to date. My work in this matter is ongoing, and I reserve the right to modify, update, or supplement my analyses, findings, and any conclusions as additional information is made available to me or as I perform further analysis.

Under penalties of perjury, I declare that I have read the foregoing declaration and report, as well as the attached appendices, and that the facts stated in them are true to the best of my knowledge and belief.

Executed on: 5/10/26

William S. Cooper

APPENDIX A

(11 pages)

April 30, 2026

William S. Cooper
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Summary of Redistricting Work

I have a B.A. in Economics from Davidson College in Davidson, North Carolina.

Since 1988, I have prepared proposed redistricting maps of approximately 750 jurisdictions for Section 2 litigation, Section 5 comment letters, and for use in other efforts to promote compliance with the Voting Rights Act of 1965. I have analyzed and prepared election plans in over 100 of these jurisdictions for two or more of the decennial censuses – either as part of concurrent legislative reapportionments or, retrospectively, in relation to litigation involving many of the cases listed below.

From 1986 to 2024, I have prepared election plans for Section 2 litigation in Alabama, Colorado, Connecticut, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.

Post-2020 Redistricting Experience

Since the release of the 2020 Census, local plans I developed as a private consultant have been adopted by governments in San Juan County, Utah, Bolivar County, Mississippi, Washington County, Mississippi, and the City of Grenada, Mississippi. In addition, a school board plan I developed was adopted by the Jefferson County, Alabama Board of Education subsequent to my expert work in the case of *Jones v. Jefferson County Board of Education.*

Also, I served as a consultant to the Holbrook United School District 3 ("HUSD 3")

in Navajo County, Arizona. A new redistricting plan (developed by the Navajo Nation with my technical input) was adopted by the HUSD 3 School Board on March 4, 2025.

I also developed school district election plans on behalf of plaintiffs that became remedial plans in Rockland County, NY: *NAACP Spring Valley Branch v. East Ramapo Central School District et al*, No. 7:2017-cv08943, (S.D.N.Y. 2020) and, in 2024, the Sunnyside School District in Yakima County, WA – *Empowering Latina Leadership and Action (ELLA) v. Sunnyside School District* (under the Washington Voting Rights Act).

Since 2021, I have testified at trial in 12 Section 2 lawsuits: Alabama (Congress); Arkansas (Congress and Supreme and Appellate Courts); Florida (voter suppression), Georgia Legislature (House and Senate) and Congress; Louisiana Legislature (House and Senate) and Congress; Maryland (Baltimore County Commission and Town of Federalsburg); Mississippi Legislature (House and Senate) and State Supreme Court; and Galveston County, Texas (Galveston County Commission).

In 2025, I also served as a redistricting consultant to a broad-based coalition of voters in Baltimore County, Maryland as the County Council transitioned from a seven single-member district plan to a nine single-member district plan

2010s Redistricting Experience

I developed statewide legislative plans on behalf of clients in nine states (Alabama, Connecticut, Florida, Georgia, Kentucky, Mississippi, South Carolina, Texas, and Virginia), as well as over 150 local redistricting plans in approximately 30 states – primarily for groups working to protect minority voting rights. In addition, I prepared congressional plans for clients in nine states (Alabama, Florida, Georgia, Louisiana, Maryland, Ohio, Pennsylvania, South Carolina, and Virginia).

In March 2011, I was retained by the Sussex County, Virginia Board of

Supervisors and the Bolivar County, Mississippi Board of Supervisors to draft new district plans based on the 2010 Census. In the summer of 2011, both counties received Section 5 preclearance from the U.S. Department of Justice (DOJ).

Also in 2011, I was retained by way of a subcontract with Olmedillo X5 LLC to assist with redistricting for the Miami-Dade County, Florida Board of Commissioners and the Miami-Dade, Florida School Board. Final plans were adopted in late 2011 following public hearings.

In the fall of 2011, I was retained by the City of Grenada, Mississippi to provide redistricting services. The ward plan I developed received DOJ preclearance in March 2012.

In 2012 and 2013, I served as a redistricting consultant to the Tunica County, Mississippi Board of Supervisors and the Claiborne County, Mississippi Board of Supervisors.

In *Montes v. City of Yakima* (E.D. Wash. Feb. 17, 2015) the court adopted, as a remedy for a Section 2 violation, a seven single-member district plan that I developed for the Latino plaintiffs. I served as the expert for the Plaintiffs in the liability and remedy phases of the case.

In *Pope v. Albany County* (N.D.N.Y. Mar. 24, 2015), the court approved, as a remedy for a Section 2 violation, a plan drawn by the defendants that created a new Black-majority district. I served as the expert for the Plaintiffs in the liability and remedy phases of the case.

In 2016, two redistricting plans that I developed on behalf of the plaintiffs for consent decrees in Section 2 lawsuits in Georgia were adopted (*NAACP v. Fayette County, Georgia* and *NAACP v. Emanuel County, Georgia).*

In 2016, two federal courts granted summary judgment to the plaintiffs based in part on my *Gingles 1* testimony: *Navajo Nation v. San Juan County, Utah* (C.D. Utah 2016) and NAACP v. *Ferguson-Florissant School District, Missouri* (E. D. Mo. August 22, 2016).

Also in 2016, based in part on my analysis, the City of Pasco, Washington admitted to a Section 2 violation. As a result, in *Glatt v. City of Pasco* (E.D. Wash. Jan. 27, 2017), the court ordered a plan that created three Latino majority single-member districts in a 6 district, 1 at-large plan.

In 2018, I served as the redistricting consultant to the Governor Wolf interveners at the remedial stage of *League of Women Voters, et al. v. Commonwealth of Pennsylvania.*

In August 2018, the Wenatchee City Council adopted a hybrid election plan that I developed – five single-member districts with two members at-large. The Wenatchee election plan is the first plan adopted under the Washington Voting Rights Acts of 2018.

In February 2019, a federal court ruled in favor of the plaintiffs in a Section 2 case regarding Senate District 22 in Mississippi, based in part on my *Gingles* 1 testimony in *Thomas v. Bryant* (S.D. Ms. Feb 16, 2019).

In the summer of 2019, I developed redistricting plans for the Grand County (Utah) Change of Form of Government Study Committee.

In May 2020, a federal court ruled in favor of the plaintiffs in a Section 2 case in *NAACP et al. v. East Ramapo Central School District, NY,* based in part on my *Gingles* 1 testimony. In October 2020, the federal court adopted a consent decree plan I developed for elections to be held in February 2021.

In May and June of 2020, I served as a consultant to the City of Quincy, Florida, who was the Defendant in a Section 2 lawsuit filed by two Anglo voters (*Baroody v. City*

of Quincy). The federal court for the Northern District of Florida ruled in favor of the defendants. The plaintiffs voluntarily dismissed the case.

In the summer of 2020, I provided technical redistricting assistance to the City of Chestertown, Maryland.

I served as an expert for the plaintiffs in *Jayla Allen v. Waller County, Texas.* I testified remotely at trial in October 2020.

Since 2011, I have served as a redistricting and demographic consultant to the Massachusetts-based Prison Policy Initiative for a nationwide project to end prison-based gerrymandering. I have analyzed election plans in about 25 states as part of my work.

In 2018 (Utah) and again in 2020 (Arizona), I provided technical assistance to the Rural Utah Project for voter registration efforts on the Navajo Nation Reservation.

Post-2010 Demographics Experience

My trial testimony in Section 2 lawsuits usually includes presentations of U.S. Census data with charts, tables, and/or maps to demonstrate socioeconomic disparities between non-Hispanic Whites and racial or ethnic minorities.

I served as a demographic expert for plaintiffs in four state-level voting cases related to the Covid-19 pandemic: South Carolina, Alabama, and Louisiana (federal court) and North Carolina (state court).

I have also served as an expert witness on demographics in non-voting trials. For example, in an April 2017 opinion in *Stout v. Jefferson County Board of Education* (Case no. 2:65-cv-00396-MHH), a school desegregation case involving the City of Gardendale, Ala., the court made extensive references to my testimony.

Historical Redistricting Experience

In the 1980s and 1990s, I developed voting plans in about 400 state and local

jurisdictions – primarily in the South and Rocky Mountain West. During the 2000s and 2010s, I prepared draft election plans involving about 350 state and local jurisdictions in 25 states. Most of these plans were prepared at the request of local citizens' groups, national organizations such as the NAACP, tribal governments, and for Section 2 or Section 5 litigation.

Election plans I developed for governments in two counties – Sussex County, Virginia and Webster County, Mississippi – were adopted and precleared in 2002 by the U.S. Department of Justice. A ward plan I prepared for the City of Grenada, Mississippi was precleared in August 2005. A county supervisors' plan I produced for Bolivar County, Mississippi was precleared in January 2006.

In August 2005, a federal court ordered the State of South Dakota to remedy a Section 2 violation and adopt a state legislative plan I developed (*Bone Shirt v. Hazeltine*).

A county council plan I developed for Native American plaintiffs in a Section 2 lawsuit (*Blackmoon v. Charles Mix County*) was adopted by Charles Mix County, South Dakota in November 2005. A plan I drafted for Latino plaintiffs in Bethlehem, Pennsylvania (*Pennsylvania Statewide Latino Coalition v. Bethlehem Area School District*) was adopted in March 2009. Plans I developed for minority plaintiffs in Columbus County, North Carolina and Montezuma- Cortez School District in Colorado were adopted in 2009.

Since 1987, I have testified at trial as an expert witness on redistricting and demographics in federal courts in the voting rights cases below (approximate most recent testimony dates are in parentheses). I also filed declarations and was deposed in most of these cases.

Alabama
Caster v. Merrill (2022)
Chestnut v Merrill (2019)
Alabama State Conference of the NAACP v. Alabama (2018)
Alabama Legislative Black Caucus et al. v. Alabama et al. (2013)
McClure v Jefferson County Commission, Alabama (2025)
Milligan v. Merrill (2025)

Arkansas
The Christian Ministerial Alliance v. Hutchinson (2022)

Colorado
Cuthair v. Montezuma-Cortez School Board (1997)

Florida
NAACP v. Lee (2022)
Baroody v. City of Quincy (2020)

Georgia
Pendergrass v. Raffensperger (2022 and 2023)
Alpha Phi Alpha v. Raffensperger (2022 and 2023)
Cofield v. City of LaGrange (1996)
Love v. Deal (1995)
Askew v. City of Rome (1995)
Woodard v. Lumber City (1989)

Louisiana
Galmon v. Ardoin (2022)
Nairne v. Ardoin (2023)
Terrebonne Parish NAACP v. Jindal, et al. (2017)
Wilson v. Town of St. Francisville (1996)
Reno v. Bossier Parish (1995)
Knight v. McKeithen (1994)

Maryland
Caroline County NAACP v. Town of Federalsburg (2023)
NAACP v. Baltimore County (2022)
Cane v. Worcester County (1994)

Mississippi
Harris v. DeSoto County (2026)
White v. Mississippi Board of Election Commissioners (2024)
NAACP v. Mississippi Board of Election Commissioners(2024)
Thomas v.Reeves (2019)
Fairley v. Hattiesburg (2014)
Boddie v. Cleveland School District (2010)
Fairley v. Hattiesburg (2008)

Boddie v. Cleveland (2003)
Jamison v. City of Tupelo (2006)
Smith v. Clark (2002)
NAACP v. Fordice (1999)
Addy v Newton County (1995)
Ewing v. Monroe County (1995)
Gunn v. Chickasaw County (1995)
Nichols v. Okolona (1995)

Montana
Old Person v. Brown (on remand) (2001)
Old Person v. Cooney (1998)

Missouri
Missouri NAACP v. Ferguson-Florissant School District (2016)

Nebraska
Stabler v. Thurston County (1995)

New York
NAACP v. East Ramapo Central School District (2020)
Pope v. County of Albany (2015)
Arbor Hills Concerned Citizens v. Albany County (2003)

Ohio
A. Philip Randolph Institute, et al. v. Ryan (2019)

South Carolina
Smith v. Beasley (1996)

South Dakota
Bone Shirt v. Hazeltine (2004)
Cottier v. City of Martin (2004)

Tennessee
Cousins v. McWherter (1994)
Rural West Tennessee African American Affairs Council v. McWherter (1993)

Texas
Jayla Allen v. Waller County, Texas
Dickinson Branch NAACP v. Galveston County (2023)

Utah
*Navajo Nation v. San Juan County (2017),*brief testimony –11 declarations, 2 depositions

Virginia
Smith v. Brunswick County (1991)

Henderson v. Richmond County (1988)
McDaniel v. Mehfoud (1988)
White v. *Daniel (1989 and 1991)*

Wyoming
Large v. Fremont County (2007)

Other Trial Testimony in Federal Cases Since 2011

Alabama
Stout v. Jefferson County Board of Education (2016)

Louisiana
Thomas v. School Board of St. Martin Parish (2021, 2022, and 2023)

North Carolina
NARSOL v. Stein (2021)

In addition, I have filed expert declarations or been deposed in the following cases that did not require trial testimony. The dates listed indicate the deposition date or date of last declaration or supplemental declaration:

Alabama
Braxton v. Stokes (2024)
People First of Alabama v. Merrill (2020), (Covid-19 demographics only)
Alabama State NAACP v. City of Pleasant Grove (2019)
Jones v. Jefferson County Board of Education (2019)
Voketz v. City of Decatur (2019)

Arkansas
Mays v. Thurston (2020), (Covid-19 demographics only)

Connecticut
NAACP v. Merrill (2020)

Florida
Vote.org v. Byrd (2023)
Disability Rights Florida v. Lee (2021)
Calvin v. Jefferson County (2016)
Thompson v. Glades County (2001)
Johnson v. DeSoto County (1999)
Burton v. City of Belle Glade (1997)

Georgia
Dwight v. Kemp (2018)
Georgia NAACP et al. v. Gwinnett County, GA (2018)
Georgia State Conference NAACP et al v. Georgia (2018)
Georgia State Conference NAACP, et al. v. Fayette County (2015)
Knighton v. Dougherty County (2002)
Johnson v. Miller (1998)
Jones v. Cook County (1993)

Kentucky
Herbert v. Kentucky State Board of Elections (2013)

Louisiana
Means v. Desoto Parish (2023)
Power Coalition for Equity and Justice v. Edwards (2020), Covid-19 demographics only
Johnson v. Ardoin (2019
NAACP v. St. Landry Parish Council (2005)
Prejean v. Foster (1998)
Rodney v. McKeithen (1993)

Maryland
Cokely v. Prince George's County (2025)
Plaintiffs v. Wicomico County, et al (2024)
Baltimore County NAACP v. Baltimore County (2022)
Benisek v. Lamone (2017)
Fletcher v. Lamone (2011)

Mississippi

Mississippi State NAACP v. State Board of Election Commissioners (2023)
Partee v. Coahoma County (2015)
Figgs v. Quitman County (2015)
West v. Natchez (2015)
Williams v. Bolivar County (2005)
Houston v. Lafayette County (2002)
Clark v. Calhoun County (on remand)(1993)
Teague v. Attala County (on remand)(1993)
Wilson v. Clarksdale (1992)
Stanfield v. Lee County(1991)

Montana
Alden v. Rosebud County (2000)

North Carolina
Town of Ahoskie (1990)
Lewis v. Alamance County (1991)
Gause v. Brunswick County (1992)

Webster v. Person County (1992)

Rhode Island
Davidson v. City of Cranston (2015)

South Carolina
Thomas v. Andino (2020), Covid-19 demographics only
Vander Linden v. Campbell (1996)

South Dakota
Kirkie v. Buffalo County (2004
Emery v. Hunt (1999)

Tennessee
NAACP v. Frost, et al. (2003)

Virginia
Moon v. Beyer (1990)

Washington
Montes v. City of Yakima (2014)
Glatt v. City of Pasco (2016)

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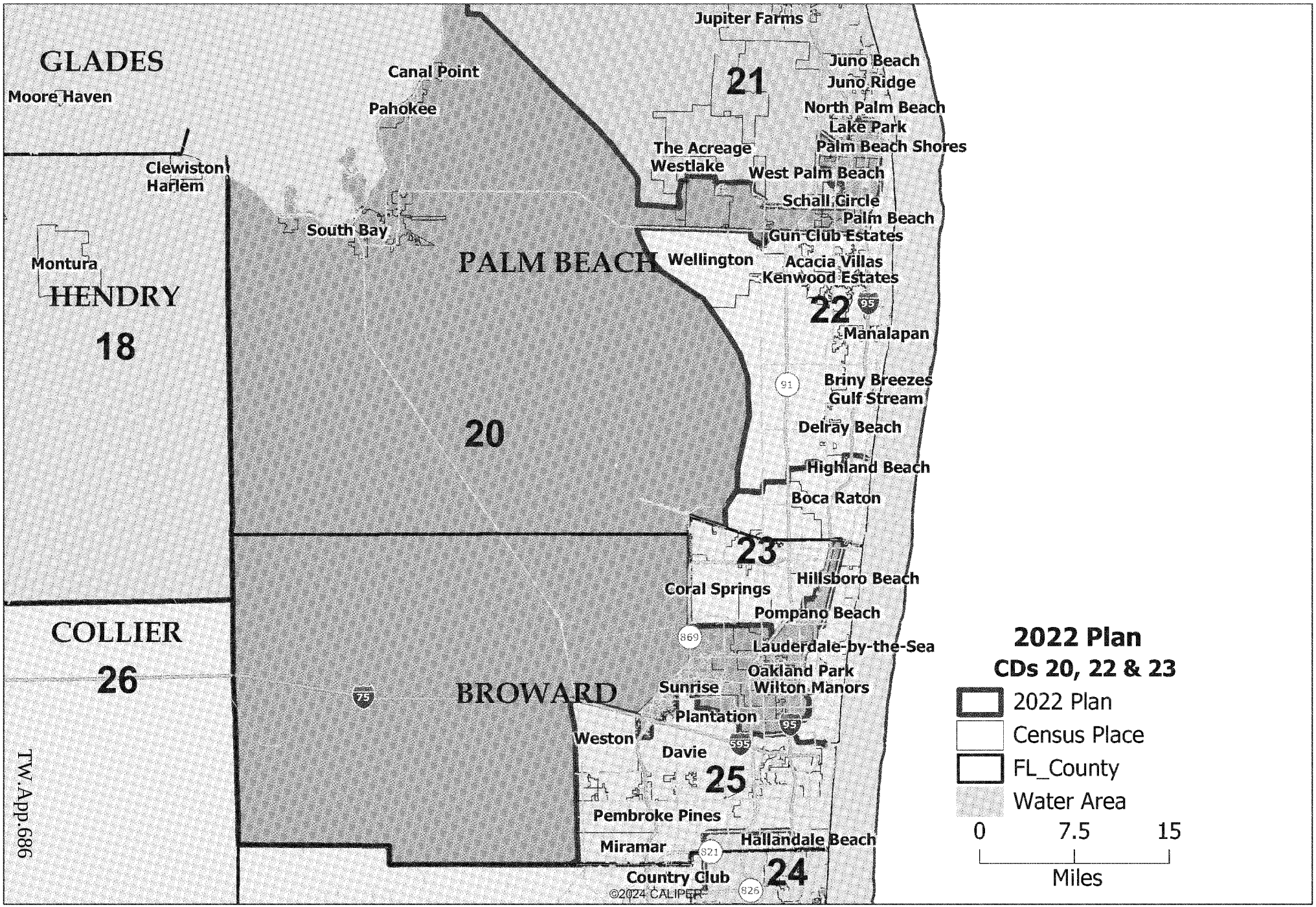
APPENDIX B-1

(1 page)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Jupiter Farms
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Lake Park
Palm Beach Shores
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Westlake
West Palm Beach
Schall Circle
Palm Beach
Gun Club Estates
Clewiston
Harlem
South Bay
PALM BEACH
Wellington
Acacia Villas
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Montura
HENDRY
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Manalapan
Briny Breezes
Gulf Stream
91
20
Delray Beach
Highland Beach
Boca Raton
23
Hillsboro Beach
Coral Springs
Pompano Beach
869
Lauderdale-by-the-Sea
Oakland Park
Wilton Manors
COLLIER
26
75
BROWARD
Sunrise
Plantation
95
Weston
595
Davie
25
Pembroke Pines
Miramar
Hallandale Beach
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Country Club
24
826
©2024 CALIPER
2022 Plan
CDs 20, 22 & 23
2022 Plan
Census Place
FL_County
Water Area
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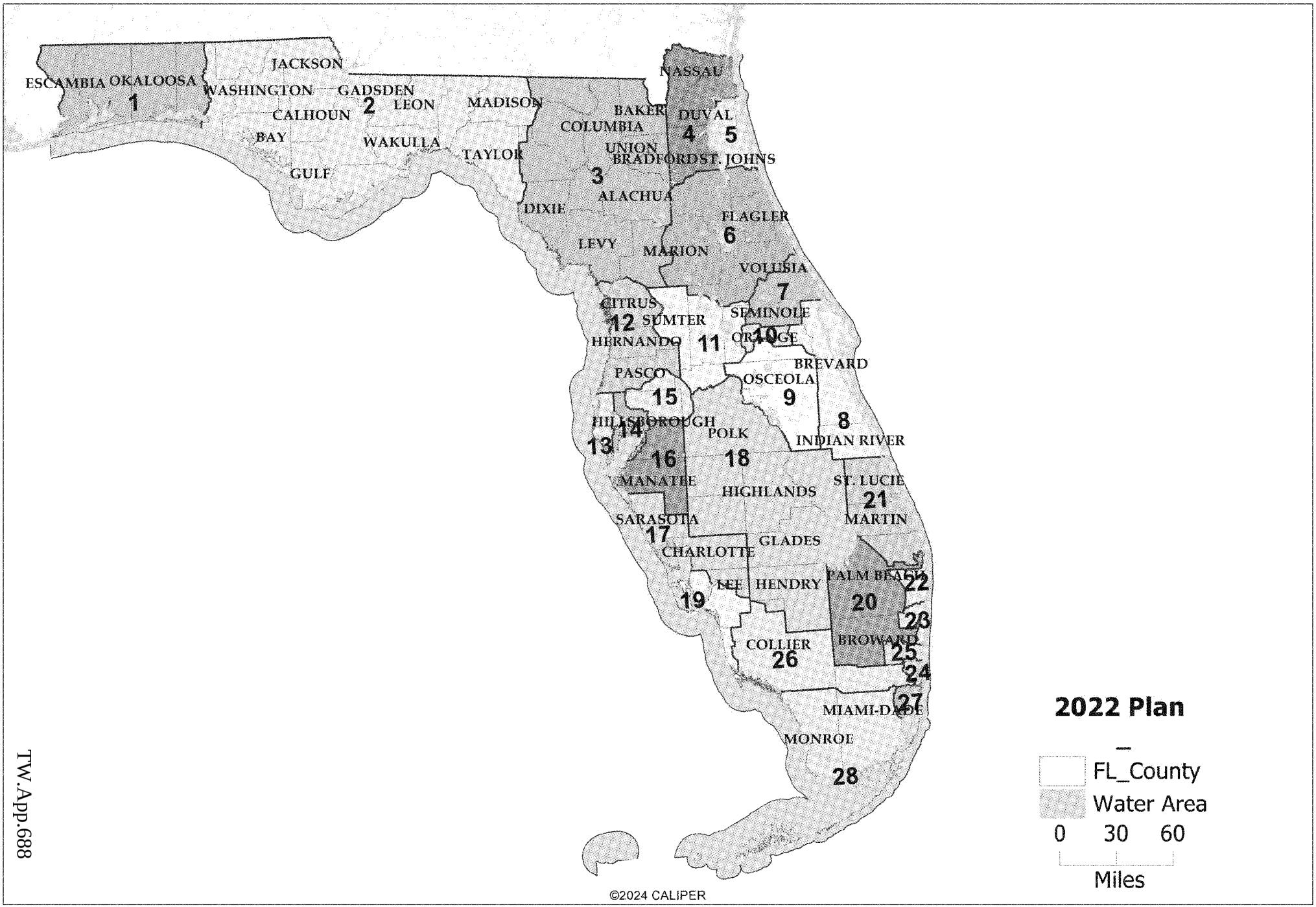
7.5
15
Miles

TW.App.686

APPENDIX B-2

(1 page)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WAKULLA
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MADISON
TAYLOR
NASSAU
BAKER
COLUMBIA
DUVAL
4
5
UNION
BRADFORD
ST. JOHNS
3
ALACHUA
DIXIE
FLAGLER
6
LEVY
MARION
VOLUSIA
7
CITRUS
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SUMTER
SEMINOLE
HERNANDO
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ORANGE
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BREVARD
PASCO
OSCEOLA
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HILLSBOROUGH
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POLK
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INDIAN RIVER
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MANATEE
ST. LUCIE
HIGHLANDS
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SARASOTA
MARTIN
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GLADES
CHARLOTTE
PALM BEACH
LEE
HENDRY
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COLLIER
BROWARD
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MIAMI-DADE
MONROE
28
2022 Plan
FL_County
Water Area
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30
60
Miles
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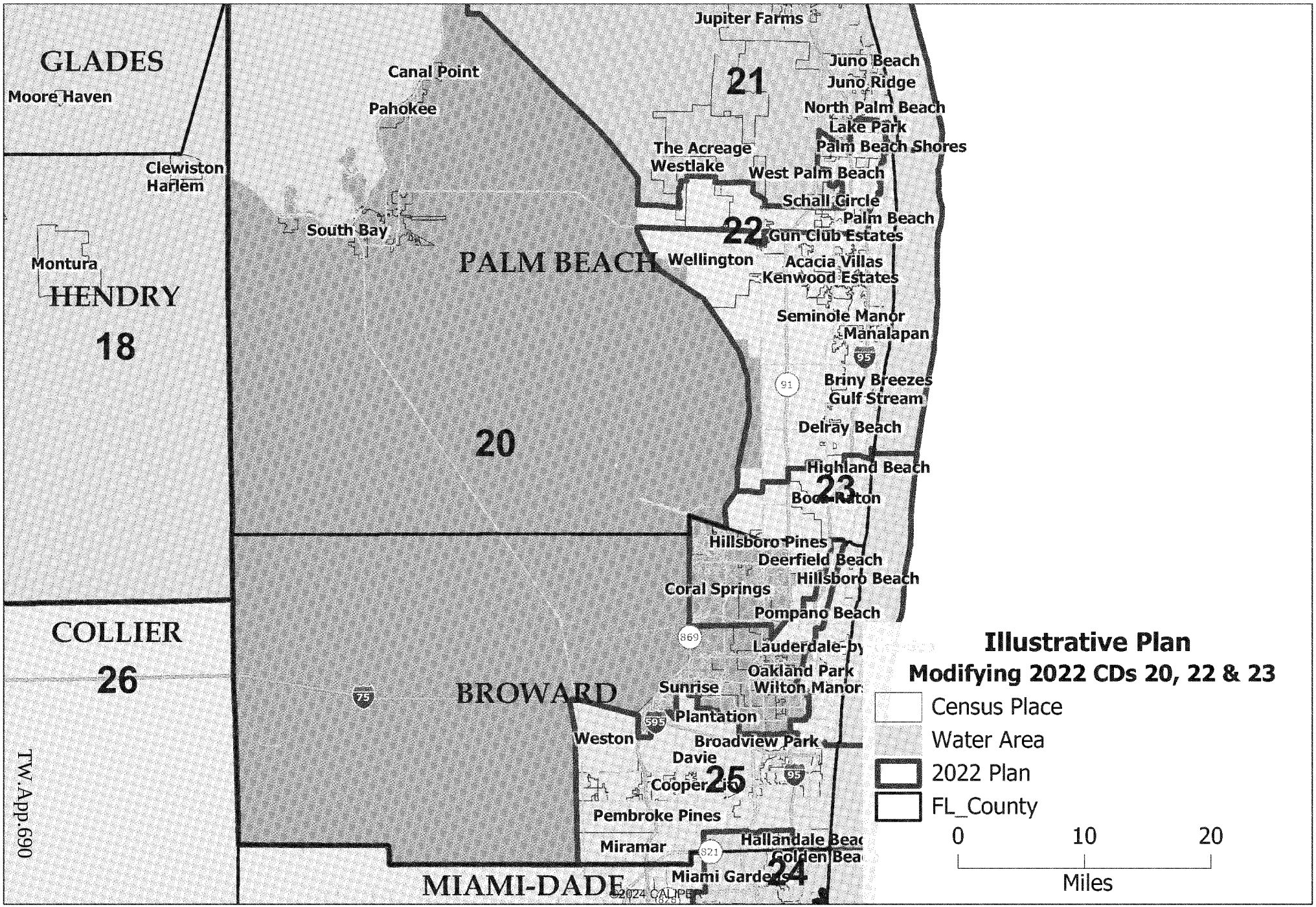
TW.App.688

APPENDIX C-1

(1 page)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Canal Point
Pahokee
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Juno Beach
Juno Ridge
North Palm Beach
Lake Park
Palm Beach Shores
The Acreage
Westlake
West Palm Beach
Schall Circle
Palm Beach
Gun Club Estates
22
South Bay
PALM BEACH
Wellington
Acacia Villas
Kenwood Estates
Montura
HENDRY
18
Seminole Manor
Manalapan
95
Briny Breezes
91
Gulf Stream
Delray Beach
20
Highland Beach
23
Boca Raton
Hillsboro Pines
Deerfield Beach
Hillsboro Beach
Coral Springs
Pompano Beach
869
Lauderdale-by
Oakland Park
Wilton Manor
Sunrise
COLLIER
26
75
BROWARD
595
Plantation
Weston
Broadview Park
Davie
25
Cooper City
95
Pembroke Pines
Miramar
Hallandale Beac
Golden Bea
821
Miami Gardens
24
MIAMI-DADE
©2024 CALIPER
Illustrative Plan
Modifying 2022 CDs 20, 22 & 23
Census Place
Water Area
2022 Plan
FL_County
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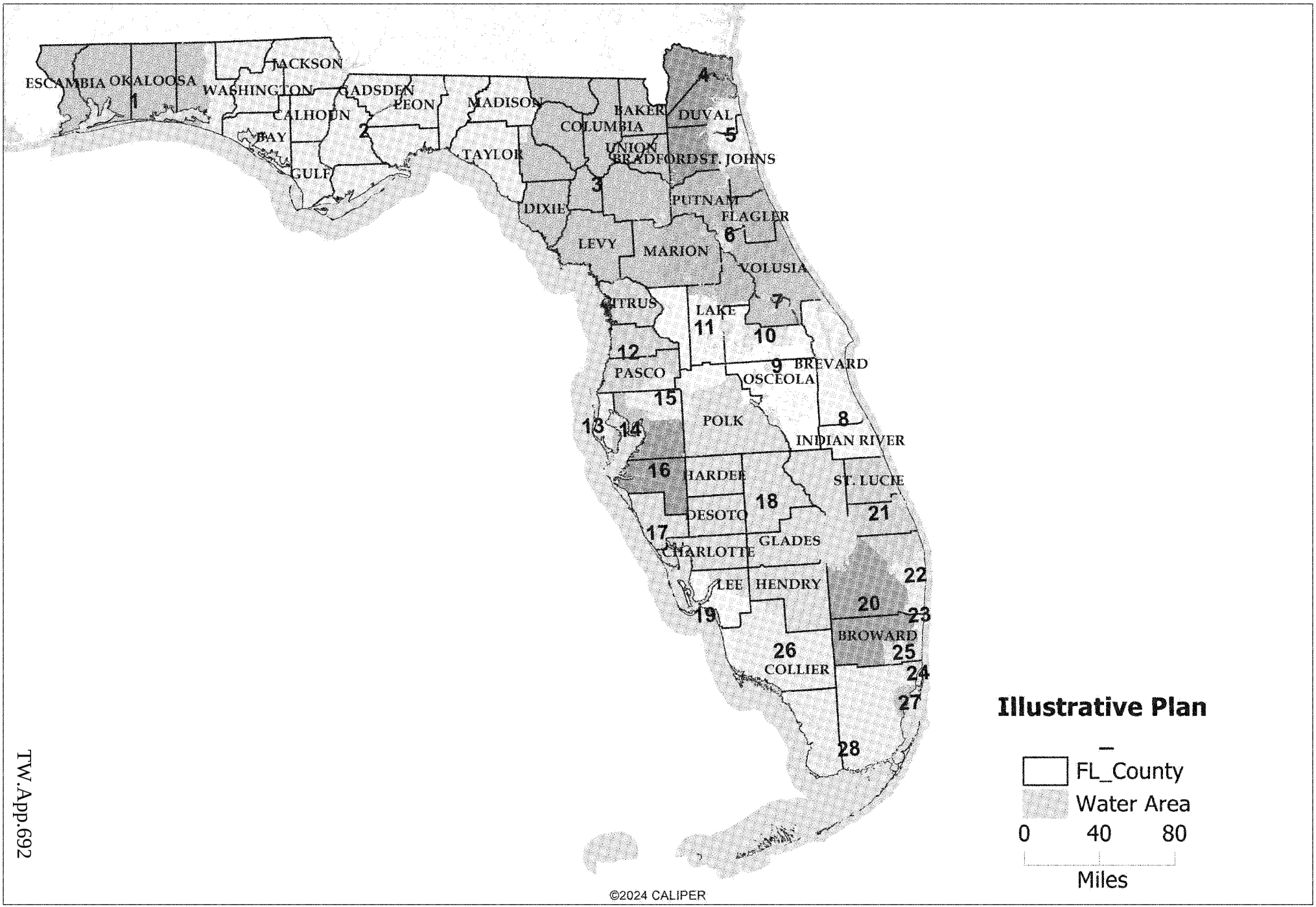
20
Miles

TW.App.690

APPENDIX C-2

(1 page)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FLAGLER
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LEVY
MARION
CITRUS
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PASCO
BREVARD
OSCEOLA
POLK
INDIAN RIVER
HARDEE
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Illustrative Plan
FL_County
Water Area
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40
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Miles
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TW.App.692

APPENDIX D-1

(2 pages)

User:
Plan Name: **FL_Illustrative_Plan___Statewide**
Plan Type: **Congress**

Measures of Compactness Report

Saturday, May 9, 2026 5:28 PM

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.36	0.31	0.80
Max	0.54	0.49	0.92
Mean	0.45	0.38	0.84
Std. Dev.	0.09	0.10	0.07

District	Reock	Polsby-Popper	Area/Convex Hull
20	0.54	0.49	0.92
22	0.46	0.31	0.80
23	0.36	0.34	0.80

TW.App.694

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.

TW.App.695

APPENDIX D-2

(2 pages)

User:
Plan Name: **FL_2022_Plan___statewide**
Plan Type: **Congress**

Measures of Compactness Report

Saturday, May 9, 2026 5:31 PM

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.44	0.28	0.74
Max	0.50	0.42	0.79
Mean	0.48	0.33	0.77
Std. Dev.	0.03	0.08	0.03

District	Reock	Polsby-Popper	Area/Convex Hull
20	0.50	0.28	0.77
22	0.44	0.42	0.74
23	0.50	0.29	0.79

TW.App.697

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.

TW.App.698

APPENDIX E-1

(4 pages)

User:
Plan Name: **FL_Illustrative_Plan___Statewide**
Plan Type: **Congress**

Measures of Compactness Report

Saturday, May 9, 2026 6:37 PM

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.22	0.24	0.55
Max	0.74	0.73	0.95
Mean	0.46	0.44	0.82
Std. Dev.	0.12	0.10	0.08

District	Reock	Polsby-Popper	Area/Convex Hull
1	0.54	0.48	0.87
2	0.46	0.48	0.82
3	0.57	0.50	0.90
4	0.38	0.32	0.76
5	0.56	0.53	0.89
6	0.74	0.48	0.92
7	0.47	0.40	0.83
8	0.32	0.45	0.78
9	0.49	0.47	0.86
10	0.41	0.37	0.75
11	0.52	0.36	0.82

TW.App.700

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.22	0.24	0.55
Max	0.74	0.73	0.95
Mean	0.46	0.44	0.82
Std. Dev.	0.12	0.10	0.08

District	Reock	Polsby-Popper	Area/Convex Hull
12	0.45	0.38	0.75
13	0.51	0.59	0.93
14	0.48	0.47	0.83
15	0.58	0.58	0.88
16	0.45	0.45	0.73
17	0.28	0.39	0.77
18	0.42	0.42	0.82
19	0.33	0.39	0.78
20	0.54	0.49	0.92
21	0.50	0.50	0.82
22	0.46	0.31	0.80
23	0.36	0.34	0.80
24	0.48	0.48	0.90
25	0.43	0.38	0.81

TW.App.701

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.22	0.24	0.55
Max	0.74	0.73	0.95
Mean	0.46	0.44	0.82
Std. Dev.	0.12	0.10	0.08

District	Reock	Polsby-Popper	Area/Convex Hull
26	0.29	0.33	0.77
27	0.72	0.73	0.95
28	0.22	0.24	0.55

TW.App.702

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.

APPENDIX E-2

(4 pages)

User:
Plan Name: **FL_2022_Plan___statewide**
Plan Type: **Congress**

Measures of Compactness Report

Saturday, May 9, 2026 6:38 PM

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.22	0.24	0.55
Max	0.74	0.73	0.95
Mean	0.47	0.43	0.81
Std. Dev.	0.12	0.10	0.08

District	Reock	Polsby-Popper	Area/Convex Hull
1	0.54	0.48	0.87
2	0.46	0.48	0.82
3	0.57	0.50	0.90
4	0.38	0.32	0.76
5	0.56	0.53	0.89
6	0.74	0.48	0.92
7	0.47	0.40	0.83
8	0.32	0.45	0.78
9	0.49	0.47	0.86
10	0.41	0.37	0.75
11	0.52	0.36	0.82

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.22	0.24	0.55
Max	0.74	0.73	0.95
Mean	0.47	0.43	0.81
Std. Dev.	0.12	0.10	0.08

District	Reock	Polsby-Popper	Area/Convex Hull
12	0.45	0.38	0.75
13	0.51	0.59	0.93
14	0.48	0.47	0.83
15	0.58	0.58	0.88
16	0.45	0.45	0.73
17	0.28	0.39	0.77
18	0.42	0.42	0.82
19	0.33	0.39	0.78
20	0.50	0.28	0.77
21	0.50	0.50	0.82
22	0.44	0.42	0.74
23	0.50	0.29	0.79
24	0.48	0.48	0.90
25	0.43	0.38	0.81

TW.App.706

	Reock	Polsby-Popper	Area/Convex Hull
Sum	N/A	N/A	N/A
Min	0.22	0.24	0.55
Max	0.74	0.73	0.95
Mean	0.47	0.43	0.81
Std. Dev.	0.12	0.10	0.08

District	Reock	Polsby-Popper	Area/Convex Hull
26	0.29	0.33	0.77
27	0.72	0.73	0.95
28	0.22	0.24	0.55

TW.App.707

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.

TW.App.708

APPENDIX F-1

(2 pages)

User:
Plan Name: **FL_Illustrative_Plan____CDs_20_22_23**
Plan Type: **Congress**

Political Subdivision Splits Between Districts

Thursday, May 7, 2026 10:57 AM

Split Counts

Number of subdivisions split into more than one district:		Number of splits involving no population:	
County	2	County	0
Voting District	40	Voting District	11

Number of times a subdivision is split into multiple districts:

County	5
Voting District	43

County	Voting District	District	Population
Split Counties:			
Broward FL		20	733,930
Broward FL		23	363,105
Palm Beach FL		20	35,290
Palm Beach FL		22	769,221
Palm Beach FL		23	406,116
Split VTDs:			
Broward FL	Voter District-D007	20	2,377
Broward FL	Voter District-D007	23	0
Broward FL	Voter District-N005	20	1,068
Broward FL	Voter District-N011	20	0
Broward FL	Voter District-N018	20	1,340
Broward FL	Voter District-N020	20	2,717
Broward FL	Voter District-N024	20	2,319
Broward FL	Voter District-N026	20	2,028
Broward FL	Voter District-R022	20	2,488
Broward FL	Voter District-R022	23	21
Broward FL	Voter District-R031	20	0
Broward FL	Voter District-R031	23	3,907
Broward FL	Voter District-R040	23	4,798
Broward FL	Voter District-R041	20	14
Broward FL	Voter District-R041	23	3,312
Broward FL	Voter District-R043	23	3,105
Broward FL	Voter District-R045	23	1,519
Broward FL	Voter District-R050	20	3,539
Broward FL	Voter District-R057	20	90
Broward FL	Voter District-R057	23	1,597
Broward FL	Voter District-R064	20	2,317
Broward FL	Voter District-R064	23	0
Broward FL	Voter District-Z003	20	0
Broward FL	Voter District-Z005	20	15
Palm Beach FL	000058-Voting District	22	7
Palm Beach FL	000182-Voting District	22	0
Palm Beach FL	000187-Voting District	22	1,097

County	Voting District	District	Population
Palm Beach FL	000204-Voting District	22	0
Palm Beach FL	000213-Voting District	22	4,756
Palm Beach FL	000214-Voting District	22	2,060
Palm Beach FL	000226-Voting District	22	347
Palm Beach FL	000303-Voting District	22	2,983
Palm Beach FL	000353-Voting District	20	10
Palm Beach FL	000353-Voting District	22	2,626
Palm Beach FL	000672-Voting District	22	523
Palm Beach FL	000675-Voting District	22	1,547
Palm Beach FL	000711-Voting District	20	135
Palm Beach FL	000711-Voting District	22	0
Palm Beach FL	000758-Voting District	22	1,207
Palm Beach FL	000761-Voting District	22	3,391
Palm Beach FL	000768-Voting District	22	3,612
Palm Beach FL	000774-Voting District	22	2,492
Palm Beach FL	000775-Voting District	22	1,157
Palm Beach FL	000789-Voting District	22	2,698
Palm Beach FL	000855-Voting District	22	0
Palm Beach FL	000870-Voting District	20	8
Palm Beach FL	000870-Voting District	22	21
Palm Beach FL	000NP3-Voting District	22	0
Palm Beach FL	00NP02-Voting District	22	5
Palm Beach FL	00NP02-Voting District	23	0

APPENDIX F-2

(4 pages)

User:
Plan Name: **FL_2022_Plan___CDs_20_22_23**
Plan Type: **Congress**

Political Subdivision Splits Between Districts

Thursday, May 7, 2026 10:55 AM

Split Counts

Number of subdivisions split into more than one district:		Number of splits involving no population:	
County	2	County	0
Voting District	80	Voting District	43

Number of times a subdivision is split into multiple districts:

County	5
Voting District	84

County	Voting District	District	Population
Split Counties:			
Broward FL		20	535,322
Broward FL		23	561,713
Palm Beach FL		20	233,899
Palm Beach FL		22	769,220
Palm Beach FL		23	207,508
Split VTDs:			
Broward FL	NORTH SPRINGS IMPROVEMENT CDD	20	0
Broward FL	NORTH SPRINGS IMPROVEMENT CDD	23	47,847
Broward FL	Voter District-A002	20	0
Broward FL	Voter District-A002	23	2,597
Broward FL	Voter District-A004	20	0
Broward FL	Voter District-A004	23	3,173
Broward FL	Voter District-A008	20	868
Broward FL	Voter District-A008	23	201
Broward FL	Voter District-A017	20	0
Broward FL	Voter District-A017	23	1,382
Broward FL	Voter District-A018	20	3,497
Broward FL	Voter District-A018	23	0
Broward FL	Voter District-A021	20	2,274
Broward FL	Voter District-A021	23	3,403
Broward FL	Voter District-C007	20	0
Broward FL	Voter District-C007	23	798
Broward FL	Voter District-C009	20	1,679
Broward FL	Voter District-C009	23	1,242
Broward FL	Voter District-C025	20	3,319
Broward FL	Voter District-C025	23	0
Broward FL	Voter District-C028	20	5,110
Broward FL	Voter District-C028	23	0
Broward FL	Voter District-D007	20	2,377
Broward FL	Voter District-D007	23	0
Broward FL	Voter District-D016	20	0

County	Voting District	District	Population
Broward FL	Voter District-D016	23	5,409
Broward FL	Voter District-E008	20	0
Broward FL	Voter District-E008	23	5,591
Broward FL	Voter District-E010	20	0
Broward FL	Voter District-E010	23	6,413
Broward FL	Voter District-E026	20	0
Broward FL	Voter District-E026	23	2,006
Broward FL	Voter District-F001	20	0
Broward FL	Voter District-F001	23	3,836
Broward FL	Voter District-G012	20	607
Broward FL	Voter District-G012	23	2,213
Broward FL	Voter District-N005	20	1,068
Broward FL	Voter District-N011	20	0
Broward FL	Voter District-N018	20	1,340
Broward FL	Voter District-N020	20	2,717
Broward FL	Voter District-N024	20	2,319
Broward FL	Voter District-N026	20	2,028
Broward FL	Voter District-R022	20	2,488
Broward FL	Voter District-R022	23	21
Broward FL	Voter District-R027	20	2,004
Broward FL	Voter District-R027	23	1,504
Broward FL	Voter District-R031	20	0
Broward FL	Voter District-R031	23	3,907
Broward FL	Voter District-R033	20	2,154
Broward FL	Voter District-R033	23	1,703
Broward FL	Voter District-R040	23	4,798
Broward FL	Voter District-R041	20	0
Broward FL	Voter District-R041	23	3,326
Broward FL	Voter District-R043	23	3,105
Broward FL	Voter District-R045	23	1,519
Broward FL	Voter District-R050	20	3,539
Broward FL	Voter District-R057	20	90
Broward FL	Voter District-R057	23	1,597
Broward FL	Voter District-R064	20	2,317
Broward FL	Voter District-R064	23	0
Broward FL	Voter District-Z003	20	0
Broward FL	Voter District-Z005	20	15
Palm Beach FL	000058-Voting District	22	7
Palm Beach FL	000182-Voting District	20	0
Palm Beach FL	000187-Voting District	20	1,097
Palm Beach FL	000204-Voting District	20	0
Palm Beach FL	000213-Voting District	20	4,756
Palm Beach FL	000214-Voting District	20	2,060
Palm Beach FL	000226-Voting District	20	347
Palm Beach FL	000240-Voting District	20	19
Palm Beach FL	000240-Voting District	22	0
Palm Beach FL	000242-Voting District	20	77

County	Voting District	District	Population
Palm Beach FL	000242-Voting District	22	0
Palm Beach FL	000303-Voting District	20	2,983
Palm Beach FL	000353-Voting District	20	0
Palm Beach FL	000353-Voting District	22	2,636
Palm Beach FL	000449-Voting District	22	1,447
Palm Beach FL	000449-Voting District	23	11
Palm Beach FL	000452-Voting District	22	0
Palm Beach FL	000452-Voting District	23	2,803
Palm Beach FL	000590-Voting District	22	2,377
Palm Beach FL	000590-Voting District	23	24
Palm Beach FL	000594-Voting District	22	91
Palm Beach FL	000594-Voting District	23	3,952
Palm Beach FL	000595-Voting District	22	0
Palm Beach FL	000595-Voting District	23	2,421
Palm Beach FL	000672-Voting District	20	523
Palm Beach FL	000675-Voting District	20	1,547
Palm Beach FL	000701-Voting District	20	345
Palm Beach FL	000701-Voting District	22	0
Palm Beach FL	000702-Voting District	20	59
Palm Beach FL	000702-Voting District	22	0
Palm Beach FL	000704-Voting District	20	457
Palm Beach FL	000704-Voting District	22	0
Palm Beach FL	000705-Voting District	20	3,638
Palm Beach FL	000705-Voting District	22	0
Palm Beach FL	000708-Voting District	20	1,021
Palm Beach FL	000708-Voting District	22	0
Palm Beach FL	000721-Voting District	20	0
Palm Beach FL	000721-Voting District	22	318
Palm Beach FL	000758-Voting District	20	1,207
Palm Beach FL	000761-Voting District	20	3,391
Palm Beach FL	000768-Voting District	20	3,612
Palm Beach FL	000771-Voting District	20	980
Palm Beach FL	000771-Voting District	22	0
Palm Beach FL	000774-Voting District	20	2,492
Palm Beach FL	000775-Voting District	20	1,157
Palm Beach FL	000778-Voting District	20	3,240
Palm Beach FL	000778-Voting District	22	100
Palm Beach FL	000783-Voting District	20	1,484
Palm Beach FL	000783-Voting District	22	1,192
Palm Beach FL	000784-Voting District	20	399
Palm Beach FL	000784-Voting District	22	1,287
Palm Beach FL	000788-Voting District	20	4,723
Palm Beach FL	000788-Voting District	22	201
Palm Beach FL	000789-Voting District	20	2,698
Palm Beach FL	000796-Voting District	20	0
Palm Beach FL	000796-Voting District	22	645
Palm Beach FL	000851-Voting District	20	0

County	Voting District	District	Population
Palm Beach FL	000851-Voting District	22	0
Palm Beach FL	000855-Voting District	20	0
Palm Beach FL	000870-Voting District	20	8
Palm Beach FL	000870-Voting District	22	21
Palm Beach FL	000NP3-Voting District	20	0
Palm Beach FL	00NP02-Voting District	22	5
Palm Beach FL	00NP02-Voting District	23	0
Palm Beach FL	00NP25-Voting District	20	0
Palm Beach FL	00NP25-Voting District	22	0
Palm Beach FL	00NP30-Voting District	20	24
Palm Beach FL	00NP30-Voting District	22	0
Palm Beach FL	00NP30-Voting District	23	0

APPENDIX G-1

(1 page)

User:
Plan Name: **FL_Illustrative_Plan____CDs_20_22_23**
Plan Type: **Congress**

Communities of Interest (Condensed)

Thursday, May 7, 2026 1:00 PM

Whole City/Town : 947
City/Town Splits: 17
Zero Population City/Town Splits: 0

District	City/Town	Population	% Pop
Unassigned	Broadview Park	7,655	99.80%
Unassigned	Fort Lauderdale	21,731	11.89%
Unassigned	The Acreage	39,284	94.31%
Unassigned	Plantation	47,425	51.69%
Unassigned	West Palm Beach	21,937	18.68%
Unassigned	Riviera Beach	8,400	22.34%
20	Broadview Park	15	0.20%
20	Oakland Park	20,446	46.23%
20	Fort Lauderdale	51,284	28.06%
20	Wellington	135	0.22%
20	Plantation	44,325	48.31%
22	Wellington	61,502	99.78%
22	The Acreage	2,370	5.69%
22	West Palm Beach	95,478	81.32%
22	Riviera Beach	29,204	77.66%
23	Oakland Park	23,783	53.77%
23	Fort Lauderdale	109,745	60.05%

APPENDIX G-2

(1 page)

User:
Plan Name: **FL_2022_Plan___CDs_20_22_23**
Plan Type: **Congress**

Communities of Interest (Condensed)

Thursday, May 7, 2026 1:36 PM

Whole City/Town : 945
City/Town Splits: 24
Zero Population City/Town Splits: 1

District	City/Town	Population	% Pop
Unassigned	Broadview Park	7,655	99.80%
Unassigned	Fort Lauderdale	21,731	11.89%
Unassigned	The Acreage	39,284	94.31%
Unassigned	Plantation	47,425	51.69%
Unassigned	West Palm Beach	21,937	18.68%
Unassigned	Riviera Beach	8,400	22.34%
20	Margate	11,080	18.87%
20	Pompano Beach	49,811	44.46%
20	Deerfield Beach	27,968	32.20%
20	Royal Palm Estates	1,974	100.00%
20	Broadview Park	15	0.20%
20	Oakland Park	15,037	34.00%
20	Fort Lauderdale	55,428	30.33%
20	The Acreage	2,370	5.69%
20	Plantation	44,325	48.31%
20	West Palm Beach	59,919	51.03%
20	Riviera Beach	29,204	77.66%
22	Royal Palm Estates	0	0.00%
22	West Palm Beach	35,559	30.28%
23	Margate	47,632	81.13%
23	Pompano Beach	62,235	55.54%
23	Deerfield Beach	58,891	67.80%
23	Oakland Park	29,192	66.00%
23	Fort Lauderdale	105,601	57.78%

District	City/Town	Population	% Pop

APPENDIX H

(5 pages)

User:
Plan Name: **FL_Illustrative_Plan___Statewide**
Plan Type: **Congress**

Core Constituencies

Thursday, May 7, 2026 7:19 PM

From Plan: **FL_2022_Plan___statewide**

Plan: FL_Illustrative_Plan___Statewide, District 1 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 1	769,221 (100.00%)	605,557 (100.00%)
Total and % Population		605,557 (78.72%)

Plan: FL_Illustrative_Plan___Statewide, District 10 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 10	769,221 (100.00%)	610,303 (100.00%)
Total and % Population		610,303 (79.34%)

Plan: FL_Illustrative_Plan___Statewide, District 11 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 11	769,221 (100.00%)	618,709 (100.00%)
Total and % Population		618,709 (80.43%)

Plan: FL_Illustrative_Plan___Statewide, District 12 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 12	769,221 (100.00%)	626,932 (100.00%)
Total and % Population		626,932 (81.50%)

Plan: FL_Illustrative_Plan___Statewide, District 13 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 13	769,221 (100.00%)	650,487 (100.00%)
Total and % Population		650,487 (84.56%)

Plan: FL_Illustrative_Plan___Statewide, District 14 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 14	769,221 (100.00%)	620,281 (100.00%)

From Plan: **FL_2022_Plan____statewide**

Plan: FL_Illustrative_Plan____Statewide, District 14 -- 769,221 Total Population

	Population	[18+_Pop]
Total and % Population		620,281 (80.64%)

Plan: FL_Illustrative_Plan____Statewide, District 15 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 15	769,221 (100.00%)	599,800 (100.00%)
Total and % Population		599,800 (77.97%)

Plan: FL_Illustrative_Plan____Statewide, District 16 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 16	769,221 (100.00%)	607,353 (100.00%)
Total and % Population		607,353 (78.96%)

Plan: FL_Illustrative_Plan____Statewide, District 17 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 17	769,221 (100.00%)	654,821 (100.00%)
Total and % Population		654,821 (85.13%)

Plan: FL_Illustrative_Plan____Statewide, District 18 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 18	769,221 (100.00%)	603,562 (100.00%)
Total and % Population		603,562 (78.46%)

Plan: FL_Illustrative_Plan____Statewide, District 19 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 19	769,221 (100.00%)	650,465 (100.00%)
Total and % Population		650,465 (84.56%)

Plan: FL_Illustrative_Plan____Statewide, District 2 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 2	769,221 (100.00%)	619,356 (100.00%)

From Plan: **FL_2022_Plan____statewide**

Plan: FL_Illustrative_Plan____Statewide, District 2 769,221 Total Population
--

	Population	[18+_Pop]
Total and % Population		619,356 (80.52%)

Plan: FL_Illustrative_Plan____Statewide, District 769,220 Total Population
20 --

	Population	[18+_Pop]
Dist. 20	487,247 (63.34%)	380,038 (63.56%)
Dist. 22	1,428 (0.19%)	1,227 (0.21%)
Dist. 23	280,545 (36.47%)	216,682 (36.24%)
Total and % Population		597,947 (77.73%)

Plan: FL_Illustrative_Plan____Statewide, District 769,221 Total Population
21 --

	Population	[18+_Pop]
Dist. 21	769,221 (100.00%)	629,736 (100.00%)
Total and % Population		629,736 (81.87%)

Plan: FL_Illustrative_Plan____Statewide, District 769,221 Total Population
22 --

	Population	[18+_Pop]
Dist. 20	200,037 (26.01%)	152,123 (25.21%)
Dist. 22	569,184 (73.99%)	451,324 (74.79%)
Total and % Population		603,447 (78.45%)

Plan: FL_Illustrative_Plan____Statewide, District 769,221 Total Population
23 --

	Population	[18+_Pop]
Dist. 20	81,937 (10.65%)	63,247 (9.69%)
Dist. 22	198,608 (25.82%)	173,430 (26.57%)
Dist. 23	488,676 (63.53%)	415,965 (63.74%)
Total and % Population		652,642 (84.84%)

Plan: FL_Illustrative_Plan____Statewide, District 769,221 Total Population
24 --

	Population	[18+_Pop]
Dist. 24	769,221 (100.00%)	611,792 (100.00%)
Total and % Population		611,792 (79.53%)

Plan: FL_Illustrative_Plan____Statewide, District 769,221 Total Population
25 --

From Plan: **FL_2022_Plan____statewide**

	Population	[18+_Pop]
Dist. 25	769,221 (100.00%)	607,264 (100.00%)
Total and % Population		607,264 (78.95%)

Plan: FL_Illustrative_Plan____Statewide, District 26 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 26	769,221 (100.00%)	623,498 (100.00%)
Total and % Population		623,498 (81.06%)

Plan: FL_Illustrative_Plan____Statewide, District 27 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 27	769,221 (100.00%)	636,002 (100.00%)
Total and % Population		636,002 (82.68%)

Plan: FL_Illustrative_Plan____Statewide, District 28 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 28	769,221 (100.00%)	609,131 (100.00%)
Total and % Population		609,131 (79.19%)

Plan: FL_Illustrative_Plan____Statewide, District 3 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 3	769,221 (100.00%)	624,295 (100.00%)
Total and % Population		624,295 (81.16%)

Plan: FL_Illustrative_Plan____Statewide, District 4 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 4	769,221 (100.00%)	590,934 (100.00%)
Total and % Population		590,934 (76.82%)

Plan: FL_Illustrative_Plan____Statewide, District 5 -- 769,221 Total Population

	Population	[18+_Pop]
Dist. 5	769,221 (100.00%)	606,741 (100.00%)
Total and % Population		606,741 (78.88%)

From Plan: **FL_2022_Plan____statewide**

Plan: FL_Illustrative_Plan____Statewide, District 6 769,221 Total Population

--

	Population	[18+_Pop]
Dist. 6	769,221 (100.00%)	634,516 (100.00%)
Total and % Population		634,516 (82.49%)

Plan: FL_Illustrative_Plan____Statewide, District 7 769,221 Total Population

--

	Population	[18+_Pop]
Dist. 7	769,221 (100.00%)	616,306 (100.00%)
Total and % Population		616,306 (80.12%)

Plan: FL_Illustrative_Plan____Statewide, District 8 769,221 Total Population

--

	Population	[18+_Pop]
Dist. 8	769,221 (100.00%)	633,719 (100.00%)
Total and % Population		633,719 (82.38%)

Plan: FL_Illustrative_Plan____Statewide, District 9 769,221 Total Population

--

	Population	[18+_Pop]
Dist. 9	769,221 (100.00%)	593,636 (100.00%)
Total and % Population		593,636 (77.17%)

EXHIBIT 3

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

EQUAL GROUND EDUCATION FUND, INC., *et al.*,

Plaintiffs,

v. Case No. 2026-CA-000914

CORD BYRD, in his official capacity as Florida Secretary of State, *et al.*,

Defendants.
_____/

DECLARATION OF MARIA MATTHEWS

I, Maria Matthews, consistent with section 92.525, Florida Statutes (2026), hereby state:

1. I am over 18 years of age, am competent to testify, and declare the following facts based on my own personal knowledge.

2. I have served as the Director of the Division of Elections of the Department of State since January 2013. As Director my role includes providing statewide coordination, supervision, and direction of elections in Florida.

3. In my current role, I routinely interact with Florida's 67 Supervisors of Elections, the Florida Legislature, political parties, other interested organizations, and individual voters. I am also familiar with Florida's Election Code, the legislative process, and the implementation of re-districting plans after the Florida Legislature sets the districts through duly enacted legislation.

4. In Florida, the Department of State works with the Supervisors of Elections to administer elections. Supervisors are ultimately responsible for preparing and running the election in their respective counties, i.e., the pre-election testing and use of state-approved voting systems, assignment of voters to districts and precincts, preparation of ballots, recruiting and training staff

including pollworkers, conducting in-person voting during early voting period and on Election Day, and vote-by-mail including processing requests and delivery, and tabulating and canvassing results for reporting to the Department of State, in addition to a myriad of reporting requirements before, during, and after the elections.

5. On Tuesday, **August 18, 2026**, Florida is scheduled to hold its 2026 statewide primary election. For this election to proceed, election officials must have adequate time to prepare for and meet various election-related deadlines.

6. In particular, Florida election officials must have adequate time to prepare and mail ballots to members of the absent stateside and overseas armed services and their dependents, and civilian citizens residing overseas. Under the federal Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), vote-by-mail ballots that include elections for federal office must be transmitted no later than 45 days before a primary election. *See* 52 U.S.C. § 20302(a)(8)(A). The deadline to transmit vote-by-mail ballots pursuant to UOCAVA is therefore Saturday, **July 4, 2026.** This 45-day delivery requirement is also codified in our state law for absent uniformed services voters and to each overseas voter who has requested a vote-by-mail ballot. *See* § 101.62(3)(a), Florida Statutes (2026).

7. Ballots must be coded and tested using state-approved machinery prior to being sent to printers and subsequent proofing in advance of the July 4, 2026, UOCAVA deadline for transmittal of vote-by-mail ballots. Based on my experience as the Director of the Division of Elections, and my work with Supervisors of Elections throughout the State, this process, which requires attention to detail to ensure accuracy, takes ten to eleven days depending on outside vendors (like printing services), staff availability, and staff experience. Notably, 13 of the 67 county

Supervisors of Elections' Offices have new Supervisors of Elections who were just elected in 2024 and will be responsible for conducting their first regularly scheduled election cycle.

8. Ballots cannot be created and coded into election software before candidates for office are determined. By statute, the Florida Department of State accepts qualifying materials for congressional candidates beginning Monday, **May 25, 2026**. § 99.061(8), Fla. Stat. (2026). Put another way, Monday, May 25, 2026, represents the date when specific candidates will attach their names to the congressional districts in which they are running for election.

9. The names of all duly qualified candidates for election must be certified to Supervisors of Elections within seven days after the closing date for qualifying. § 99.061(6), Fla. Stat. (2026). The official qualifying period in Florida for candidates for Congress, State Senator, and State Representative, among other candidates, is set to begin on Monday, **June 8, 2026**, and to close on Friday, **June 12, 2026**. § 99.061(9), Fla. Stat. (2026). Thus, the list of qualified candidates must be certified by Friday, **June 19, 2026** (within seven days of June 12, 2026). Historically, based on past practice, and mindful of the tight deadlines under the Florida Election Code, the Florida Department of State certifies names the very next day after the qualifying period, meaning Saturday, **June 13, 2026**.

10. In my role, I have also worked with election officials throughout Florida on implementing changes to election laws, including the implementation of new redistricting plans. As detailed in **Exhibit A**, the Florida Supervisors of Elections Association's letter to the Florida Legislature dated April 20, 2026, the work that needs to be done is generally the same but is subject to local variation due to budgets, the availability and expertise of staff, and the number of voters.

11. In general, redistricting requires election officials to match voters to their congressional districts. This requires coding the new boundaries into mapping software and updating the

districts assigned to each voter's file. Voting precincts must also be aligned with the districts. Ballots cannot be created until voters are properly assigned to their districts and the universe of ballot styles is known, which may be hundreds of ballot styles for some counties.

12. After the Florida Department of State certifies candidates for office, the Supervisors of Elections must also create, proof, print, and test ballots for the upcoming election.

13. Given the work that lies ahead for the primary election on Tuesday, August 18, 2026, the deadline by which my office needs to have a definitive answer on the maps being used is Monday, **May 25, 2026**. This is the starting date for when qualifying paperwork must be accepted. This date also provides election officials time to do the tasks that must be done.

Under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true.

Executed this 12th day of May, 2026.

/s/ Maria Matthews
Maria Matthews
Director of the Division of Elections, Florida Department of State

EXHIBIT A

April 20, 2026

Honorable Daniel Perez
Speaker, Florida House of Representatives
402 South Monroe Street
Tallahassee, Florida 32399

The Honorable Ben Albritton
President, Florida Senate
402 South Monroe Street
Tallahassee, Florida 32399

RECEIVED
2026 APR 23 P 5:30
OFFICE OF THE
SENATE PRESIDENT

Dear Speaker Perez and President Albritton:

As the Legislature considers congressional redistricting during the April Special Session, we write to share the election administration perspective on what implementation involves once a new map is enacted. It is not our intention to weigh in on whether redistricting should occur, but feel it is our duty to provide you with information on the timing, workload, and cost considerations that fall upon our offices and to county commissions once the Legislature acts so that the 2026 Election Cycle can be successfully administered for Florida voters.

Once a new congressional map is enacted, a cascade of downstream work is triggered at the county level. Article IX, Section 4(a) of the Florida Constitution and Section 124.01, Florida Statutes, which require contiguous, substantially equal-population districts redrawn after every decennial census. Precinct boundaries are set by the county Supervisor of Elections, which must be approved by the Board of County Commissioners pursuant to Section 101.001, Florida Statutes, and must nest cleanly within every overlying district, including federal, state, and county.

The following specific work steps are triggered by a new congressional map being adopted, including:

- **Geography and data build** – Upon receipt of final legislative shapefiles, each of the 67 Supervisors of Elections must ingest the new boundaries into the county's GIS and voter registration management system, reconcile them against existing street-level geography, and resolve any splits created where the new congressional lines cut through existing precincts.
- **Precinct redraw** – Any precinct that is split by a new district line must be divided so that every voter within a precinct receives an identical ballot style. In larger counties, this routinely means adjusting dozens of precincts. Guiding principles include keeping voters at their current polling place where possible, keeping neighborhoods intact, and preventing precincts from growing so large they create Election Day congestion.
- **Board of County Commissioners approval** – Under Section 101.001, Florida Statutes, all precinct boundary changes must be submitted to and approved by the Board of County Commissioners at a properly noticed public meeting. BCCs typically meet on fixed schedules and in many counties, the

agenda-deadline and advertising requirements mean a minimum of three to four weeks from submission to approval. If a BCC requests changes or defers the item, that timeline extends even further.

- **Ballot Style construction and proofing** – every unique combination of overlying districts produces a distinct ballot style. A Mid-decade congressional redraw layered on top of existing state House, state Senate, county, school board, and municipal districts can multiple ballot styles significantly. Each style must be built, proofed, logic-and-accuracy tested, and certified before printing.
- **Voter reassignment and notice** – Section 98.065, Florida Statutes, and longstanding Division of Elections guidance require that every affected voter receive an updated Voter Information Card reflecting new districts, precinct, and polling location.
- **Polling place and early voting site review** – New district lines can render previously suitable polling locations non-compliant with Section 101.71, F.S., which requires polling places to be located within the precinct where practicable. Contracts with churches, community centers, and schools may need to be renegotiated or replaced.
- **Poll worker recruitment, training, and materials** – Every precinct-level change cascades into updated poll worker assignments, retraining on new ballot styles and precinct geography, and reprinting of precinct registers, signage, and supplies.
- **Candidate qualifying support** – Supervisors of Elections serve as the qualifying officer for county and special district candidates and support the Division of Elections for state and federal candidates. Candidates and the public need certainty about which district an address falls in before the qualifying period opens. Under the Secretary's current directive, the second qualifying period (June 8-12, 2026) will include U.S. House candidates as well as state legislative and county candidates. This compresses the window in which districts must be finalized, loaded, and publicly verifiable.
- Public-facing tools – District lookup tools, interactive maps, precinct finders, and sample-ballot generators on county websites must all be updated and tested before voters begin asking where they vote.

Under normal decennial practice, Florida counties have had roughly four to six months between final maps and the first election using those maps. For example, in the 2022 Election Cycle, final congressional maps were signed April 22, 2022, for an August 23, 2022 Primary and this timeline was widely considered to be tight. For 2026, the second qualifying period opens June 8, with the primary on August 18 and vote-by-mail transmissions to oversees and military voters required 45 days prior to that under UOCAVA, ballots must be finalized, printed, and programmed by late June. That leaves an extremely narrow window between enactment of any new map and the point at which ballots must be locked. Any litigation, gubernatorial veto, or legislative revision extends that risk materially.

Costs vary significantly by county size and dependent on scope of changes, but the principal costs drives are consistent statewide, which include printing and mailing new Voter Information Cards to every active registered voter including postage that can alone cost hundreds of thousands of dollars in mid- or large-sized counties; GIS and voter registration system reconfiguration, often requiring vendor support; additional ballot styles, which increase ballot-on-demand programming, proofing, and printing costs; expanded public education and outreach; and staff overtime to properly implement in a condensed implementation window.

The principal risks to a clean 2026 Election Cycle are late finalization of maps pushing ballot programming past the UOCAVA deadline; litigation that changes lines after ballots are already in production; voter confusion from late-notice precinct or polling place changes; and candidate qualifying occurring against a map that is not yet final or is subject to judicial revision.

To the extent that the Legislature finds it useful, the following would assist with reducing the risks associated with the timing of this mid-decade redistricting, including:

- The earliest possible finalization of any new map;
- Early sharing of draft shapefiles with Supervisors of Elections for geography validation before enactment;
- Clear statutory or directive guidance on qualifying period timing tied to map-finalization milestones; and
- A mechanism for counties to seek supplemental funding for implementation costs not included in the adopted Fiscal Year 2025-26 General Appropriations Act.

We are grateful for your consideration and stand ready to provide any additional detail, county-level data, or technical assistance that would be helpful to the Legislature as it considers these policy decisions. FSE is available at your convenience to walk through any portion of this in greater detail.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

EQUAL GROUND EDUCATION FUND, INC., *et al.*, Plaintiffs, v. CORD BYRD, in his official capacity as Florida Secretary of State, *et al.*, Defendants. _____/	Case No. 2026 CA 000914
GINO VACCARI, *et al.*, Plaintiffs, v. CORD BYRD, in his official capacity as Florida Secretary of State, *et al.*, Defendants. _____/	Case No. 2026 CA 000925*
COMMON CAUSE, *et al.*, Plaintiffs, v. RON DESANTIS, Florida Governor, *et al.*, Defendants.	Case No. 2026 CA 000928*

PLAINTIFFS' NOTICE OF FILING TRANSCRIPT OF HEARING ON MAY 15, 2026

Plaintiffs file this Notice of Filing the attached Transcript of Proceedings for the May 15, 2026 hearing on Plaintiffs' Motion for Temporary Injunction.

Dated: May 18, 2026

Respectfully submitted,

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Telephone: (206) 656-0177

/s/ Frederick S. Wermuth
Frederick S. Wermuth
Florida Bar No. 0184111
Quinn B. Ritter
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* Consolidated under Case No. 2026 CA 0000914, per Order of Consolidation, dated May 14, 2026.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 18, 2026 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to all counsel of record.

/s/ Frederick S. Wermuth
Frederick S. Wermuth
Florida Bar No. 0184111

Counsel for Plaintiffs

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

EQUAL GROUND EDUCATION FUND, INC., et al.,
Plaintiffs,

Case No. 2026-CA-000914

v.

CORD BYRD, in his official capacity as Florida Secretary of State, et al.,
Defendants.
_____/

GINO VACCARI, et al.,
Plaintiffs,

Case No. 2026-CA-000925

v.

CORD BYRD, in his official capacity as Florida Secretary of State, et al.,
Defendants.
_____/

COMMON CAUSE, et al.,
Plaintiffs,

Case No. 2026-CA-000928

v.

RON DESANTIS, Florida Governor, et al.
Defendants.
_____/

TRANSCRIPT OF PROCEEDINGS
(Plaintiffs' Motion for Temporary Injunction)

DATE TAKEN: May 15, 2026
TIME: 10:00 a.m. to 12:08 p.m.
PLACE: Via Zoom
BEFORE: HONORABLE JOSHUA HAWKES

This cause came on to be heard at the time and place aforesaid, when and where the following proceedings were stenographically reported by:

SANDRA L. NARGIZ
RPR, CM, CRR, CRC, CCR

APPEARANCES: (Via Zoom)

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ALSO PRESENT:

(84 Participants on Zoom link)

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PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

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Proceedings began at 10:00 a.m.:

THE COURT: Ms. Nargiz, are you ready to begin?

THE STENOGRAPHER: Yes, I am. Thank you.

THE COURT: All right. So we are going to get started, going on the record, Case 2026-CA-942. It's a consolidated case, three set of Plaintiffs, and the various Defendants.

I am going to start with the Plaintiffs' appearances on record. We'll start with the lowest case number, original case number.

MS. FORD: Good morning, Your honor, my name is Christina Ford. I represent the Equal Ground Plaintiffs. I am joined with multiple co-counsel today, but I will be speaking this morning.

THE COURT: All right. And next set is Thompson-Wynn. Go ahead.

MS. LEEPER: Yes, Your Honor, Simone Leeper, representing Thompson-Wynn Plaintiffs. I am joined with co-counsel, but I will be the one speaking today.

THE COURT: You said you will be?

MS. LEEPER: Yes, Your Honor.

THE COURT: All right. And the Common

Cause case?

MS. THELUSSM: Good morning, Your Honor, Jennifer Thelussma representing Plaintiffs in the Common Cause. Chris Shenton, who is my co-counsel, will be speaking this morning. We are also joined by multiple co-counsel.

THE COURT: Mr. Jazil.

MR. JAZIL: Thank you, Your Honor, Mohammad Jazil for the Florida Secretary of State.

THE COURT: And Florida Senate, is that Shutts & Bowen?

MR. NORDBY: It is, Your Honor. Good morning. Daniel Nordby and others for the Florida Senate.

THE COURT: We have the Florida House. You want to put your appearance?

MR. BARDOS: Good morning, Your Honor. Andy Bardos for the Florida House. I'm joined by my co-counsel, Carmen Manrara Cartaya.

THE COURT: We have had some other Defendants in the Common Cause case. Are any of those individuals represented separately?

MR. JAZIL: Your Honor, I have not entered an appearance for the other Defendants, but I

will be representing the Governor and the Attorney General in that case.

THE COURT: Okay.

MR. NORDBY: And Your Honor, I have not entered an appearance in that case either for the individual Senate defendants, but I will be representing them.

THE COURT: Same, I guess, for you, Mr. Bardos, and the House?

MR. BARDOS: Yes, Your Honor, I entered an appearance on both cases.

THE COURT: All right. So what I kind of wanted to start with was the evidentiary issues, if any. So I guess I'll start with the Defendants.

The Plaintiffs submitted a bunch of exhibits. I was wondering if there are any objections to any of those to be considered at the preliminary injunction phase as evidence and what evidence your record is going to look like.

I will start with any objections from the Defendants.

MR. JAZIL: Your Honor, Mohammad Jazil for the Secretary of State.

Your Honor, I am aware of at least one DCA case from Florida that adopts the Levi Strauss test from the 11th Circuit, which allows for hearsay to be considered so long as it has sufficient indicia of reliability.

That said, if we follow that chain of case law, it's inappropriate to have hearsay within hearsay. So to the extent that there is hearsay within hearsay in the materials that's submitted, we would object to that.

Also, Your Honor, it is our position that the expert reports do not have a sufficient indicia of reliability, because I have not had the opportunity to test the methodology; I have not had an opportunity to assess whether or not this material is appropriate.

And so for that reason, on the expert material, I would object to its consideration at this point. However, I am happy to address the issues that come up as well, Your Honor. Thank you.

THE COURT: Moving on to the Senate, any --

MR. NORDBY: Nothing additional, Your Honor.

THE COURT: Mr. Bardos, for the House?

MR. BARDOS: Nothing additional. Thank you, Your Honor.

THE COURT: So I didn't really hear a specific objection, other than the expert reports. So that's more of, I guess, a Daubert challenge, just for lack of time?

MR. JAZIL: Yes, sir, it's a Daubert challenge and it's a hearsay within hearsay challenge because the experts are being used to essentially bring hearsay into the record, which is appropriate so long as they are appropriate experts. And we haven't gotten to that point. So it's a Daubert and hearsay within hearsay issue.

THE COURT: Ms. Ford, you want to respond to anything?

MS. FORD: Sure, Your Honor. As I think Your Honor is suggesting, the Rules of Evidence are obviously relaxed in this proceeding. I will note that Defendants had our expert reports for a week before they responded to them and their experts did have an opportunity to weigh in on the conclusions that the experts reached. And those expert reports were

submitted as sworn affidavits.

And I think this Court can absolutely consider them. But as I will get into my presentation, I think this case could also be decided without the expert reports, if this Court ended with any fundamental questions about them.

THE COURT: Okay. So we have ninety minutes. I am a little bit flexible on the time, understanding that after the time was set we consolidated two additional cases.

But I do want to give everybody equal time. It seems we have three sets of Plaintiffs, three sets of Defendants. So that's obviously 45 minutes per side, 15 minutes per set.

Does anybody think that that time would be insufficient or does everyone want to lump their time in with somebody else?

I'm sorry, Ms. Ford, were you planning on, I guess, something to say?

MS. FORD: You are correct, Your Honor, that the Plaintiffs do intend to argue sequentially in the order the cases were filed. I think that 15 minutes is sufficient, Your

Honor, and would just ask for a little bit of time in rebuttal at the end.

THE COURT: Okay. Is that fair for defense then?

MR. JAZIL: Thank you, Your Honor. We defer to the Plaintiffs on their division of the time.

The Defendants have conferred, and because the arguments overlap, Mr. Bardos, Mr. Nordby and I have jointly agreed to me taking the bulk of the time, but I would, however, like to reserve five minutes for Mr. Nordby and five minutes for Mr. Bardos.

So if we are going 45 minutes total, that would be 35 for me, and the remainder for my friends and colleagues for the House and Senate.

THE COURT: All right. Sounds very doable.

Ms. Ford, do you want to begin?

MS. FORD: Yes, thank you, Your Honor.

Once again, I represent the Equal Ground Plaintiff, and we want to first thank the Court for understanding the time sensitive nature for this dispute and for swiftly setting the

hearing. We sincerely appreciate it.

Your Honor, this is a highly unusual case with a simple solution. This case is unusual because the map drawer admitted on the public record that the districts were drawn with partisan data and without the need to comply with the Fair Districts Amendment.

This case is also unusual because in the face of staggering evidence of partisan intent, Defendants do not meaningfully attempt to rebut that evidence. They do not defend how a single line was drawn.

And this case is unusual because the public officials who are tasked with defending Florida's Constitution have decided not to defend the Constitution at all, and instead to argue that the voter-enacted amendment must fall, even though there are obvious ways to preserve it, ways that Florida courts are required to employ here before striking down laws, let alone a piece of the Constitution.

But for all of those reasons, this case is also remarkably simple. This case is simple because the violations of the Fair District Amendment were announced in live legislative

session for everyone to see.

This case is simple because Defendants do not attempt to justify the lines and the districts that they drew. This does not end up being a real battle of the facts or the experts, and that makes it easy for the Court to decide.

This case is simple because there are obvious ways to preserve the amendment under long-standing severability doctrine, even if the Court were to decide that the amendment's race provisions were not susceptible to a saving construction as we show they are.

And finally, this case is a simple one because there is a simple solution, and that is to maintain the status quo by reverting to the 2022 plan, which is something that the Byrd v. Black Voters Matter case explicitly endorsed.

And because there is, as I just mentioned, three Plaintiff groups who will speak today, I will focus my presentation on three topics, although, of course, I am ready and willing to address any specific topic the Court would like to hear on.

But the three topics I plan to address

today are, one, Plaintiffs' evidence of partisan intent, and specifically what evidence Defendants do not rebut; two, why the amendment is severable, even if a separate portion of the amendment were somehow invalidated; and three, why the Court has the authority to enter the temporary injunction relief that Plaintiffs are seeking.

So first on partisan intent, the evidence here is staggering and Defendants barely attempt to rebut it. I'd like to start with the Secretary's suggestion that the 2026 plan is entitled to a presumption of validity.

No such presumption should attach when the plan's map drawer admitted before the Legislature that he drew the plan, quote, not having to comply with the Fair Districts Amendment. That's Plaintiffs' Exhibit 12 at 23.

THE COURT: Doesn't that just overcome the presumption? I mean, the presumption is still there and then you have to overcome it, right?

MS. FORD: Yes, Your Honor, I would contend that that is exactly what overcomes that presumption; that presumption no longer

attaches when the map maker and the Governor's Office have announced this map was drawn not in compliance with the Fair Districts Amendment, not having to comply with it.

If that does not break the presumption, I don't know what would from the get-go.

THE COURT: Well, in context, do you think maybe that Mr. Poreda was saying that he doesn't have to comply with the Tier One race base, so the majority/minority districts part of Fair Districts?

There's a whole presentation, then there's a question-and-answer portion. And your point to the question-and-answer portion where he says he didn't comply with Fair Districts.

But in the presentation portion, he kind of lays out what he did, especially with the Tier Two stuff, moving around the state and starting on Congressional District 20, correcting what he said were the race-based parts of that district.

So doesn't, in context when he's saying I didn't comply with Fair Districts, was meaning I wasn't doing the Fair -- the majority/minority aspect of that?

MS. FORD: Your Honor, I think the record is clear that he went much further than that. So the full quote on page number 23 of Exhibit 12 is, when a Senator asks: How does this comply with the Fair Districts Amendment, he says: First, it doesn't have to. And he says: So not using race and not having to comply with the Fair Districts Amendment, the entire suite of redistricting criteria that are available to other states I used here, including partisan data.

So that is an acknowledgment that partisan data would not have been available to him as a map maker in Florida, had he complied with the amendment.

And I do think, to your point, on the traditional redistricting criteria, like compactness and boundary usage, there is a fine distinction between Poreda acknowledging he was aware of those other criteria, such as compactness or following city or county lines, and actually attempting to comply with them. And I think the record would show quite convincingly that the map maker did not actually attempt to follow the mandate to draw

compact districts and to minimize boundary splits where feasible.

I would like to return, though, to the direct evidence in this case, just to crystalize it for the Court, which is Poreda's admission to using partisan data.

So in the response, Defendants gesture to this idea that the use of partisan data doesn't necessarily translate to partisan intent. But none of the Defendants offer an alternative explanation for what it would have been used for other than ensuring one party has an advantage.

Of course, the Governor's office, months before the plan was even released, the Governor himself explained that map makers are not allowed to use partisan data. This was a well-known thing, and there is just no other credible explanation for what it could have been used for.

And Your Honor, we contend that Poreda's admission as well as the Governor's release of this map as a color-coded victory lap for the Republican party right before the legislative session make this an open-and-shut case, for

the circumstantial evidence is staggering too.

Our complaint lays out seven -- our motion, I should say, lays out seven categories of circumstantial evidence and Defendants do not actually contest any of them.

The first is the effects of the 2026 plan. Plaintiffs' experts show that the 2026 plan will demolish half of the existing seats that can be expected to elect Democrats, from eight to just four. Defendants don't contest that.

And Plaintiffs' experts showed that on traditional measures of partisan bias, the 2026 plan is more extreme than 99 percent of all plans enacted nationwide over the past 50 years. Defendants also don't contest that. At most, Defendants say that some partisan bias measures are better than others, but here they all point in the same direction.

The second category is the shape of district lines. If the Court just reads through our memo or skims through the expert reports, the Court will see in stark colors how the 2026 plan is designed to pack and crack Democrats.

I think the most visually striking example

of this is in South Florida where Districts 20 and 24 are blue islands that are surrounded by Republican territory; and specifically District 25, which is created as a coastal district, that darts inland only to pick up Republican territory, and it recedes when it hits Democratic territory.

The most Defendants say here in response to Plaintiffs' walk-through the packing and cracking in every region of the map is that the color coding of their map is misleading.

So Plaintiffs' expert, Dr. Rodden, used the color coding that Defendants preferred and we put that in the record yesterday. If anything, the correspondence between District boundaries and partisanship is even clearer with the new maps.

The third criteria is the disregard for Tier Two principles. And here Plaintiffs showed how the decreases in compactness and boundary usage are altered most dramatically -- decreased most dramatically in the specific regions where partisanship has been altered the most.

A sure fire example of this is CD 9, which

goes from a compact district in Central Florida to a district that now spans from Orange County all the way to Lake Okeechobee.

Another is the CD 25 district I just mentioned that spans from Boca to Miami Beach, that darts in and out of the coast to avoid Democratic areas, and it is the least compact district in the map.

Defendants do not address any of these districts or even attempt to justify the choices they made. Instead, they argue issues of compactness and boundary usage are too fact intensive for this Court to evaluate in this proceeding. But, of course, the Florida Supreme Court has done just that in expedited facial reviews in Apportionment 1, for example.

The fourth category is alternate plans. So Plaintiffs' expert Dr. Chen produced 5,000 computer-simulated plans that are race blind, partisan blind, and comply with the Fair District Amendment criteria.

Courts routinely find that computer simulations are powerful evidence of partisan intent, and Dr. Chen finds that the 2026 plan is a partisan outlier on every measure that he

looks at.

And here Defendants attempted to have someone evaluate Dr. Chen's simulations, but their expert does not claim to have experience in redistricting -- evaluating redistricting simulations or algorithms, and consequently he is not able to understand Dr. Chen's work or substantively critique it. But of course, many courts have relied on Dr. Chen's analysis.

The next factor is the sequence of events. I will do this very briefly, but they are hard to ignore, a nationwide tit-for-tat mid-decade redistricting spree like this country has never seen before, with a year of Republican national and state leaders calling on Florida to join the fray, and especially to respond to Virginia. It is impossible to believe that a partisan neutral map came out of this process. And indeed, it did not.

Defendants act like this background is wholly irrelevant, but they do not actually dispute it.

Six is departure from normal procedure. This cycle had multiple departures from the normal course: The decision to redistrict

mid-decade in the first place, the fact that there was no iterative map-drawing process for the legislature or the public to weigh in on, no real committee hearings to develop or consider maps. The Defendants don't dispute any of these facts or contest that they are actually unusual.

And the last category of circumstantial evidence are the pretextual explanations for the 2026 plan. The Governor's office offered two explanations.

The first is the need to address population growth since 2020. But as Plaintiffs' expert showed, that explanation makes no sense. The 2022 plan and the 2026 plan use the 2020 census data to divide population; it's therefore not possible for the 2026 plan to reflect population growth. Nor did the 2026 plan's changes to districts correlate at all with districts in areas that have seen the most population growth. And once again, Defendants don't defend the justification at all.

The second explanation for the 2026 plan is the need to have a race-neutral plan. But

neither Tampa Bay nor Central Florida had any districts that would have been drawn considering race in the 2022 plan, and yet those regions were changed drastically, while the South Florida Hispanic districts that the Secretary suggests might be problematic were left virtually untouched.

And, of course, as Dr. Chen's simulation showed a race-neutral plan does not produce the extreme partisan consequences the 2026 plan creates, and Defendants once again do not attempt to explain why a race-neutral plan necessitates the 2026 plan's districts and its extreme partisan consequences, and that's because there is no justification for that.

Now, Your Honor, I would like to turn quickly to why the amendment is severable. And that would be true even if the Court were to take the drastic measure of holding the race provisions unconstitutional and all of their applications, which as we explained in our brief would be a dramatic departure from Florida precedent requiring this Court to adopt a saving construction when one is available.

Even if the Court were to disagree with us

on that, Defendants have a very heavy burden to show the rest of the amendment is nonseverable. And the presumption in favor of severability, of course, applies to voter enacted amendments, which we know from Ray v. Mortham.

THE COURT: I am just kind of struggling on how we ever get to that. So I'd have to find the partisan intent at the temporary injunction stage and then, I guess, not issue the injunction because I strike the whole Fair Districts Amendment all at the temporary injunction stage?

MS. FORD: Yes, Your Honor.

THE COURT: But by finding it nonseverable -- it seems like a lot to do this early in the case.

MS. FORD: Well, Your Honor, it's Defendants, I think, who are asking you to do something extraordinary, to strike an entire amendment.

I think what is easy in this case is to find that there are violations of the Fair Districts Amendment and then the difficult question -- or the difficult holding to reach, I contend, would be to find, in fact, that the

entire amendment is unconstitutional and nonseverable.

I agree that would be going quite far, and it's simply not necessary under long-standing presumptions of severability here.

I would like to address very quickly how the Court should think about severability.

So Ray v. Mortham described the single bottom line inquiry as whether the taint of the illegal provision has affected the entire enactment, requiring the whole unit to fall. And I would like to be clear about what would remain in the amendment without the race provisions: A contiguity requirement, a prohibition on favoring a political party or incumbent, and equal population requirement, a requirement to draw compact districts, and a requirement to utilize political and geographic boundaries. And there is just no credible argument that those provisions can't standalone. And here's how we know that.

One is that many other states have requirements, like partisan gerrymandering prohibitions and compactness and boundary requirements, without any corresponding racial

protection. And those provisions work just fine in those states.

The second is that the Florida Supreme Court has invalidated districts solely based on partisanship or Tier Two violations without any need to interpret or apply the race provision. And the Florida Supreme Court did that in Apportionment 1 where it found violations of the compactness and boundary requirements in majority-like districts, for example.

And third, this case itself is evidence of it. Plaintiffs are only bringing partisanship and Tier Two claims, and there would be no need to discuss race at all if Defendants had not brought race into this case to try to destroy the amendment.

Next, Your Honor, very briefly I would like to discuss why the Court can grant a TI here. So this case comes to the Court in a very different posture than the Plaintiffs came to the Court in Byrd v. Black Voters Matter. The difference in posture and the difference in what the plaintiffs are seeking here as opposed to four years ago makes all the difference.

The Plaintiffs in the Byrd case in 2022 did not have the option of proposing the former Congressional plan as an option for temporary relief. And that was because the plan was drawn based on 2010 census data, and no party contended it could actually be used. So the Byrd plaintiffs proposed as a remedy a plan that the legislature had considered but never enacted. And Byrd obviously rejected that proposal.

But Byrd teaches a few important lessons that are applicable here. There are two.

The first, Byrd confirms that in this litigation the 2022 plan is the status quo. Byrd says the status quo is the condition that existed before the subject matter of the center of the present controversy arose, before the challenged plan became law. That is the 2022 plan.

THE COURT: So I have a couple questions on that.

So what happens if I just enjoin the 2026 map; I'd have to also order them to use the 2022 map? Or like, are they just in a state of limbo and we have no Congressional districts

for this election?

MS. FORD: Your Honor, so what you would do is you would restrain the Defendants from implementing the 2026 plan, correct; and you would order a temporary injunction requiring the use of the 2022 plan. But that is not a mandatory injunction.

THE COURT: That gets to my next question, because it kind of feels like it is.

MS. FORD: So Byrd, I think, makes the distinction quite clearly the difference between a mandatory injunction, which would be requiring a new plan, and maintaining the status quo, which would be reverting to the former Congressional plan.

So to the extent the Court has any concern about that, I think Byrd resolves it, that in this posture, reverting to the former Congressional plan, is simply maintaining the status quo. It is not a mandatory injunction.

I wanted to explain to Your Honor --

THE COURT: I do have to order the two things, right? So I'd have to order one, the 2026 map can't used, and then two, that they also must use the 2022 map?

MS. FORD: For clarity, Your Honor, I think that would be appropriate. But I think Byrd is clear that that is not a mandatory injunction; it is a prohibitory one at its fundamental nature.

The last thing I want to say, Your Honor, is that the key to reading Byrd v. Black Voters Matter from the First DCA is to understand just how carefully it's making the distinction between the appropriate relief in a TI proceeding, which is a temporary injunction maintaining the status quo, versus an affirmative remedy, which is a new plan.

And all of the precedent that Defendants invoke from Byrd to argue why the Plaintiffs here are not entitled to a TI are simply quotes from Byrd explaining why the Plaintiffs there were not entitled to a remedy, a new plan.

So if the Court reads Byrd with that understanding, that whenever Byrd uses the word "remedy," it is distinguishing it from a temporary injunction maintaining the status quo, Byrd is easy to understand and it supports the Court's authority here to issue the temporary relief that Plaintiffs are seeking.

And Your Honor, I suspect I have used my time.

THE COURT: I interrupted a couple of times, but you did pretty well.

So I will move on to the Thompson-Wynn, it's Ms. Leeper.

MS. LEEPER: Yes, Your Honor.

THE COURT: Go ahead.

MS. LEEPER: Your Honor, I agree with my colleague before me that the matter before the Court today is ultimately a simple one. There is clear text and clear precedent set out by the Florida Supreme Court. And when that precedent and text is applied to the voluminous evidence that has been presented by Plaintiffs in the matter, it becomes clear that the 2026 plan violates the Fair Districts Amendment.

Now, Your Honor, we have limited time here today, so I am not going to get into the full arguments and all of the evidence that's in Plaintiffs' briefing and supporting exhibits, but I would like to highlight a few points for you.

First is I would like to talk, as my colleague did, about the use of partisan data

in the creation of the 2026 plan. When we are considering the intent as relevant for the FDA, the Florida Supreme Court has made clear that you look at the intent of the map drawer. Tier was adopted in whole by the Legislature.

The map drawer here disclaimed any need to comply with the Fair Districts Amendments and then openly admitted to using partisan data in the creation of each and every district in the plan.

The Florida Supreme Court has been clear that there is a single permissible reason to look at partisan data, which would be the use of partisan data to evaluate compliance with the race-related Tier One requirement. But here the map drawer explicitly disclaimed any such purpose.

What's left then is the consideration of partisan data with no justification. And the Florida Supreme Court has been clear that there is no acceptable level of improper intent.

Your Honor, zooming in on some of the specific districts here and looking particularly at what the usage of that partisan data ended up creating, if we look at the

cities of Tampa and Orlando, the map drawer admitted that they're the only two large cities in the entire state which are split into three pieces. The effect of that splitting, Your Honor, is the cracking of the sole Democratic district that remained in the Tampa Bay region and the cracking of one of the two Democratic districts in Central Florida.

Looking at Tampa, the Tampa Bay area that was previously joined in CD 14 has been split across five new Congressional districts. Look at one of them. CD 15 now reaches all the way up from in Citrus and Hernando counties, through Pasco, into Hillsborough County, to take its slice of the Tampa city core.

Looking at the Secretary of State's own briefing, they highlight how claims that have hook-like shapes like this, districts that have hook-like shapes are constitutionally suspect and often indicative of racial and partisan gerrymandering.

Here it's not just indicative, we know that the map drawer was looking at that data and then it had the intended outcome.

This isn't just true in the Tampa Bay

area. It's true across the entire plan where there was a statewide dismantling of Democratic districts, paired with a statewide preservation to the greatest extent possible of Republican districts.

The Tier Two requirements, rather than providing any sort of reasoning for these dismantling and preservations, instead it provided additional evidence of partisan intent as well as being their own standalone violation.

So Your Honor, with the voluminous evidence of direct and circumstantial evidence indicating partisan intent, the burden then shifts to the Defendants to justify the configuration of the districts in this plan.

But nowhere in any of their briefs do Defendants provide any proactive justifications for the redistricting or for the configurations of the specific challenged districts.

Your Honor, looking at the justifications that were offered by the map drawer before the legislature and echoed by the Legislature on the floor, looking to the first justification of a perceived malapportionment potentially as

a result of the 2020 census.

As required by Florida law, the 2026 plan uses the same 2020 census data as the 2022 plan and is equally apportioned, equally population using that data.

But even when you look at the updated 2024 census American Community Survey data, the 2026 plan's deviation is actually higher than the deviation in the 2022 plan, showing that this justification cannot explain the configuration of these districts.

Turning Your Honor to the second offered justification, which is the concept that there needed to be a reconfiguration of some districts that previously considered race. Your Honor, no state or federal court has found that the 2020 plan violates state or federal law. In fact, Defendants have been and are still in Court defending the constitutionality of the plan.

The 2022 plan does have a presumption of validity, and the burden here would be on the challengers of any district in that plan to make the burdensome showing required to argue racial gerrymandering. Here that burden has

certainly not been met.

Regardless, Your Honor, any justification related to the redrawing of districts that consider race would provide no justification for the redrawing of the districts in the Tampa Bay and Central Florida areas, which the 2022 map maker explicitly disclaimed the usage of race in their creation.

Your Honor, having presented robust evidence of unlawful partisan intent and the Defendants having provided no sufficient justification, it's clear that the equities here favor a temporary injunction.

Plaintiffs and Florida voters will face irreparable harm if the 2026 election goes forward under unlawful districts, and the public interest here, Your Honor, is a vindication of their self-secured constitutional rights.

Here, Your Honor, the Legislature has unclean hands to claim any injury for the timing of this redistricting because that timing is of their own making. And we know that all election Supervisors were instructed to maintain the 2022 plan in the event that a

Court ordered the return to it.

Your Honor, I would like to turn now and briefly address the severability of the FDA. Your Honor, you do not need to reach the question of whether the FDA is severable to decide the matter that is in front of you today. No Plaintiffs have brought any claims under the race-related provision of the FDA.

And Your Honor, looking to recent Supreme Court precedent, Callais did not invalidate section two; instead interpreting it to be in line with the Federal Constitution.

Here in Florida, courts have an obligation to do the same, to interpret a law in a way that preserves its constitutionality and to interpret in particular the race-related provision of the FDA in line with federal precedent.

So there is no reason to believe -- you do not need to reach the question, and there is no reason to believe that if you did, it would fall in its favor, in the Defendants' favor.

If you choose to reach this question, the burden is on the party claiming the provisions are not severable. The Defendants here have

not come close to meeting that burden.

The Plaintiffs have presented voluminous evidence about the intent of the voters in passing the FDA. This came from Plaintiffs' expert as well as from Defendants' own expert in prior proceedings.

The animating purpose for voters in passing the FDA, Your Honor, was to outlaw partisan gerrymandering. Defendants have presented the statement of the sponsor of initiative campaign at a single legislative hearing and the statements of a single endorsing organization. But they have done nothing to refute the voluminous evidence of the statements of proponents for the FDA in public clearly declaring the purpose.

And in addition, Your Honor, they have not even addressed the robust evidence that editorials from newspapers across the entire state, which I know, as a Florida voter, often find myself turning to to look at the matter of whether or not a provision -- what it's covering, what it means.

That's where voters look and those editorials uniformly address the fact that the

FDA was meant to end partisan gerrymandering.

Your Honor, to the extent even that the purpose was, as Defendants claim, to create standards for Congressional redistricting, that too can be realized without the FDA's race related provisions. And it makes sense then that the Senate sponsor of the 2026 plan disclaimed the concept that the FDA was not severable.

Your Honor, it is clear here that the Plaintiffs have met their burden to show that the requested relief is appropriate and is justified. And in contrast, every time in which the burden has shifted to Defendants, they have failed to meet that burden.

And for that reason, Your Honor, we request that you grant the Plaintiffs' motion.

I will reserve the remainder of my time for rebuttal, unless you have any questions.

THE COURT: Okay. Thank you. And then Mr. Shenton.

MR. SHENTON: Yes, Your Honor. Thank you. I want to echo my colleague's comment to the Court for making itself available on this timeline to hear this matter. We know that's a

lot of work and we appreciate it.

I'm going to do my best to try not to repeat my colleagues or go over ground that we've already covered, but there are a couple of things I want to pull out.

First, we have heard a lot about the map drawer's testimony and the legislature and the circumstantial evidence of improper partisan intent. And I want to take a step back and apply that to the standard that the Florida Supreme Court has laid out for applying Article III, Section 20. And my colleague, Ms. Leeper, touched on it at the end of her presentation.

It's that idea any level of improper partisan intent is too much to avoid constitutional scrutiny. That does not end the inquiry. The Florida Supreme Court has not said if you can show any indicia of partisanship anywhere in the plan, that that therefore means the plan is automatically unconstitutional under Article III, Section 20. But what it does do is trigger the burden shifting process.

If you can show even an indicia of partisan intent, because any improper intent is

too much, the burden shifts to the proponents of the challenged plan in order to justify that plan's configuration in neutral, nonpartisan, permissible terms.

If there is not much partisan intent in the plan, that won't be a difficult thing to do because there will be readily available, clear, obvious explanations for the configurations of the districts that are sufficient to pass muster under Article III, Section 20.

That's not the case here. As you heard my colleagues talk about, there is no real attempt to defend any particular configuration of the challenged plan, particularly in the areas that the plan makes amendments to the 2022 Congressional districts that were in place for the last two elections.

So you don't have to find that the Legislature had an overriding purpose; you don't have to find that the map drawer had an overriding partisan purpose. All you need to do is find partisan purpose showed up somewhere in this map drawing process sufficient to trigger that constitutional scrutiny.

And the reason for that is important.

It's because the voters of Florida, when they enacted the Fair Districts Amendments in 2010, made a clear proclamation that any level of partisan unfairness in the redistricting plan was too much to tolerate. They did not want it in their challenged plans. They did not want it in their redistricting. They were tired of it. They had seen it happen over and over again.

My clients worked hard to pass those amendments and to defend those amendments in the immediate litigation that followed, specifically because they were so tired of that process. They're so tired of seeing the partisan favoritism over and over again. That is why these amendments are in the State Constitution.

And so pursuant to that command, that limitation that the voters of Florida placed on the legislature, the Florida Supreme Court has said that any level of improper intent is too much.

And that doesn't end the inquiry. Like I said, it just requires the Legislature to justify their choices in terms that are

permissible under Article III, Section 20. But as we have seen, they cannot do that.

You've heard a lot about the configurations of various districts in the three parts of the plan that changed dramatically, so I won't go super into detail into those. I will like to instead talk about those neutral justifications that have been offered by the map drawer and the Legislature in the legislative process for the 2026 plan.

None of those rationales hold weight when you look at the challenged plan itself. As my colleagues have discussed, they have some shaky tendencies with respect to whether they hold up as a theoretical matter; but even beyond those, it's clear that the challenged plan doesn't actually do those things, it doesn't serve the purposes that were offered.

Let's start with the population example.

Mr. Poreda testified that the challenged plan was designed to better account for population growth within the state that has occurred since the 2020 census. He testified that the plan uses 2020 census data because that is required under federal

one-person/one-vote principles.

But he also testified that while equalizing with that 2020 data, he made some effort to account for where population growth had occurred in the state using two sources of updated population estimates: The U.S. Census Bureau American Community Survey, which is issued every two years, and then and state EDR estimates that give population growth estimates for different counties within the state.

But if you apply those population estimates to the challenged plan, you see that the challenged plan doesn't actually make any attempt to account for them. As our expert Dr. Duchin explains, if you apply the ACS estimate, which are the only estimates that you can apply at a district level, to the 2026 plan and the 2022 plan, what you would expect to see is that the 2026 plan, if it's really taking into account these updated population metrics, equalizes districts using those estimates; it gets closer. So it's not going to be perfect because it has to use 2022 data, but it gets closer, it's making some effort to account for those population changes and trying to

equalize, smooth things out.

But instead you see it get worse. The disparity actually grows in the 2026 plan using those estimates as compared to the 2022 plan. This shows that the challenged plan is not accounting for smoothing out population growth, it's exacerbating that population growth.

And this is clear when we pull out examples. Mr. Poreda was asked about St. Johns County in Northeast Florida, which he identified in his testimony to the Legislature as the fastest growing county in the state. But the Congressional districts for St. Johns County don't change at all. And he was asked about this: How are you accounting for population growth if you are not making any changes in St. Johns County?

And Mr. Poreda testified: Well, St. Johns is absolutely growing quickly but we wanted to make as few changes as possible, and it wasn't worth changing St. Johns and not knowing how it would affect the surrounding counties which may not have grown as fast.

That explanation falls apart on multiple levels.

First, a neighboring county of St. Johns, Duval, was also growing quite quickly; it also saw no change between 2022 and 2026.

Conversely, another county that Mr. Poreda identified as growing quickly, Hillsborough County, does see changes both in itself and in its neighbor, including its neighbor of Pinellas County, which is one of the slowest growing counties in the state. So if St. Johns was not changed so it didn't impact slow-growing neighbors, why was Hillsborough changed and impacting its slow-growing neighbor in Pinellas County?

The reason is because in Northeast Florida, there is no Congressional district held by a Republican and, therefore, no need for a map drawer who is trying to partisan gerrymander to tweak those districts even a little bit.

THE COURT: You may have misspoke. You said not held by a Republican. You meant not held by a Democrat?

MR. SHENTON: Yes, Your Honor. Thank you. There's no district in Northeast Florida held by a Democrat, so there is no reason to change

those districts if your goal is to favor Republicans.

Whereas in the Tampa area, there is a Congressional district held by a Democrat. It's anchored in Hillsborough County, and there is plenty of reason for a partisan gerrymander to target that district if its goal is to disfavor Democrats and favor Republicans as the challenged plan does.

So even on its own terms, taking into account that population data doesn't hold up as an explanation for the challenged plan.

The second explanation offered, the need to draw race-neutral, also does not hold up. Setting aside entirely whether such a move was justified or necessary under federal or state law, it does not explain what the challenged plan does.

In the transmittal letter submitting the challenged plan to the Legislature, the map drawer identifies one district in particular, Congressional District 20, as in need of redrawing for race-neutral -- to make it race-neutral. It says the shape is weird; we would suggest it shows racial predominance.

They don't actually go so far as to say it shows racial predominance, but they say we needed to redraw.

And Mr. Poreda testified to the Legislature that this resulted in a whole wave of changes in South Florida. But this is the only reason that he offered for redrawing the South Florida area.

As my colleague, Ms. Leeper, explained there is no justification for redrawing in Central Florida or in Tampa Bay, because none of those districts were contended to have been drawn with the consideration of race whatsoever. But in South Florida, we see that explanation again fall apart on multiple levels.

If Mr. Poreda's true intention was simply to make Congressional District 20 more Tier Two compliant, to have a better respect for political subdivision boundaries, to make it more compact, he could have done so. Our expert, Mr. Bill Cooper, shows that if your true goal is to change Congressional District 20 and, as Mr. Poreda testified, to make as few changes as possible throughout the map, that

you could do so, and you could do so modifying only three districts.

Mr. Cooper put in his report that this is the easiest redistricting task that he's ever undertaken, and Mr. Cooper has been working on redistricting litigation for over 30 years. He's engaged in dozens of cases, has been appointed by courts to draw remedial plans in a variety of contexts, including race-neutral contexts, and he said: This is quite easy. I've never had an ask quite so simple, and it doesn't require me to change very much at all.

So the fact that Mr. Poreda chose not to make minimal changes but instead to wholesale redraw South Florida indicates that something more was going on.

Additionally, Mr. Poreda expressly declined to reconfigure at least two districts that were concededly drawn with race consciousness in South Florida in the 2022 plan. That's specifically Congressional Districts 27 and 28, which the legislature relied on race to draw in 2022, and remained virtually unchanged in the 2026 plan.

If your true goal is a race-neutral

redraw, you would expect to see changes in these areas because you'd want to remove the consideration of race.

Again, that's not what the challenged plan does. The reason the challenged plan does that is because its goal is to target Democrats and favor Republicans.

And the last point that I want to hit on before I reserve some time for rebuttal is we hear how there are four Democratic districts that are targeted for flips between the 2022 and 2026 plans. And I want to talk a little bit about the mechanism by which the plan achieves that.

If you look at the cores of the districts that are retained, a goal that Mr. Poreda said was important to him, to try and minimize the changes as much as possible between the 2022 and 2026 plan, you see a huge partisan imbalance between the core retention rates of districts held by Republicans, which are held largely stable, as compared to the core retention rates of districts held by Democrats, which are majorly disrupted.

You see 82 percent of voters who were in

Republican-held districts in the 2022 plan are in the same Republican-held districts in the 2026 plan. But half that number, 41 percent of those voters, voters in Democratic-held Congressional districts are in the same district between 2022 and 2026.

What does this show? It shows that Democratic districts are being targeted for reconfiguration. And why? To favor Republicans and disfavor Democrats.

That is unconstitutional under Article III, Section 20, and that is what we are here today respectfully seeking the Court's issuance of a temporary injunction to prevent.

I want to touch very briefly, before I reserve the rest of my time for rebuttal, on the availability of the temporary injunction here.

The temporary injunction Plaintiffs seek is available here pursuant to Article V, Section 5B of the Florida Constitution. That section allows for the issuance of a writ of injunction, a temporary injunction, to maintain the Court's jurisdiction during the pendency of the litigation.

And here, Plaintiffs ask for nothing more than the maintenance of the status quo. The Byrd case talks at length about what the status quo is in a redistricting case. And it makes clear, the status quo is the previously enacted redistricting plan that was in effect before the challenge enactment.

Now if the Court grants the temporary injunction here, because this came up earlier, I want to be clear. This is a pure prohibitory injunction because all the Court needs to do is enjoin the bill that gives the challenged plans boundaries. The reason for that is because that bill amends the previous plan to use the updated boundaries.

So enjoining that bill would necessarily enjoin those amendments and thus revert to the challenged plan's boundary -- or the 2022 plan's boundaries.

Second, and more importantly here, the temporary injunction can only be issued if the status quo is constitutionally available. This is what the Byrd Court talked at length about.

Here, the status quo is undeniably constitutionally available. It has been used

in the last two Congressional elections. It uses the most updated federal Decennial Census data, and it has survived multiple legal challenges under both the state and federal constitutions.

There is no reason to think that that status quo could not be lawfully used, and there is every reason to think that that status quo should be maintained during the pendency of this litigation.

I'll end by concluding or noting, rather, that the issuance of a temporary injunction does not require this Court to adjudicate anything definitively. It is a writ issued in furtherance of this Court's jurisdiction to hear the challenge.

This Court does not have to decide any merits issued definitively in order to issue a temporary injunction. All this Court needs to find is that the status quo should be maintained during the pendency of this litigation. In other words, the Defendants will have their opportunity to prove that the Fair Districts Amendments are unconstitutional in all applications and inseverable. But they

are not entitled to do so without a final Court determination proving that. They have that opportunity to show that.

But the people of Florida enacted these standards into their constitution for a reason, and they are entitled to have those standards enforced until such time as the merits -- a Court of competent jurisdiction declares on the merits that those amendments are inseverable and unconstitutional in all applications.

At this point, I would like to reserve the rest of my time for rebuttal.

Thank you, Your Honor.

THE COURT: I have just have one question. The prior litigation, does that -- did it ever challenge or defend Congressional District 20 specifically or is it around other things?

MR. SHENTON: I would have to go back to the papers to be sure, Your Honor.

My recollection is that those districts were at least talked about in that litigation, but I could not speak to the certainty of what was finally adjudicated, because I know those challenges were narrowed in an effort to obtain final resolution, and I couldn't speak for

sure.

THE COURT: Okay. Mr. Jazil, you ready now?

MR. JAZIL: Thank you, Your Honor. And may it please the Court, Mohammad Jazil for the Secretary of State.

To first answer Your Honor's question, Congressional District 20 was never challenged in State or Federal Court, not in The Common Cause case, not in Black Voters Matter, not in the Cubano's case in the Southern District. So it was never subject to a challenge in any of the cases that have happened so far.

Next, Your Honor, to level set, I note that the Legislature is the one that is the first judge of the proper exercise of its constitutional powers, including its superior obligation to ensure that the legislation that passes is consistent with the Federal Constitution.

Second, Your Honor, I'd like to reorient the Court and discuss the BVM decision and -- from the First DCA and the BVM decision from the Florida Supreme Court to talk about what this Court can and cannot do.

Your Honor, the BVM 1 decision made clear that in a declaratory judgment action, which is what all of these cases are, the declaration is the relief; it's the final relief, it's the one that the Court can issue only after a full trial on the merits and after issuing the declaration, and only after issuing the declaration can the Court issue an injunction.

So when we are talking about dec judgments, we have to go through a trial, we have to have a declaration, then we get an injunction. Now --

THE COURT: Let me pause you on that. Let's make it a little more obvious. Let's say on this redraw they put 24 seats up in the Panhandle and they save four for the rest of the state; and because they like the Everglades, they give the Everglades one, too. So that leaves three for Orlando, Tampa and Miami.

Clearly unconstitutional, a lot of people in the state aren't going to get to vote.

Are you saying there is no intermediate relief for that? You'd have to go through the trial process before you enjoin and go back to

the last maps?

MR. JAZIL: No, Your Honor, that's not quite what I am saying.

Now I would like to move on to the remainder of BVM 1. So BVM 1, if we cabin the dec judgments discussion, then there is a discussion of the Court's all-writ jurisdiction, which is what my friend Mr. Shenton brought up earlier. Under the all-writt jurisdiction, the Court can go back to a status quo if the status quo is an appropriate status quo.

So if we are doing a mid cycle redistricting, in the example Your Honor, gave, we draw a district like that, you can try to revert back to the preexisting map as the status quo, but BVM 2 says that because the preexisting map, the status quo map, the 2022 map in this instance, is the alternative that's being pushed, BVM 2 puts the burden on the Plaintiffs to show that the alternative plan, in this instance the 2022 plan, is an appropriate viable status quo, that it's an appropriate map.

And that was part of the problem in 2022.

When the Circuit Court decided that it was going to impose a new map, it wasn't going back to the status quo; that was one problem. The other was there was another plan in place. That plan had one-person/one-vote problems. And if there was going to be a reversion back to the status quo, i.e., the prior map, the Circuit Court needed to assess whether or not that prior map was constitutional.

Now BVM 1, again, Your Honor -- and this is on page 198 of the Florida Supreme Court's decision; BVM 2 the Florida Supreme Court's 2025 decision talks about how, if we're going to throw out an alternative plan, it's the Plaintiffs who have to show that it's constitutional.

The Plaintiffs are the ones who have to show the 2022 map complies with both state and federal law. The Plaintiffs are the ones who have to show that the 2022 map's use of race is appropriate. And the Plaintiffs have to show that if the use of race is inappropriate, then the use of partisanship is still fine because the racial provisions are severable.

So again, Your Honor, if we are talking

about the 2022 map, the map that is no longer in place, the map that the legislature replaced and the Plaintiffs are putting it forward as the alternative, the Plaintiffs bear the burden, if we are talking about this Court's all-writ jurisdiction, revert back to the status quo, to show that it's a viable alternative.

They have not done that here, Your Honor. So if we are going through the all-writs power, the Plaintiffs haven't carried their burden. If we are going through the dec judgment route, there has been no trial. And so the Plaintiffs can't show that the 2022 map or any other map is the map that we should revert back to.

Now, Your Honor, there's some discussion about how this might not be a mandatory injunction because we are talking about simply striking through some language and somehow resurrecting language that no longer exists.

That is a lot of mental gymnastics to get to the point that this Court is not mandating the use of something that the Legislature did not enact.

So, Your Honor, if the Court is issuing an

order to tell the State of Florida to use a map that is not the one that its Legislature most recently enacted, that is a mandatory injunction. And for a mandatory injunction to issue, there must be a clear right in the rare case where that mandatory relief is available.

This is not that rare case, there is no clear right, because the Plaintiffs' case at bottom, Your Honor, rises and falls on a series of fact specific arguments. Fact specific matters.

I'd like to take the partisan issue first, Your Honor. Plaintiffs' partisan argument is that they have shown, without a doubt, clearly that there is improper partisan intent. And the material they rely on to do that is statements by nonparticipants, the President of the United States, the legislators from other states, tweets from accounts. Tweets, by the way, are not self-authenticating, so I don't know where we are going with that.

They have got a statement from Mr. Poreda saying that he used partisan data among all the other factors. There was no followup from members of the Legislature asking what data in

particular, how it was used, whether it affected the lines anywhere on the map.

They then ignore the bulk of Mr. Poreda's testimony before both the House and the Senate. Mr. Poreda was up there for hours explaining in painstaking detail how he drew the map. He talked about, for instance, if you are taking the map from south to north, from The Keys on up, there are only so many configurations you can come up with for the map, because of geographic necessity.

Certain other districts, like 27 and 28, their shapes just end up becoming more or less like the ones that you see in the map now. And they are not identical, 27 and 28. They're slightly different. But that's how he explained it.

He also talked about geographic necessity in the northern part of the state, how St. Johns, Duval and Nassau County are cabined in by the ocean on one side, Georgia on the other side. He talked about how when you start making changes in South Florida, they have effects all throughout the center part of the state, which then cascade into changes in the

Tampa region.

Plaintiffs want to ignore all of that, focused on one statement that talks about partisan awareness -- one statement that talks about partisan awareness.

Senior Gaetz, the sponsor of the legislation in the upper chamber of the Florida Legislature, talked about how this was no different, this one statement from Mr. Poreda, to his estimation, was no different than how partisanship had been used in the past.

Now that brings me to another point. The Plaintiffs want to say that Mr. Poreda's statement and what Mr. Poreda did can be imputed to the Legislature. This kind of Cat's Paw theory does not work. We can't simply say that if one branch of government had bad intent, which we don't contend it did, that it is automatically imputed into another branch.

And, Your Honor, it's critical for Plaintiffs to show improper partisan intent on the part of the Legislature as well. Why? Let's take a look at the structure of our Constitution.

The provisions that we are talking about,

Article III, Section 20, exist in Article III, the legislative power. The Legislature's intent becomes sort of a vital component to this whole process. And the Plaintiffs are offering little, if any, evidence about improper intent on the Legislature's part.

THE COURT: Well, I mean, doesn't the way kind of it went down suggest that Mr. Poreda's intent would inform the Legislature's intent, so the Governor's maps, they're introduced to the Legislature and Mr. Poreda claims that he was the sole drafter of those maps. And then they are voted on, you know, shortly after introduction.

I mean, at least some of the -- so most legislators probably didn't have any particular intent one way or the other, but did they kind of, therefore, adopt Mr. Poreda's report as the chief drafter?

MR. JAZIL: Your Honor, that's difficult to say. Did they adopt Mr. Poreda's intent as the chief drafter? I would suggest no, because in part, what you also have are questions from the other legislators talking about their perspective. You also have then what the

legislators glean from Mr. Poreda.

And if we accept for a moment, Your Honor, that Mr. Poreda's intent can be adopted by the Legislature, the next question becomes, okay, you've got to take Mr. Poreda's words at face value and not take anything beyond what Mr. Poreda said.

So Mr. Poreda's testimony in full at the House and Senate that comes sort of a cabined set of materials that the Legislature had from which to glean intent. Right? And so we can't go beyond the four corners of Mr. Poreda's testimony before the Legislature on that.

Your Honor, I'd also like to then move on to the expert witness materials. Frankly, Your Honor, the expert evidence is contested and it's untested. We haven't had an opportunity to assess whether or not Mr. Rodden -- Dr. Rodden, Dr. Chen and the other experts are appropriately providing points that they are providing using appropriate methodology. We have several methodological concerns, for example, with Dr. Warshaw that Dr. Trende highlighted.

And Dr. Rodden, in my reading of his

rebuttal report that was filed, he backs away from some of his thoughts on improper partisan intent. He seems to acknowledge that every line drawn on a map either packs or cracks someone. So gleaning intent from just whether or not a particular line is packing someone or a particular line is unpacking someone is hard.

Also, I am terribly confused by what happens with these compactness metrics. If you look at compactness metrics, the '22 map and '26 map, they are pretty much on par. They are off by hundredths of a point in some instances. And the question I have is, okay, so if something fills up 1 percent more of a circle, what is that telling us about compactness? Very little.

And if compactness, the Tier Two standards are being used to inform us about the Tier One standards, you start getting a feel for the fact and sense of milieu that's at issue here.

Your Honor, I also note that my friends go through the seven-part Arlington Heights Test the Florida Supreme Court adopted from federal law. The Arlington Heights Test is inherently fact intensive.

So to take a step back, Your Honor, the Plaintiffs are trying to show improper partisan intent by relying on all sorts of facts in a fact-intensive test, to then shift the burden on to the Legislature and the Secretary of State to prove that they did not have an improper intent.

The only time this test has actually been applied to a Congressional plan, it took a 12-day trial and it took a series of facts about how political operatives infiltrated the map-drawing process and made a travesty of that process.

We don't have those facts here. We also don't have a trial, and we are being asked to do burden shifting based on a less than fulsome record without a trial.

And I think all that is inappropriate, especially because the burden shifting happened last time after a trial, after a 12 day-trial. And so I think we are putting the cart before the horse there, Your Honor, on these fact intensive tests. And I think that is inappropriate.

Your Honor, I would like to then go on to

the constitutional issues and the severability issues.

My friend, Ms. Ford, said that we are asking the Court to do something extraordinary. Taking a step back, we are not the ones asking for something extraordinary; it's my friends for the other side who are asking for extraordinary relief, a temporary injunction to undo a duly enacted law of the Florida Legislature.

Now, if the Court can get past the threshold issues raised by BVM 1 and BVM 2, if the Court can get past whether or not this is the rare case where the Plaintiffs have established a clear right to a mandatory injunction, then we come back to, okay, and then what?

Then are we going to be telling the Florida Legislature to put into place a map that it may believe is not a proper map? And there the constitutional issues come into play, Your Honor. We briefed them in our papers. We talk about how at the end of the day, the Fair Districts Amendment on their face are making race-based distinctions.

Any time you apply these amendments, you are being asked to take racial data into account, assess whether or not Black communities or Hispanic communities are acting in a way where they can elect candidates of their choice, and then draw districts or reframe from drawing districts that protect the electoral prospects of certain people when sorted based on race.

And this isn't me saying that this is how the race-based provisions apply. This is Apportionment 1 laying out how the race-based provisions apply.

In sum, the race-based provisions as interpreted by the Florida Supreme Court and Apportionment 1, 4, 8 seemingly apply to every district, everywhere, and at all times. There are no temporal limits.

Those are problems, Your Honor. Those are problems that the U.S. Supreme Court case law, as the law has evolved on equal protection, says is unconstitutional.

We look at the Students for Fair Admissions versus Harvard case, that provides us the background principles. If we're doing

race-based sorting, race-based sorting is incredibly odious. It is the most odious kind of distinction that the law can make. Those distinctions can only be justified if there is a compelling reason and the remedy that's being used is narrowly tailored.

We know from BVM 2 that the race-based provisions do not provide a compelling reason. We also know from background principles that at the end of the day, if they provide a compelling reason, then they must still be narrowly tailored, i.e, there must be some kind of temporal limit. There isn't one that's built into the Fair District Amendments. That's a problem, your Honor.

My friends, Ms. Leeper and others, have said that the Court should take on a construction of the Fair Districting Amendments that attempts to save the amendments from unconstitutionality. There are several problems with that approach, Your Honor.

First and foremost, what we are doing is we are saying that the Court should interpret the Fair District Amendments in a way other than the way that they were interpreted in 2010

when originally put into the Constitution.

In 2010, when originally put into the Constitution, they were modeled after Section 2 and Section 5 of the Voting Rights Act. They brought that old soil with them.

Now we are being told that we should just superimpose onto the 2010 era Fair Districting Amendments the 2026 interpretation of Section 2 of the Voting Rights Act. That's inappropriate.

Second, Your Honor, even if we do this after the fact rejiggering of the Fair District Amendments, what do you do about the nondiminishment provision, which is the analog to Section 5? Section 5 hasn't been around for years. Section 5 wasn't the one that the U. S. Supreme Court saved by a, quote, proper construction in Callais. Section 5 has no answer.

Also, Your Honor, the problem with the Fair Districting Amendments is more than just, hey, they track the VRA. The Fair Districting Amendments, as the Florida Supreme Court pointed out in BVM 2, do not have a voluminous record that justifies their use of a race-based

solution to tackle a race-based problem.

And as the Florida Supreme Court pointed out in BVM 2 in 2025, the Fair Districts Amendments were not enacted pursuant to Congress' exclusive authority under Section 2 of the 15th Amendment to come up with some kind of race-based remedy to solve a state created race-based problem.

Right? Fifteenth Amendment, Reconstruction Era amendment, it was designed to curtail the states. It gave Congress the power to pass legislation to keep states from doing bad things. Now we're being told that the state can wield that power without a record. And we have been told the state can wield that power in such a way there are no temporal limits. That, Your Honor, with due respect, is incorrect.

Finally, Your Honor, severability. Severability is a problem for the Plaintiffs because again, Your Honor, if we are going with my BVM 1 and BVM 2 framework, the Plaintiffs have the burden to show that the 2022 alternative that they are pushing now is a constitutional one.

And as part of that analysis, when you work your way through, and the Plaintiffs are trying to tell you that the 2022 map is the appropriate map, it's the Plaintiffs who have to show that everything or something in Article III, Section 20 survives, and they can't do that.

They, I am glad, are fans of newspaper editorials. However, Your Honor, let's take a look at the text of Article III, Section 20. Let's take a look at what the lawyers who are the proponents of Article III, Section 20, were telling the Florida Supreme Court. And let's take a look at what the Florida Supreme Court said about Article III, Section 20.

Starting with the text, Your Honor, the text shows an interlocking framework between Section A, Section B and Section C of Article III, Section 20 of the Florida Constitution.

We have in Section A a series of Tier One standards. We know they are Tier One standards because Subsection B tells us they are Tier One standards.

Subsection B also tells us what happens in the event of a conflict between these

standards.

Subsection C goes on to tell us that everything is a packaged deal, that the requirements of Subsection A are on an equal footing with one another; that the requirements of Subsection B are on an equal footing with one another.

So when you take a look at the text and structure of Article III, Section 20, it is intertwined, it is interlocked, it is interwoven. It is not unlike the Murphy versus NCAAP case where the U.S. Supreme Court threw out a series of laws concerning gambling. Why? Because those were intertwined, interlocked.

The Florida Supreme Court in Ray versus Mortham, Your Honor, distinguished a Nebraska case saying that they didn't need to follow the Nebraska cases example. Why? Because there, the provisions were, quote, intertwined, to borrow from the Florida Supreme Court's language.

So, Your Honor, textually and functionally, these things are connected.

Then let's focus on the intent requirements. Your Honor, we provided in our

papers language from the proponents who talked about how these provisions were one unified whole, all of them work together. The Florida Supreme Court in its opinion saying that this provision can make it on to the ballot as part of the Article 11, Section 3 requirements said that these are all a single unified whole.

The NAACP -- and this is the further context. The NAACP material, Your Honor, we cite was provided to the federal government as part of Florida's preclearance package from the era when preclearance was still required. That NAACP paper shows that it was important for the leading African-American advocacy group in the state, for these things to work together so they, the NAACP and the Black community, could ensure that Congressman Corrine Brown and Congressman Alcee Hastings would not lose their seats because of the, quote, problematic compactness issues.

Finally, Your Honor, severability needs to be considered from Ray versus Mortham in the context in which that case arose. In that case, you had a piece of citizen initiative language that included an expressed

severability clause. And that expressed severability clause was very clear about what it was telling the people.

It said, and I quote: If any portion of this measure is held invalid for any reason, the remaining portion of this measure, to the fullest extent possible, shall be severed from the void portion and given the full possible force and application. The people of Florida declare their intention, the persons elected to offices of public trust will continue voluntarily to observe the wishes of the people as stated in this initiative in the event any provision of this initiative is held invalid.

The Florida Supreme Court found that severability clause language would be persuasive, incredibly persuasive. Why? Because the severability concept is different than an ordinary piece of legislation. People are not legislators. They do not understand the background, severability principles.

So for the Florida Supreme Court to adopt the statutory severability test into the citizen initiative process, a question of first impression in Ray versus Mortham that has not

come up in a Florida court since, the severability clause was a crucial element of the analysis. The severability clause was the trigger that was pulled before the four factor test for statutory severability could apply.

And even then, Justice Lewis talked about intention and taking something that is supposed to be a single unified whole under Article 11, Section 3, the single subject requirement is more tightly wound than the single subject requirement for the legislature.

And only with the severability clause, which gave people notice that this is what was going to happen, could you go about and apply the test and say that: Look, we are going to go ahead and sever this legislation.

THE COURT: Can you pause on severability for a moment?

So to rule in your favor on severability, I'd have to rule against you on the injunction power, on the intent, partisan intent, basically go all the way up to the point I think the injunction should issue, but then say well, none of that matters because the Fair District Amendment should be struck down; and

not only should it be struck down, but it's not severable, so the whole thing, all of it goes, right?

MR. JAZIL: Not quite, Your Honor.

THE COURT: I am trying to understand.

MR. JAZIL: Sure. So, Your Honor, for you to rule for the Plaintiffs, it's my contention you have to go through this process, because for the Plaintiffs to prevail and for the Plaintiffs to say that the 2022 map is an appropriate status quo, they have to show that the 2022 map is constitutional.

So how are they going to show that? They are going to show that by saying that race either wasn't a factor or race was appropriately considered.

If they can't show that, or they move beyond that point, and then they get to the partisanship discussion, then Your Honor, you would have to deal with the severability question.

So I framed it in two different ways, where if the Plaintiffs are the ones pushing the 2022 map, they bear the burden. If ultimately we lose on everything along the way

that they argued and you accept their framework, that you can just plop down the 2022 map, under that circumstance, you have to get to our constitutionality and severability arguments. So there are two routes.

THE COURT: I kind of feel like we're saying the same thing, but I guess another way to say it would be the constitutional avoidance -- I shouldn't reach the constitutional question if the case can be resolved on some other issue.

But I guess what you are saying, in order to rule for the Plaintiffs, I have to address the constitutional issue.

MR. JAZIL: Your Honor, in order for you to rule for the Plaintiffs, because they are putting forward the 2022 map as a valid status quo, you have to access whether or not that's a valid status quo. And then you get to the constitutional issues of is the 2022 map valid constitutionally? Did the 2022 map appropriately take race into account? And if so, how?

And that's where you get to the constitutional issues. For you to rule for the

Plaintiffs and put forward the alternative plan, BVM 1 says the Plaintiffs bear the burden of showing that the 2022 map is constitutional.

And that necessarily, in my mind, triggers the racial issues. They can't run away from them. If they want the 2022 map to be the one that's put forward as the alternatives, they have to grapple with those issues.

THE COURT: So that means basically you can't say the 2022 map is validated because it's done the two elections, it's done all the litigation.

You are saying, well, because the Legislature found that Congressional District 20 was racially drawn, they ought to show that it wasn't racially drawn. Am I saying that right?

MR. JAZIL: Yes, Your Honor, I think so. And I think they bear the burden of showing all of that.

And, Your Honor, I got one final point, unless Your Honor has additional questions.

THE COURT: No, go ahead.

MR. JAZIL: Your Honor, our final point is the Purcell point and the Purcell analog under

Florida law.

We are getting pretty close to the election. We have a declaration from the director of the Division of Elections talking about how May 25th is our prequalification date. And in her supplemental declaration that we filed this morning, she talks about how we are expecting a lot of candidates, there is going to be a lot of work. There is a separate statute that requires the Department of State to help candidates perfect their qualification papers.

So if we take apart the May 25 decline or truncate it, it creates all sorts of problems from a timing perspective.

Also, Your Honor, we have some materials from the supervisors that talk about how we are getting pretty close to the elections and changes this late are not a great idea, especially because, Your Honor, set aside the 2022 map and whether or not you program it into systems, you've got the UOCAVA deadline for overseas and uniform voters, and that deadline is 45 days before the election.

You also need to make sure that you have

your ballots proofed and printed. You've got to mail them something, and that takes time to figure out who your printer is going to be, who is going to send out the mail, et cetera. And you need the deadlines before then.

So you've got two Purcell-related issues, concerns. One is the qualifications deadlines. The other is the practical deadlines to meet to try to get things out into the mail to our service members overseas.

THE COURT: I guess I have got two questions on that point.

So Purcell seems to be more of a Federal Court prudential rule. I looked at Purcell, I didn't see any Florida case, but you said there is a Florida analog. But there is no Florida case citing Purcell, that's more how the Federal Courts say, like Federal Courts should not be interfering in state elections close to elections. That's the way I read Purcell. Maybe I am wrong.

What was the Florida analog for Purcell?

MR. JAZIL: Sure, Your Honor.

If you look at our papers, on page 27, we have a State, ex rel. Haft versus Adam case

from 1970, and a Walker versus Best Case from 1935, both Florida Supreme Court cases that stand for the proposition that, quote: To interfere with the election process at a late day, even if a clear, legal right were shown, would result in confusion and injuriously affect the rights of third persons.

And one of the rationales for Purcell is that there is a possibility of confusion if you make late-breaking changes to the election code. And here, as a practical matter, if we go beyond May 25, we would be making changes not just to the Congressional plan but our qualification statutes as well. And --

THE COURT: It seems like the State legislature could, like in August or September, change the maps if they want to, right?

MR. JAZIL: Yes, Your Honor.

So I would like to address this point. So let's say the State legislature passes a law in August or September. Instead of changing maps, Your Honor, let's say the State legislature says that women can't vote; that would be very clearly violate the 19th Amendment and someone could come into Court and get a final

resolution very quickly, or get an injunction from this Court, because that is a very clear legal violation. It's not a fact-intensive multifactor, burden shifting test, et. cetera.

Same thing with someone putting a poll tax in place at the last minute.

Congressional plans aren't that obvious, Your Honor, and so if we are talking about changes to Congressional plans, we are talking about Plaintiffs having to do a lot of work on the front end to show that there is a violation.

In the 19th Amendment or 24th Amendment examples I just gave you, you could maybe accelerate trial. We can have a final hearing within 24 hours, and you can issue a final order after a dec judgment action is filed to resolve the matter, and you would have all the powers you need under BVM 1 to do just that.

And, Your Honor, finally I would like to end with this. It's also important to remember the context that the First DCA provided in BVM 1. It talked about how in 2012, when we passed a map that turned out to be a bad map, that bad map was in place for two cycles. Right?

That just underscores the point that this isn't as clear as the poll tax or women can't vote. That bad map was in place two cycles and remained in place until the Florida Supreme Court ultimately decided it was unconstitutional.

And, Your Honor, there is no need to rush in this instance either. There should be a trial. There should be a proper assessment of the facts, all of the facts, a testing of the evidence, a testing of the expert witnesses, before another plan is imposed other than the one that the Florida Legislature enacted.

Your Honor, with that, I defer to my colleagues.

THE COURT: All right. Mr. Nordby.

MR. NORDBY: Thank you, Your Honor. The Secretary's Counsel has addressed a number of procedural and constitutional issues. I would like to focus on just a few narrow issues where the Senate's position independently matters.

The central question for Your Honor to decide is whether the Plaintiffs have actually shown a substantial likelihood of proving that the Legislature enacted this plan with

constitutionally prohibited intent.

The answer, we submit, is that they have not carried their burden of proof.

The first point I would like to address is the fact that the Plaintiffs are improperly conflating a map drawer with the Legislature. The Plaintiffs repeatedly attempt to conflate the intent of Mr. Poreda and the constitutional intent of the Legislature itself.

This distinction matters because Article III vests the legislative power in the Legislature. Article III, Section 20, regulates the enactment of districts through a law making process. And Plaintiffs now tell the Court that they need not establish the intent of the legislators at all.

That position creates a serious constitutional problem.

Under that theory, statements by one executive branch staffer become attributable to the Legislature as a whole. Statements by the President of the United States become attributable to the Legislature. Statements or even retweets by anonymous social media accounts become attributable to the

Legislature.

Suddenly the legislative enactment itself disappears from the analysis.

Your Honor, there are dozens, if not hundreds, of cases standing for the principle of the floor debate or comments by one member of the Legislature should not be attributed to the Legislature as a whole in evaluating legislative intent.

If that is true, how much more is it true that the comments or the subjective intent of a staffer in another branch of government should not be attributable to the Legislature as a whole?

Now, to be sure, Your Honor --

THE COURT: I had a question as I was reading your materials. I mean, isn't this always kind of the way you prove intent; you look at things surrounding the circumstances, because you're really going to get a direct statement of this is what I meant when I did that.

MR. NORDBY: Absolutely, Your Honor. I am not saying that the testimony of Mr. Poreda in committee is irrelevant to the question of

legislative intent.

The point that I am trying to make here is that whatever intent should be attributed to the Legislature should be limited to the legislative record in front of them.

We know the legislators had access to Mr. Poreda's committee testimony. They had access to the legislative language itself. That's what they had, and that was appropriate in considering what their intent was.

To the extent Mr. Poreda had subjective intent unexpressed in his heart that the Legislature was never provided, that can't be used to establish what the intent of the Legislature itself was, and much less any of these other outside political commentators or members of Congress or others who weren't involved in the legislative process.

Constitutional intent cannot simply be transferred from one participant in the law-making process to an entire coordinate branch of government. And none of the Plaintiffs here have even offered a single shred of evidence, hearsay evidence or anything, suggesting what the intent of any

member of the Legislature was in passing this legislation.

Like Mr. Jazil, I would distinguish Apportionment 7, the factual evidence in that case, after a two-week trial, included evidence that political consultants were meeting and communicating with legislators and legislative staff about partisan preferences, sharing copies of draft maps, commenting on them, and what the Court called a second shadow process; that is a legislative process in the shadows.

Here we have no comparable record, no trial findings, no evidence at all that any member of the Legislature considered anything other than the language of the legislation and the committee presentation.

The second point I would like to make is that even Mr. Poreda's testimony does not establish the clear violation required for an emergency temporary injunction. The Plaintiffs portray Mr. Poreda's testimony as a constitutional confession.

It was not. Their presentation selectively isolates statements while omitting others.

Mr. Poreda testified in committee for more than half an hour that he considered numerous criteria; he testified about the boundaries he used; he testified about his district-by-district drawing process. He responded to a question by stating that partisan data was part of a broader universe of information that was available to him. But he repeatedly denied drawing the map with partisan intent.

That's what the legislators were told before they passed their votes.

Now the Plaintiffs characterized these later statements as, quote, self-serving rehabilitation. At this procedural stage, that only underscores the problem for them.

There are disputed facts and competing inferences, and you have not heard live testimony from anyone here -- you heard arguments of counsel -- in order to evaluate and weigh which of those competing inferences are correct.

Temporary injunctions are not designed to resolve contested intent questions through selective transcript readings.

That's not what happened in 2022, that's not what happened in 2012. The Court is being asked to decide at this limited record and early stage motive questions that are normally reserved for trial.

The key point is this: The Plaintiffs don't merely need some evidence supporting their position. They have the burden to show a substantial likelihood that their interpretation of the record evidence is the correct interpretation.

Where competing inferences exist and intent remains disputed, emergency statewide relief is improper.

My third point is that the Plaintiffs' theory here erases the constitutional distinction between intent and effect. The Plaintiffs lean heavily on simulations and statistical evidence for the reasons explained by Mr. Jazil. Much of that evidence is contested and has not had the opportunity at this stage to be tested.

But that still confuses partisan effects with constitutional intent.

The Florida Supreme Court has recognized

that Article III prohibits intent and not outcomes. The Plaintiffs' evidence asks this Court to infer that partisan effects, plus the simulations in their hearsay expert reports, equals unconstitutional motivation.

The Florida Constitution does not require partisan symmetry or proportional representation or conformity with computer-generated simulations that employ the policy preferences of their experts.

And most again, the Plaintiffs' experts may create disputed factual questions, they don't create a clear entitlement to relief.

And my final point is that Plaintiffs here still seek the functional equivalent of final relief.

To go back to a question Your Honor asked earlier about the relief that's being sought here. It's clear that Plaintiffs are asking for two different things: A prohibitory injunction to prevent the Secretary of State from employing the 2026 plan and a mandatory injunction requiring this State to employ the 2022 plan.

The redistricting legislation that passed

the Legislature in the last few weeks did two things. It repealed the 2022 plan and it instituted a new plan. Those are two separate asks by the Plaintiffs here, and they have to carry their burden to establish entitlement to both of those.

Plaintiffs are not merely seeking preservation of the status quo. They're asking for two separate things. That's statewide remedial relief.

The Plaintiffs attempt to distinguish the Byrd/BVM 1 case by emphasizing that the 2022 plan they asked for here previously existed, but that still misses the broader principle.

Byrd reaffirmed that temporary injunctions are preservative and not adjudicative. The Plaintiffs here don't attempt to carry their burden under BVM 2 to prove that the alternative they ask the Court to impose is valid.

So in brief conclusion, Your Honor, at the end of the day, the Plaintiffs asked the Court to make a constitutional finding of statewide legislative misconduct via an emergency injunction, without discovery, without testing

the experts, without credibility determinations, without trial findings, and based principally on selective excerpts and disputed inferences.

That's what some of these same Plaintiffs asked one of your colleagues to do in 2022 and that decision was reversed. That's not how redistricting litigation occurred in 2023, 2024 or from 2012 to 2015.

Those latter ones occurred after full trials or a final hearing on a stipulated factual record.

Temporary injunction standards require something more than unresolved factual disputes. The Plaintiffs here have not shown a clear entitlement to the relief they're seeking, and the motion should be denied.

I would be happy to address your questions, Your Honor. Otherwise, I will cede my time to my colleague.

THE COURT: Mr. Bardos.

MR. BARDOS: Thank you, Your Honor. Andy Bardos for the Florida House in its response to the temporary injunction motions and that's the question of the constitutionality of the Fair

Districts Amendment.

THE COURT: Mr. Bardos, you are a little soft. Is there a way you could select maybe a different microphone? You might be using your computer's microphone instead the web cam.

MR. BARDOS: Thank you, Your Honor.

So the Florida House, Your Honor, addressed one issue in its response to the temporary injunction motions and that's the question of the constitutionality of the Fair Districts Amendments. The other issues have been fully and ably briefed by Mr. Jazil and Mr. Nordby. We'd like to address the constitutional issue.

And I would like to start with the question that Your Honor raised early on and that the Plaintiffs addressed, which is, is this something that even needs to be considered at this stage, or can we simply reserve this issue for the merits stage? This seems like a lot to do at this stage.

And the answer is yes, it must be considered at this stage. And that's because the temporary injunction is unavailable unless the Court addresses each affirmative defense

that the Defendants present.

Salazar versus Hometeam Pest Defense, 230 So. 3rd 619, is a Second DCA case from 2017, that's an example in which the Court reversed the entry of a temporary injunction because the temporary injunction did not address all of the affirmative defenses that the Defendants had raised.

And beyond that, at the temporary injunction stage, the ultimate burden is on the Plaintiffs to demonstrate that the Defendants will ultimately be unsuccessful on their affirmative defenses. So the burden is different at the temporary injunction stage.

I will cite for the Court Bradley versus Health Coalition, 687 So. 2d, 329, a Third DCA case from 1997 which said: Plaintiff must demonstrate likelihood of success on the merits as to asserted affirmative defenses as well as elements of Plaintiff's prima facie case.

So that means the burden here is on the Plaintiffs to demonstrate a substantial likelihood that later, at the merits stage, the Defendants will not be able to demonstrate or establish their affirmative defenses.

So that makes it very difficult for the Plaintiffs, as it should; it's by design. The Courts don't just hand out temporary injunctions. The Plaintiffs have to demonstrate a substantial likelihood of success, not only each on element of their own claim, but a substantial unlikelihood of success on the Defendant's part, on the affirmative defenses.

And so what that means, Your Honor, is unless the Plaintiffs are able to demonstrate now that there is a substantial likelihood that the Defendants will be unable to show nonseverability, for example, then the Plaintiffs lose.

It's not the Defendant who loses at the temporary injunction stage, if the Plaintiffs are unable to address all of the issues in a one week or two-week proceeding; it's the Plaintiff who loses in that case. And that's by design. Temporary injunctions are hard to get.

So let's discuss the constitutional issue. And what really stands out to me and where I'd like to begin, Your Honor, is what the

Plaintiffs don't talk about. And if Your Honor looks at the reply that Equal Ground filed in support of their motion for a temporary injunction, on this constitutional issue, you won't even see the words "compelling interest."

And what that means is the Plaintiffs are not advancing any justification for the expressed racial classifications in the Fair Districts Amendments. It's not in there.

The first thing they talk about is let's put a saving construction on this provision. You only get to a saving construction if there is already a determination of invalidity.

There is no argument being advanced, and we didn't hear it today either, that there is any compelling interest that justifies the expressed racial classifications that are in Article III, Section 20. They want to skip over that and say, okay, but if it's unconstitutional, there is a way we can save it.

So let's go to that. Let's treat it as admitted, that this is unconstitutional, and let's go to the saving construction and see whether that's available to them.

And there are three points I want to make on that, Your Honor.

Number one, and Mr. Jazil alluded to this, we are not writing on a blank slate. These provisions have already been interpreted by the Florida Supreme Court. Those interpretations are binding on this Court.

This Court can't simply say, okay, the Florida Supreme Court might have said X, Y, and Z about these provisions, but I am going to reinterpret it now in this case.

So if there is going to be a saving construction, it has to be done by the Court, the Supreme Court that initially placed the construction on these provisions. It can't be done here --

Second, they point to the Callais decision by the U.S Supreme Court and say the U.S. Supreme Court placed a saving construction on Section 2 of the Voting Rights Act; this Court should simply adopt the very same saving construction.

-- but there are a couple of problems with that. Number 1, the Voting Rights Act exists only because the Federal Constitution and the

15th Amendment confers on Congress the power to enforce the reconstruction amendments, the post-Civil War amendments. It authorizes Congress to enact those provisions, such as the VRA. And what the Court did in Callais is it calibrated the Section 2 interpretation, the interpretation of the Voting Rights Act, to Congress' power under the 15th Amendment. And it said if this Voting Rights Act provision is going to be consistent with the 15th Amendment, which grants Congress power to pass such legislation, it needs to be interpreted in such and such way.

But here, the 15th Amendment has no applicability. The 15th Amendment doesn't say that Florida can enact express racial classifications dividing people into different racial groups. It doesn't authorize Florida to do that.

And so what is the saving construction tied to? It doesn't apply. There is no 15th Amendment that can guide how we save this provision, because the 15th Amendment doesn't even authorize this provision. The Fair Districts Amendment is not the same thing as

the Voting Rights Act.

In fact, the whole point of the 15th Amendment, as well as the 13th and 14th, is to take race out of the hands of states and to transfer that, to the extent necessary, to the federal government so that Congress can enforce the protections in those provisions.

So there is no way to adopt a saving construction if we don't even know what is the provision that authorizes this and how can we save it. So that's another problem.

And then Mr. Jazil alluded to the other problem, which is even if the vote dilution provision in the Florida Constitution can be saved in the manner than suggested by Callais, because the Federal Voting Rights Act provision, there is a counterpart to our vote dilution provision. There is no mention in Callais of any like the nondiminishment provision that exists in our Florida Constitution. So Callais gives us no guidance about how to save that provision.

And the Plaintiffs don't articulate a saving construction for that provision. They don't tell us how to save that provision.

And so that brings us to the final point on the savings construction. Florida courts recognize that, yes, we want to save provisions if we can, but we can only do it if there is something in the text that suggests the saving construction. We can't simply rewrite it. We can't simply go in and redline what's written.

And so the Plaintiffs have to show that there is something textually both in the vote dilution provision and in the nondiminishment provision that authorizes the reinterpretation that they suggest.

And first of all, they don't suggest a reinterpretation, at least for one of the provisions; second, they don't tie it to the text and say: This interpretation that we are advancing is rooted in and justified by and supported by the text.

So it's not there. So the savings construction argument, Your Honor, fails.

And so we ultimately come to severability. And the key for severability, in my opinion, Your Honor, is we really need to understand what is the legal standard for severability, because we heard a lot of discussion about

newspaper editorials, or whether it would be possible to draw compact districts in the absence of the racial provisions in Tier One.

Neither of those is the proper standard under severability. The question under severability -- and there are several factors, but the one I'd like to focus on is, are these provisions, both the ones that are unconstitutional and the ones that remain, are they functionally interconnected in such a way that they form an integrated whole; because if they do, the Court is not going to take out one piece and leave the rest.

So are they functionally connected? And we see absolutely they are, because the only reason there is even a tiered structure to the Fair Districts Amendments is because of the relationship between those standards. The only reason that those provisions in Tier One are elevated above Tier Two is because the provision itself tells us that the Tier One provisions prevail over Tier Two provisions in case of conflict.

So already what the amendment is telling us is these standards work together and they

are related to each other, there are relationships between them and how they work. And once that happens, once that we have interconnected provisions that function as a whole, and the functioning of which is dependent on the other provisions, you can't have severability; you can't take it out because then you are changing the scheme. You are changing what the voters enacted.

And the one way to look at that, Your Honor, is these standards are the ingredients that go into drawing districts. If you take one ingredient out, if you take out -- for example, if you're baking a cake and you take out sugar, or you take out flour, that cake is going to be different at the end of the day. When it comes out of the oven, it's going to be different from what you expected.

Same thing here. If you have a set of standards that voters have approved and said, okay, this is the combination of standards that we want producing our districts and you take one out, you are going to get different districts from what the voters wanted when they voted for these provisions.

They all work together, they produce a single product. So there is no way to separate them from each other.

And finally, Your Honor, on the severability issue, we cite a couple of cases in our response for the proposition that when you have a general rule, and you have an exception to that rule, and the exception is found unconstitutional, then the general rule can't survive, because that would take that general rule and convert it into an absolute rule.

And that's what would be happening here, because these racial provisions in Tier One functionally are an exception to the standards that are in Tier Two.

The Tier Two standards say districts should be compact, districts should utilize political and geographical boundaries. And what Tier One says is if there is a conflict, we have an exception to that.

If you are drawing districts to comply with these racial provisions, you don't have to comply with that general rule that districts must be compact. You don't have to comply with

the general rule that districts must utilize political and geographical boundaries. It's an exception to the general rule.

And in the cases that we cite, if you take an exception and the exception is unconstitutional, what that does is it converts the general rule into an absolute rule. And now suddenly, the requirement of compactness becomes an absolute rule, it applies to every district in every situation. And that's not what the voters voted for.

So in that situation, you are expanding the breadth of the statute, you are expanding the breadth of the remaining provisions.

And in the cases we cite, the Courts say no, that's not how it works.

So I think, Your Honor -- and I think obviously this is a lot of information, there is a lot to resolve in terms of redistricting, which is a very arcane topic, a lot of constitutional issues. I actually think that there is a very simple solution to all of this. And that is a resolution of the motions based on the burdens and who bears the burdens at this stage of the temporary injunction stage.

And I think it's very clear that at this stage, under the cases that I cited, the Plaintiffs bear the burden to demonstrate that that there is no substantial likelihood that the Defendants will ultimately prevail on their defenses.

And I don't think they have demonstrated that, Your Honor. I don't think they have demonstrated that there is a substantial likelihood that the Defendants will be unable to prove severability at the merit stage, or I don't think they have demonstrated that there is a compelling interest. They don't even use the word in their reply. I haven't heard any argument about it. And they certainly haven't demonstrated that this is narrowly tailored. They haven't demonstrated a substantial likelihood that they will be able to establish saving constructions, limiting constructions.

So frankly, Your Honor, I think there is a very simple basis or ground to deny these motions, and that is the failure of the Plaintiffs to carry their burden to demonstrate a substantial likelihood that the Defendants at the merits stage will be unable to carry their

affirmative defenses.

So for those reasons and the reasons expressed by counsel for the other Defendants, we ask that the Court deny the motion for temporary injunction.

THE COURT: All right. And Ms. Ford, are you going to do the rebuttal?

MS. FORD: Your Honor, I think all Plaintiffs groups would probably appreciate just a few moments, if that is okay with Your Honor. I don't speak for all the plaintiffs.

THE COURT: Okay.

MS. FORD: Thank you, Your Honor.

I want to emphasize once again that granting the relief Plaintiffs are seeking is not a mandatory injunction.

So here the Court can follow the exact path that the Byrd Court laid out to issue one TI order that would both enjoin the 2026 plan and would automatically reinstate the 2022 plan.

As Mr. Shenton pointed out, I believe HB1D is the act by which its own terms repeals and replaces the 2022 plan. So enjoining it automatically revives that plan.

And as a practical matter, the record shows that the preexisting 2022 plan is the status quo in the State's system. Good evidence of that is the Secretary of State's instruction to the Supervisors telling them exactly how this would work in operation if this Court were to issue an order. That's Plaintiffs' Exhibit 17.

And in the supplemental declaration that the Secretary filed today from Maria Matthews reflects that absent a TI from this Court, the Supervisors would be changing precincts to implement the 2026 plan.

So stopping implementation would leave you with the current natural state of things, which are the current districts.

And next, Your Honor, Defendants are attempting to give you frankly what are excuses to not find a likelihood of success. But to do so would mean a few things.

One, it would be casting aside the presumption of validity that applies to the 2022 map.

Two, it would include not even attempting to apply the binding savings requirement to the

race provisions.

Three, it would require casting aside binding Florida Supreme Court precedent that says there is no acceptable level of partisan intent.

And then in sort of Defendants' final flourish, it would be to apply the presumption of validity to a plan that was passed in explicit violation of the Florida Constitution.

I'd like to concentrate of those for a moment on the sort of hypocrisy here of the government asking for a presumption of validity on the 2026 plan but not the 2022 plan. And to be clear, only the Secretary has actually suggested or argued that the 2022 plan might be unlawful. The House and the Senate did not join that argument, nor did they actually assert that.

And the Secretary's evidence that the 2022 plan is unlawful is a single paragraph of a legal memorandum from the Governor's Office. That is not evidence. And beyond the one sentence in the Secretary's memo about CD 20, the Secretary does not even bother to identify precisely which specific districts he maintains

have constitutional concerns.

The Secretary has not developed the record evidence to support what is ultimately a drive-by contention that the 2022 plan is unlawful. That, along with the presumption of validity, should really end the matter.

The Court has asked a couple of questions about CD 20 today, so I want to put any concerns that the Court has about this matter to rest.

To be clear, the long-standing racial gerrymandering precedent is quite demanding. It would require the Secretary to show that mapmakers subordinated traditional race neutral principles to race, such as by showing the district is so irrational on its face that it can only be understood as an effort to segregate voters on the basis of their race.

But the only evidence that is actually in the record before the Court about CD 20 is evidence that Plaintiffs submitted that show the Legislature's commitment to making this district more compliant with the state's Tier Two criteria. That includes statements from the House redistricting chair that CD 20

attempts to comply with the preservation of political and geographic boundaries, that includes evidence as well about CD 20's compactness that we put in the record.

CD 20 is just not as noncompact as the Governor's Office claims. CD 20's total mathematical compactness score is more compact than six districts in the 2022 plan. And CD 20 just does not resemble the districts that have been struck down as racial gerrymanders for their odd shape.

We have pictures in our reply brief to give the Court context for what that kind of district would actually look like.

And then last, Your Honor, I would like to just speak briefly on legislative intent.

The legislators were not unsuspecting dupes to this whole process. They are adults with eyes and ears who watched this whole thing play out, and they still signed onto it.

And here the Secretary asked you to compare this process to the 2012 process that was found to be unlawful. And to be clear, there is no requirement that Plaintiffs put forward matching factual evidence.

But it's notable that in that case, most of the Legislature, and even some of the mapmakers, appeared unaware of the backroom dealing and partisan intent. Here it was on full display. We cannot credibly say the Legislature did not know what was happening with the admissions that were on the record.

And I'd like to end with addressing Mr. Nordby's contention about Poreda's statement at the end of the Senate hearing that he didn't have partisan intent.

I would encourage the Court to read the full statement that Poreda makes there attempting to disclaim partisan intent, because when you do, it becomes clear what Poreda was attempting to say is that partisan intent was not his predominant motivation.

But that is the wrong issue as a matter of law. The Court can find this exchange at Plaintiffs' Exhibit 12 at 54. And I will read a snippet.

The Senator asked: You used partisan data when you drew the map, isn't that correct?

And Poreda responds: I used it along with all the other traditional redistricting

criteria. It was not at the exclusion of everything else and it was not predominant over anything else. But it was considered balancing all of the other standards.

The same thing goes on and he ends with: It was not my intent to create or draw a partisan map.

It's plain that Poreda believes that his use of partisanship just doesn't count as intent if it didn't predominate. But that is not the law. Apportionment 1 says we don't ask when partisan intent has gone too far; any partisian intent is unlawful.

And Your Honor, out of respect for the co-plaintiffs group, I will let them address any other issues.

THE COURT: Ms. Leeper.

MS. LEEPER: Thank you, Your Honor.

I think it's worth level setting at this point about just how backwards this whole process of these arguments are.

The people passed a constitutional amendment. It is up to the Courts to interpret that constitutional amendment, and then it is up to the Executive and the Legislature to

follow the commands of the Constitution.

Here the Defendants have attempted to do the inverse of this and are trying to force this Court to reach a constitutional question which is not before it, because no Plaintiffs have raised race-related claims.

There is no need for this Court to rule on the constitutionality of the 2022 plan. That plan has a presumption of constitutionality. No one has ever successfully challenged it or, as my colleague just said, CD 20, and the Governor and Legislature had themselves asserted and defended that plan in Court as constitutional.

And here no Defendant has even attempted to show that there is an unlawful racial classification in that plan.

Your Honor, moving on to another point, there's also been no evidence presented that changes in Southeast Florida required changes in the Tampa Bay and Central Florida regions. This is obvious from the information that's been presented by some of Plaintiffs' experts showing that it is possible to change Southeast Florida without impacting these districts in

the different parts of the state.

It's obvious through the 2022 process itself, in which the Governor's map drawer froze the 10 districts in Southeast Florida and made changes to the 18 districts that were to the north and the west, with no need to impact those districts impacting one another.

And, Your Honor, it's also just clear through common sense. I grew up many, many times, taking trips from St. Pete to Miami to visit my family, and I can tell you anyone who made that drive knows that these are far-flung parts of the state with no need to impact one another.

Your Honor, plaintiffs have shown a likelihood of success with or without expert reports. But we will note the Defendants have said nothing about the Thompson-Wynn Plaintiffs' expert reports, including the report of Dr. Rush, which included evidence of packing, cracking and a lack of justifications for the plan.

Your Honor, if you are to decide that it is the intent of the Legislature that matters, Plaintiffs have offered evidence of the intent

of the Legislature. And the question before this Court is an easier one than in 2012. It's not a question of whether political operatives' intent infected the plan through public input; rather, there is one map drawer who has openly declared what he considered, we have an open effect of that plan, and that map was wholly adopted by the Legislature, who also repeatedly on the floor adopted the reasoning provided by that map drawer.

Your Honor, two final points, which is that it is not Plaintiffs that are asking this Court to interpret the FDA in line with federal precedent. That was the Florida Supreme Court in BVM that said that that is how this ought to be done; and not because of the 15th Amendment, but because that is the way to interpret Florida constitutional law according to our highest Court.

And it was also our highest Court, the Florida Supreme Court, which said the primary purpose of the FDA was to ban partisan gerrymandering. That is something that has been made clear time and time again.

Finally, Your Honor, it cannot be that

Plaintiffs can never get temporary injunctive relief against a map. If the Secretary of State's best argument about why temporary relief isn't available here is because the 2022 plan is not a poll tax or doesn't prohibit women from voting; and so therefore, even if it is unconstitutional, it has to be used until a full trial.

That has no basis in Florida law and it simply isn't the standard for temporary injunctive relief.

Here we know that there will be irreparable harm if this plan moves forward. And Plaintiffs made their showing, as they have to, to justify this kind of relief.

I will now pass to the other Plaintiffs' group.

THE COURT: Mr. Shenton.

MR. SHENTON: Thank you, Your Honor, just a few points very briefly.

First, I want to talk about the question of whose intent matters. I think the best way to answer that, we've heard a lot of different suggestions and the best way to answer that question is to go to the text of Article III,

Section 20.

I will read from it very briefly, the very first line: No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent.

The focus there is on the district and the drawing of it. So the question about whose intent matters, when we know from the record who drew the plan and what their intent was, what the factors that went into that consideration were. We don't need to go further than that.

The amendment prohibits the drawing of a district with partisan favoritism. We know who drew the plan and we know that person considered improper partisan intent.

That's what the text of the amendment requires, and that's what matters.

The other thing I would point out is that Mr. Nordby advanced the position that the kind of Legislative intent should be determined solely from the face of the legislative record and the things that were available to them in open legislative testimony.

I think those are very probative, sometimes the most probative sources of evidence for that determination.

But I would also note that that formulation would exclude all of the evidence of the shadow process that the Apportionment 7 Court found rose to the violation of Article III, Section 20.

So I don't think that's where the inquiry has to end. I certainly agree that it should start there, as it does in every such case, but it can't be limited to that because then Apportionment 7 would not be good law.

Very briefly on whether or not the 2022 plan is the status quo.

I think two points are really important here. First, the Florida Supreme Court just last year upheld the 2022 plan under a challenge brought under the State Constitution. That seems to me to be pretty powerful evidence that it is available as a constitutionally permissible option here for preserving the status quo.

And second, I will point to the Bolling case which the Byrd court heavily relied on in

2022 which day says: Sometimes preserving the status quo requires going back to the last peaceable state, requires the Defendant to change something in order to return to that status quo.

That's what we are contending needs to happen here. The last peaceable state between the parties is the 2022 plan, a plan that was affirmed under the Florida Constitution by the Florida Supreme Court just last year.

Bolling says you can go back to that in certain circumstances on a temporary injunction. That's what we are requesting would happen here.

And finally, I want to talk about the severability arguments. I agree with Mr. Bardos that Plaintiffs have to show that those severability arguments are substantially unlikely to prevail.

But I would also point out that the first step of our argument under that is to note that the burden is on the challengers of the amendment to show that it is inseverable. So there is a nested burden there.

In order for the Legislature to prevail,

they must take on that burden in order to show that the amendment is inseverable. That is necessary to the affirmative defense.

And the last thing I will note is that here we are talking about the settled state of Florida constitutional law. These amendments were passed by the voters of Florida as substantive limitations on the exercise of the redistricting powers given to the Legislature and, with respect to the Congressional districts, the Governor in the exercise of the veto.

Those amendments have been construed by the Florida Supreme Court at length and in clear terms that lay out how they are meant to be applied and giving effect to the intent of the Florida voters who passed it.

In this case, Plaintiffs are asking that that status quo, that body of law be applied and enforced during the pendency of the litigation. We are asking that the law not be allowed to change in this preliminary rushed posture.

My friend, Mr. Jazil, says there is no rush and I agree. There is no rush to throw

out the Fair Districts Amendments. There is no rush to overturn the will of the people by saying that that just doesn't apply here in a theory that has been untested and certainly not been subject to any final adjudication by a Court.

We would respectfully request that this Court honor the will of the voters of Florida, maintain the status quo, and issue a temporary injunction preventing the use of the 2026 Congressional plan.

If Your Honor has no further questions, that is the end of my time. Thank you.

THE COURT: So I was going to issue a written ruling. I would like the benefit of the transcript. Do the parties think they can get that to me in a timely fashion?

MS. FORD: Of course, Your Honor, we can do that.

THE COURT: I am not sure who has ordered --

MS. FORD: Equal Ground Plaintiffs arranged for a reporter to be here today, and we would order a transcript just as fast as Ms. Nargiz is able to do.

THE COURT: Okay. Sounds good. Any else for today?

Thank you. We'll be off the record.

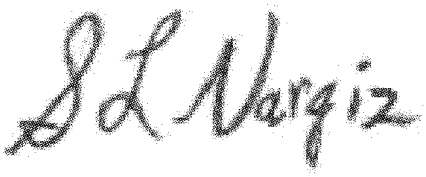
(Proceedings concluded at 12:08 p.m.)

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, SANDRA L. NARGIZ, RPR, CM, CRR, CRC, CCR, certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes.

DATED on May 16, 2026.



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