

IN THE SUPREME COURT OF FLORIDA

**Case No.: SC26 - _____
L.T. Case Nos. 1D2026-1539, 2026-CA-914**

Equal Ground Education Fund, Inc., et al.,

Petitioners,

v.

**Cord Byrd, in his official capacity as Florida Secretary of State,
the Florida House of Representatives,
and the Florida Senate,**

Respondents.

**APPENDIX OF EMERGENCY PETITION
FOR CONSTITUTIONAL WRIT
Volume 1**

Frederick S. Wermuth
Florida Bar No. 0184111
Quinn B. Ritter
Florida Bar No. 1018135
King, Blackwell, Zehnder
& Wermuth, P.A.
25 East Pine Street
Orlando, Florida 32801
T: (407) 422-2472
F: (407) 648-0161
fwerthemuth@kbzwlaw.com
qritter@kbzwlaw.com

Christina A. Ford
Florida Bar No. 1011634
Harleen K. Gambhir*
Julie Zuckerbrod*
Elias Law Group LLP
250 Massachusetts Ave
NW, Suite 400
Washington, D.C. 20001
T: (202) 968-4490
F: (202) 968-4498
cford@elias.law
hgambhir@elias.law
jzuckerbrod@elias.law

Abha Khanna*
Elias Law Group LLP
1700 Seventh Avenue
Suite 2100
Seattle, WA 98101
T: (206) 656-0177
F: (206) 656-0180
akhanna@elias.law

**Pro hac vice
admission forthcoming*

**Pro hac vice admission
forthcoming*

*Counsel for Equal Ground Education Fund, Inc.
Petitioners*

INDEX

<u>Date</u>	<u>Document Description</u>	<u>Page</u>
Volume 1		
2026 05-04	Complaint for Injunctive and Declaratory Relief	App. 4–74
2026 05-05	Notice of Compliance with Section 86.091, Fla. Stat.	App. 75–76
2026 05-05	Waiver of Service of Process for the Florida House of Representatives	App. 77–78
2026 05-05	Waiver of Service of Process for the Florida Secretary of State	App. 79–80
2026 05-05	Waiver of Service of Process for the Florida Senate	App. 81–82
2026 05-06	Plaintiffs’ Motion for Temporary Injunction	App. 83–87
2026 05-06	Plaintiffs’ Memorandum of Law in Support of Motion for Temporary Injunction	App. 88–150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 4, 2026 I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

/s/ Frederick S. Wermuth

Frederick S. Wermuth
Florida Bar No. 0184111

Counsel for Petitioners

SERVICE LIST

Mohammad O. Jazil, Esq.
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
MJazil@holtzmanvogel.com
KGordon@holtzmanvogel.com

Ashley E. Davis, Esq.
General Counsel
Florida Department of State
500 S. Bronough Street
Suite 100
Tallahassee, FL 32399-0250
Ashley.davis@dos.fl.gov
Jenna.mclanahan@dos.fl.gov

Jeffrey P. DeSousa
David M.S. Dewhirst
Jason J. Muehlhoff
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399
jeffrey.desousa@myfloridalegal.com
david.dewhirst@myfloridalegal.com
jason.muehlhoff@myfloridalegal.com
jenna.hodges@myfloridalegal.com

*Counsel for Florida Secretary of
State*

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
DNordby@shutts.com
TPrice@shutts.com
KReardon@shutts.com
MMcCormick@shutts.com

Counsel for Florida Senate

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Carmen Manrara Cartaya, Esq.
Lazaro P. Fields, Esq.
Continental PLLC
245 Alcazar Avenue
Coral Gables, FL 33134
CCartaya@continentalpllc.com
LFields@continentalpllc.com
HGray@continentalpllc.com
Service@continentalpllc.com

*Counsel for Florida House of
Representatives*

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

EQUAL GROUND EDUCATION FUND,
INC., MARCOS VILAR, BRANDON
NELSON, LISA BARIKA, KISHA
LINEBAUGH, ROCHELLE REBACK,
ELIZABETH WELLS, SUSAN WILSON,
ANDREA DAVNIE HILL, EMMA KURTZ,
LYNNELLE MAYS, STEVEN LICARI,
ANNE BLANFORD, SHARON LASCOLA,
JANET WECHTER, KERRY MARIE,
LINDA ROSENTHAL, DANIELLA
PIERRE, and PHILIP FORTMAN,

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.

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

Plaintiffs Equal Ground Education Fund, Inc., and Florida voters Marcos Vilar, Brandon Nelson, Lisa Barika, Kisha Linebaugh, Rochelle Reback, Elizabeth Wells, Susan Wilson, Andrea Davnie Hill, Emma Kurtz, Lynnelle Mays, Steven Licari, Anne Blanford, Sharon Lascola, Janet Wechter, Kerry Marie, Linda Rosenthal, Daniella Pierre, and Philip Fortman file this Complaint for Declaratory and Injunctive Relief against Defendant Cord Byrd, in his official capacity as Florida Secretary of State, the Florida Senate, and the Florida House of Representatives, and allege as follows:

NATURE OF THE ACTION

1. In 2010, the people of Florida voted overwhelmingly to enact the Fair Districts Amendment to the state’s constitution, imposing constraints on the worst abuses of congressional redistricting and entrusting the Florida judiciary to enforce those safeguards. *See Fla. Const. art. III, § 20* (2010). In 2019, the U.S. Supreme Court cited the Fair Districts Amendment as an exemplar of “[p]rovisions in state statutes and state constitutions [that] can provide standards and guidance for state courts to apply” to ensure that “complaints about districting” are not “condemn[ed] . . . to echo into a void.” *Rucho v. Common Cause*, 586 U.S. 684, 719 (2019).

2. In 2015, the Florida Supreme Court invalidated the Legislature’s congressional redistricting plan under the Fair Districts Amendment after finding that partisan intent tainted the redistricting process. *See League of Women Voters of Fla. v. Detzner* (“*Apportionment VII*”), 172 So. 3d 363 (Fla. 2015). That litigation demonstrated Florida courts’ “important duty to honor and effectuate the intent of the voters in passing Florida’s groundbreaking constitutional amendment,” “not because [courts] seek to dictate a particular result, but because the people of Florida have, through their constitution, entrusted that responsibility to the judiciary.” *Id.* at 416 (citation modified).

3. Despite that constitutional mandate, Florida has become the latest battleground in an unprecedented nationwide effort to redraw congressional maps for partisan gain outside the traditional decennial redistricting cycle. In 2025, the Trump Administration insisted that Texas redraw its congressional map to secure a Republican majority in the U.S. House of Representatives during the 2026 elections. The North Carolina and Missouri legislatures followed Texas’s lead, and voters in California and Virginia responded by amending their state constitutions to allow for mid-decade redraws of their congressional maps. Prior to those amendments, California’s

constitution prohibited unlawful partisan intent in enacting congressional districts and Virginia's constitution did not allow mid-decade redistricting. In contrast, Florida made no efforts to amend its constitution when it sought to join the partisan wars and conduct a mid-decade redistricting for partisan gain. Accordingly, unlike these other states, Florida's constitution continues to expressly prohibit partisan gerrymandering—a constraint the Legislature chose to ignore.

4. Florida's mid-decade redistricting was spearheaded by Governor DeSantis, who announced his desire to redistrict in July 2025. Both the Governor and the Legislature nonetheless left the public in the dark for nearly a year, developing the new map entirely in secret, and releasing it to the public for the first time immediately before its passage. But when the time came to present his proposed map (the "2026 Plan"), the Governor left no room for doubt as to its purpose. On April 27, 2026, his Office released the map exclusively to Fox News before transmitting it to a single Florida lawmaker. The map arrived from the Governor's Office color-coded in red and blue, with 24 districts shaded red and four shaded blue. It was not a redistricting proposal dressed up in the language of neutral principles. It was a partisan declaration, and it was presented as one.

5. The special legislative session that followed confirmed what the color-coded map had already made plain. When the Governor's map drawer, Jason Poreda, appeared before the Legislature, he acknowledged that he had drawn the 2026 Plan using partisan data. When legislators asked the Governor's attorney, Mo Jazil, how the Governor's Office intended to defend the map, Jazil stated that the Governor's Office did not believe the Fair Districts Amendment applied. And when asked directly whether the map's legal justification depended on the Florida Supreme Court striking down the Fair Districts Amendment in its entirety, Jazil confirmed that it did.

6. Both the map drawer and its proponents have thus effectively conceded that the 2026 Plan does not comply with the Florida Constitution. And consistent with that understanding, the 2026 Plan proceeds to carve up the state to advantage the Republican Party. In Tampa Bay—a region of the state with a politically balanced electorate—the 2026 Plan cracks the Democratic-leaning cities of Tampa and St. Petersburg several times over, enough to distribute Democratic voters across multiple districts and eliminate CD 14 as a Democratic district. In Central Florida, the 2026 Plan manages to both pack and crack Democratic voters in the Orlando metropolitan area, packing Democratic voters into CD 10 and siphoning them away from CD 9, eliminating CD 9 as a Democratic district. In South Florida, the 2026 Plan reduces the number of reliably held Democratic seats from five to three by packing Democratic voters (and particularly Black Democratic voters) into CDs 20 and 24, eliminating prior CDs 23 and 25 as reliably held Democratic districts. The 2026 Plan also gerrymanders CD 22 to draw two Democratic representatives out of their existing districts, placing them just on the outer edge of an already bizarrely shaped and noncompact Republican district.

7. The 2026 Plan was not compelled by any legal mandate or neutral justification. It cannot, for example, be explained by a desire to adhere to traditional redistricting principles. Indeed, although the map no longer even attempts to comply with the Fair Districts Amendment’s protections for minority voters, which the Governor has argued requires traditional redistricting principles to be compromised, the 2026 Plan is *less compact* and introduces *more county and city splits* than the 2022 Plan. Nor can the partisan results in the map be explained by a desire to draw a race-neutral map, a desire which would have required *no changes* in Tampa Bay and Central Florida, and would not have required the changes that the 2026 Plan makes in South Florida. The

2026 Plan can only be explained by the same purpose that has been openly stated for months: to maximize Republican congressional representation.

8. The changes to Florida’s congressional plan come on the heels of a 2022 redistricting plan that *already* substantially advantaged Republicans. Indeed, shortly after the Legislature enacted the 2022 Plan into law, and well before the 2022 midterm election, Governor DeSantis predicted his plan would send 20 Republicans and just eight Democrats to Congress from Florida—an increase of six Republicans from just four years earlier. It did exactly that in both 2022 and 2024, and today Democrats make up just 28.5% of Florida’s congressional delegation, despite routinely receiving a much higher share of the statewide vote.

9. The 2026 Plan takes the state’s partisan skew to an unprecedented extreme. Under the 2026 Plan, Republicans can be expected to win 24 of the state’s 28 congressional districts. That means even if Republicans win 55% of the statewide vote, as they have in recent elections, Republicans are likely to win 86% of the state’s congressional seats.

10. The 2026 Plan is, by traditional measures of partisan gerrymandering, one of the most extreme gerrymanders in American history. The 2026 Plan has a 21% pro-Republican efficiency gap, which measures the degree to which one party’s votes are systematically “wasted.” This number dwarfs both the Legislature’s 2012 Plan, which the Florida Supreme Court struck down as an unconstitutional partisan gerrymander with a 7% efficiency gap, and the 2002 Plan that inspired Florida voters to pass the Fair Districts Amendment, which had a 9% gap. Among states with 15 or more congressional districts, the 2026 Plan has the *largest pro-Republican efficiency gap ever recorded*. And by the declination measure—which captures asymmetries in district-level vote share distributions—the 2026 Plan has the largest pro-Republican skew of any similarly sized state in history. Statistics like these do not occur by accident. They are the product

of deliberate choices, made by professionals with sophisticated tools and a clear partisan goal: to pack and crack Democratic voters with surgical precision and deprive Florida voters of a fair map guaranteed to them by the Florida Constitution.

11. “It is this Court’s duty, given to it by the citizens of Florida, to enforce adherence to the constitutional requirements and to declare a redistricting plan that does not comply with those standards constitutionally invalid.” *In re Senate Joint Resol. of Legis. Apportionment 1176 (“Apportionment I”)*, 83 So. 3d 597, 607 (Fla. 2012). Florida’s voters ask this Court to uphold that duty here.

JURISDICTION, PARTIES, AND VENUE

12. This Court has jurisdiction over this matter pursuant to Fla. Stat. § 26.012 and Article V, Section 5(b) of the Florida Constitution. Venue is proper pursuant to Fla. Stat. § 47.011. Plaintiffs’ action for declaratory and injunctive relief is authorized by Fla. Stat. § 86.011, as well as Fla. Stat. § 26.012(3).

13. Plaintiff Equal Ground Education Fund, Inc. (“Equal Ground”) is a 501(c)(3) organization with a mission to register, educate, and increase engagement among Black voters in Florida. Equal Ground’s principal office is in Orlando, but the organization engages voters throughout the state. Equal Ground was founded in May 2019 to give the rising American electorate greater influence on issues that affect them. The organization focuses on ensuring equal access to democracy in underserved communities. To achieve its goal, Equal Ground conducts extensive voter education, voter registration, and voter engagement work directly through its staff and in alliance with hundreds of faith partners throughout the state. Unfair and discriminatory redistricting frustrates and impedes Equal Ground’s core mission by diluting the votes of the citizens that Equal Ground works to engage in civic participation, thereby obstructing Equal

Ground’s ability to bring about change in Florida through the democratic process. The 2026 Plan will require Equal Ground to divert scarce resources away from its other policy priorities toward efforts to give voters other avenues to make their voices heard where they no longer have effective representation.

14. The Voter Plaintiffs are citizens of the United States and are qualified, registered Florida voters. They are registered Democratic voters or voters with no party affiliation and intend to vote in upcoming elections for Congress for Democratic candidates. They reside in the following congressional districts:

Plaintiff	County	CD (2022 Plan)	CD (2026 Plan)
Marcos Vilar	Osceola	CD 9	CD 9
Brandon Nelson	Orange	CD 10	CD 10
Lisa Barika	Hillsborough	CD 14	CD 15
Kisha Linebaugh	Hillsborough	CD 14	CD 12
Rochelle Reback	Hillsborough	CD 14	CD 14
Elizabeth Wells	Pinellas	CD 14	CD 13
Susan Wilson	Pinellas	CD 14	CD 16
Andrea Davnie Hill	Hillsborough	CD 15	CD 15
Emma Kurtz	Broward	CD 20	CD 20
Steven Licari	Palm Beach	CD 20	CD 22
Lynelle Mays	Broward	CD 20	CD 20
Anne Blanford	Palm Beach	CD 22	CD 23
Sharon Lascola	Palm Beach	CD 22	CD 22
Janet Wechter	Palm Beach	CD 22	CD 23
Kerry Marie	Broward	CD 23	CD 22
Linda Rosenthal	Palm Beach	CD 23	CD 25
Daniella Pierre	Miami-Dade	CD 24	CD 24
Philip Fortman	Broward	CD 25	CD 22

15. Marcos Vilar is a Florida citizen and qualified registered voter in St. Cloud. Mr. Vilar was previously a voter in CD 9 under the 2022 Plan and resides in CD 9 under the 2026 Plan. Mr. Vilar is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

16. Brandon Nelson is a Florida citizen and qualified registered voter in Orlando. Mr. Nelson was previously a voter in CD 10 under the 2022 Plan and resides in CD 10 under the 2026 Plan. Mr. Nelson is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

17. Lisa Barika is a Florida citizen and qualified registered voter in Tampa. Ms. Barika was previously a voter in CD 14 under the 2022 Plan and resides in CD 15 under the 2026 Plan. Ms. Barika is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

18. Kisha Linebaugh is a Florida citizen and qualified registered voter in Tampa. Ms. Linebaugh was previously a voter in CD 14 under the 2022 Plan and resides in CD 12 under the 2026 Plan. Ms. Linebaugh is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

19. Rochelle Reback is a Florida citizen and qualified registered voter in Tampa. Ms. Linebaugh was previously a voter in CD 14 under the 2022 Plan and resides in CD 14 under the 2026 Plan. Ms. Reback is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

20. Elizabeth Wells is a Florida citizen and qualified registered voter in St. Petersburg. Ms. Wells was previously a voter in CD 14 under the 2022 Plan and resides in CD 13 under the

2026 Plan. Ms. Wells is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

21. Susan Wilson is a Florida citizen and qualified registered voter in St. Petersburg. Ms. Wilson was previously a voter in CD 14 under the 2022 Plan and resides in CD 16 under the 2026 Plan. Ms. Wilson is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future

22. Andrea Davnie Hill is a Florida citizen and qualified registered voter in Thonotosassa. Ms. Hill was previously a voter in CD 15 under the 2022 Plan and resides in CD 15 under the 2026 Plan. Ms. Hill is a registered voter with no party affiliation who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

23. Emma Kurtz is a Florida citizen and qualified registered voter in Fort Lauderdale. Ms. Kurtz was previously a voter in CD 20 under the 2022 Plan and resides in CD 20 under the 2026 Plan. Ms. Kurtz is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

24. Lynnelle Mays is a Florida citizen and qualified registered voter in Tamarac. Ms. Mays was previously a voter in CD 20 under the 2022 Plan and resides in CD 20 under the 2026 Plan. Ms. Mays is a registered Democrat who has primarily voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

25. Steven Licari is a Florida citizen and qualified registered voter in Palm Beach. Mr. Licari was previously a voter in CD 20 under the 2022 Plan and resides in CD 22 under the 2026 Plan. Mr. Licari is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

26. Anne Blanford is a Florida citizen and qualified registered voter in unincorporated Palm Beach County. Ms. Blanford was previously a voter in CD 22 under the 2022 Plan and resides in CD 23 under the 2026 Plan. Ms. Blanford is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

27. Sharon Lascola is a Florida citizen and qualified registered voter in Wellington. Ms. Lascola was previously a voter in CD 22 under the 2022 Plan and resides in CD 22 under the 2026 Plan. Ms. Lascola is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

28. Janet Wechter is a Florida citizen and qualified registered voter in Boynton Beach. Ms. Wechter was previously a voter in CD 22 under the 2022 Plan and resides in CD 23 under the 2026 Plan. Ms. Wechter is a registered voter with no party affiliation who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

29. Kerry Marie is a Florida citizen and qualified registered voter in Coral Springs. Ms. Marie was previously a voter in CD 23 under the 2022 Plan and resides in CD 22 under the 2026 Plan. Ms. Marie is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

30. Linda Rosenthal is a Florida citizen and qualified registered voter in Boca Raton. Ms. Rosenthal was previously a voter in CD 23 under the 2022 Plan and resides in CD 25 under the 2026 Plan. Ms. Rosenthal is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

31. Daniella Pierre is a Florida citizen and qualified registered voter in Miami. Ms. Pierre was previously a voter in CD 24 under the 2022 Plan and resides in CD 24 under the 2026

Plan. Ms. Pierre is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

32. Philip Fortman is a Florida citizen and qualified registered voter in Miramar. Mr. Fortman was previously a voter in CD 25 under the 2022 Plan and resides in CD 22 under the 2026 Plan. Mr. Fortman is a registered Democrat who has consistently voted for Democratic candidates for the U.S. House of Representatives and intends to do so in the future.

33. Defendant Cord Byrd is sued in his official capacity as the Florida Secretary of State. Defendant Byrd is Florida’s chief election officer and is charged with administering and overseeing the state’s elections, *see* Fla. Stat. § 97.012, and is thus a proper defendant in this action. *County of Volusia v. DeSantis*, 302 So. 3d 1001, 1005 (Fla. 1st DCA 2020).

34. Defendant Florida Senate (the “Senate”) is one of two chambers of the Legislature of the State of Florida. The Senate is responsible for drawing apportionment plans and individual districts for the U.S. House of Representatives from the State of Florida that comply with the Florida Constitution, and is thus a proper defendant in this action. *See Bainter v. League of Women Voters of Fla.*, 150 So. 3d 1115, 1119 (Fla. 2014) (describing the Legislature as “the primary defendant” in redistricting challenge).

35. Defendant Florida House of Representatives (the “House”) is one of two chambers of the Legislature of the State of Florida. The House is responsible for drawing apportionment plans and individual districts for the U.S. House of Representatives from the State of Florida that comply with the Florida Constitution, and is thus a proper defendant in this action. *See id.*¹

¹¹ The Attorney General is not a necessary defendant because Florida Statute § 86.091 requires only that the Attorney General be served with the complaint and given the opportunity to participate in hearings, not be named as a party. *See Martin Mem’l Med. Ctr., Inc. v. Tenet Healthsystem Hosps., Inc.*, 875 So. 2d 797 (Fla. 1st DCA 2004).

LEGAL BACKGROUND

I. The people of Florida amended the Florida Constitution to reform the congressional redistricting process.

36. On November 2, 2010, the people of Florida voted by an overwhelming margin of 62.9% to 37.1% to enact the Fair Districts Amendment to the Florida Constitution.² The Fair Districts Amendment established stringent new standards to constrain what is supposed to be the state’s once-in-a-decade exercise of its congressional reapportionment powers.

37. The Fair Districts Amendment “dramatically alter[s] the landscape with respect to redistricting by prohibiting practices that have been acceptable in the past, such as crafting a plan or [a] district with the intent to favor a political party or an incumbent.” *Apportionment I*, 83 So. 3d at 607. The “overall goal” of the Fair Districts Amendment is to require redistricting “in a manner that prohibits favoritism or discrimination, while respecting geographic considerations.” *Advisory Op. to Att’y Gen. re Standards for Legislature to Follow in Cong. Redistricting*, 2 So. 3d 175, 181 (Fla. 2009).

38. The Fair Districts Amendment standards are enumerated within two “tiers” in Article III, Section 20 of the Florida Constitution. The “Tier I” standards provide that (1) no congressional plan “shall be drawn with the intent to favor or disfavor a political party or an incumbent;” (2) “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

² See *November 2, 2010 General Election*, Fla. Dep’t of State, <https://results.elections.myflorida.com/Index.asp?ElectionDate=11/2/2010&DATAMODE=> (last visited Apr. 22, 2026). Florida voters adopted a virtually identical constitutional amendment—by a similarly significant margin—to reform Florida’s legislative apportionment process. See *id.*; Fla. Const. art. III, § 21. Unless otherwise noted, the “Fair Districts Amendment” as used in this Complaint refers specifically to the *congressional* amendment. See Fla. Const. art. III, § 20.

diminish their ability to elect representatives of their choice;” and (3) “districts shall consist of contiguous territory.” Fla. Const. art. III, § 20(a).

39. The “Tier II” standards provide that (1) “districts shall be as nearly equal in population as is practicable;” (2) “districts shall be compact;” and (3) “districts shall, where feasible, utilize existing political and geographical boundaries.” *Id.* art. III, § 20(b).

40. This Court’s duty to enforce the Fair Districts Amendment “arises from the well settled principle that the state Constitution is not a grant of power but a limitation upon power.” *Apportionment I*, 83 So. 3d at 599 (citation modified). This principle applies with force in the context of reapportionment. “Indeed, the right to elect representatives—and the process by which we do so—is the very bedrock of our democracy. To ensure the protection of this right, the citizens of the state of Florida, through the Florida Constitution, employed the essential concept of checks and balances, granting to the Legislature the ability to apportion . . . in a manner prescribed by the citizens and entrusting [the Florida judiciary] with the responsibility to review the apportionment plans to ensure they are constitutionally valid.” *Id.* at 600.

A. The Florida Constitution prohibits the drawing of congressional districts to favor or disfavor a political party.

41. The Florida Constitution’s prohibition on partisan gerrymandering is a Tier I standard, “meaning that the voters placed this constitutional imperative as a top priority to which the Legislature must conform during the redistricting process.” *Id.* at 615.

42. “The acceptability of partisan political gerrymandering in this state dramatically changed” after the people of Florida amended the Constitution with the Fair Districts Amendment. *Apportionment VII*, 172 So. 3d at 374.

43. Article III, Section 20(a) of the Florida Constitution provides that “[n]o apportionment plan or district shall be drawn with the intent to favor or disfavor a political party

or an incumbent.” This requirement “prohibits what has previously been an acceptable practice, such as favoring incumbents and the political party in power.” *Apportionment I*, 83 So. 3d at 615.

44. Under Article III, Section 20, “there is no acceptable level of improper intent.” *Id.* at 617. The Florida Constitution’s “prohibition on improper partisan intent in redistricting applies, ‘by its express terms,’ to ‘both the apportionment plan as a whole and to each district individually’ and does not ‘require a showing of malevolent or evil purpose.’” *Apportionment VII*, 172 So. 3d at 375 (quoting *Apportionment I*, 83 So. 3d at 617).

45. The focus of a claim alleging a violation of this portion of Article III, Section 20(a) is on “direct and circumstantial evidence of intent.” *Apportionment I*, 83 So. 3d at 617.

46. Direct evidence of improper intent is often found in the statements and communications of those “responsible for drafting districting plans.” *Apportionment VII*, 172 So. 3d at 388–89 (citing *Easley v. Cromartie*, 532 U.S. 234, 254 (2001)); *see also id.* at 388 (“[T]he actions and statements of . . . those directly involved in the map drawing process . . . would be relevant on the issue of intent.”).

47. Circumstantial evidence of intent can include a wide variety of objective indicators: “the 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 618. Similarly, “[a] disregard for [Tier II] principles can serve as indicia of improper intent.” *Id.* For instance, “when the Court analyzes the tier-two standards and determines that specific districts violate those standards without any other permissible justification, impermissible intent may be inferred.” *Id.* at 619. Additionally, “where the shape of a district in relation to the demographics is so highly irregular and without justification that it cannot be rationally understood as anything other than an effort to favor or disfavor a political party, improper intent may be inferred.” *Id.*

48. The Florida Supreme Court has also explained that the “specific sequence of events leading up to the challenged decision also may shed some light on the decisionmaker’s purposes” and that “[d]epartures from the normal procedural sequence also might afford evidence that improper purposes are playing a role.” *Apportionment VII*, 172 So. 3d at 388–89 (quoting *Village of Arlington Heights v. Metro Hous. Dev. Corp.*, 429 U.S. 252, 267 (1977)).

49. Improper intent can also be found where partisan actors outside of the Legislature are “successful in their efforts to influence the redistricting process and the congressional plan under review.” *Id.* at 392. This can include scenarios where outside parties “draw maps favorable to a particular political party or incumbent and facilitate the submission of those maps to the Legislature.” *Id.* at 382.

50. “A finding of partisan intent . . . renders the Legislature’s redistricting plan constitutionally invalid.” *Id.* at 375.

B. The Florida Constitution prohibits the drawing of congressional districts to favor or disfavor an incumbent.

51. Each of the intent-related principles above also apply to the Tier I requirement that “[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor . . . an incumbent.”

52. “[T]he inquiry for intent to favor or disfavor an incumbent 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. “Objective indicators of intent may include such factors as the maneuvering of district lines” that appears to be drawn to advantage or disadvantage an incumbent. *Id.* at 619.

53. The Florida Supreme Court has emphasized that when analyzing a claim of intent to favor or disfavor an incumbent, courts cannot “disregard obvious conclusions from the undisputed facts.” *Id.*

54. Applying such factors, the Florida Supreme Court has held this provision has been violated when the Legislature has drawn a particularly noncompact district “that reaches out to clearly encompass an incumbent,” particularly when the district’s shape “cannot be justified based on concerns pertaining to ensuring minority voting strength.” *Id.* at 672.

C. The Florida Constitution protects racial and language minorities in the congressional redistricting process.

55. The protection of racial and language minorities is also a Tier I requirement.

56. Article III, Section 20(a) of the Florida Constitution provides 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 or to diminish their ability to elect representatives of their choice.” This portion of Section 20(a) prevents both vote dilution and diminishment of a minority group’s ability to elect candidates of its choice.

57. In *Black Voters Matter*, the Florida Supreme Court emphasized that any Tier I obligation to protect minority voting strength must be pursued in a manner consistent with traditional redistricting criteria—such as compactness and respect for political and geographic boundaries—but it also declined to fundamentally revisit the non-diminishment standard, as the Secretary had requested. *See Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec’y, Fla. Dep’t of State*, 415 So. 3d 180, 193–94 (Fla. 2025).

D. The Florida Constitution mandates compact districts and requires the use of political and geographic boundaries in drawing districts, where feasible.

58. Under the Florida Constitution’s Tier II requirements, “districts shall be compact.” Fla. Const. art. III, § 20(b).

59. The constitutional compactness mandate “ensure[s] that districts are logically drawn and that bizarrely shaped districts are avoided.” *Apportionment I*, 83 So. 3d at 635. “[The] compactness requirement serves to limit partisan redistricting.” *Id.* at 632.

60. “Compactness can be evaluated both visually and by employing standard mathematical measurements.” *Id.* at 636; *see also id.* at 634 (explaining that “[c]ompact districts should not have an unusual shape, a bizarre design, or an unnecessary appendage unless it is necessary to comply with some other requirement”).

61. The Florida Constitution contains an additional Tier II requirement that “districts shall, where feasible, utilize existing political and geographical boundaries.” Fla. Const. art. III, § 20(b). The Florida Supreme Court has explained that it considers “adherence to county and city boundaries as political boundaries, and rivers, railways, interstates and state roads as geographical boundaries.” *Apportionment I*, 83 So.3d at 638. Like the compactness requirement, the requirement to adhere to political and geographical boundaries “is aimed at preventing improper intent.” *Id.*

II. The Fair Districts Amendment is enforceable against Florida’s congressional reapportionment plans.

62. When the U.S. Supreme Court held that partisan gerrymandering claims could not be brought in federal court, it explained that its holding did not “condemn complaints about districting to echo into a void.” *Rucho*, 588 U.S. at 719. The task of reforming the redistricting process is one for the states and their citizens because “[p]rovisions in state statutes and state constitutions can provide standards and guidance for state courts to apply.” *Id.*

63. The U.S. Supreme Court pointed to Florida as a model for the nation. Citing favorably to the Florida Supreme Court’s decision to strike down the Legislature’s 2012 congressional redistricting plan, the U.S. Supreme Court held that federal courts were not similarly

empowered to adjudicate partisan gerrymandering claims because “[t]here is no ‘Fair Districts Amendment’ to the Federal Constitution.” *Id.* (citing *Apportionment VII*, 172 So. 3d at 363).

64. In *Apportionment VII*, the plaintiffs had alleged that Florida’s 2012 congressional plan was drawn to benefit the Republican Party in violation of the Fair Districts Amendment’s prohibition on partisan gerrymandering. The trial court agreed, enforcing the Fair Districts Amendment against the Legislature’s plan. See *Romo v. Detzner*, No. 2012-CA-000412, 2014 WL 3797315, at *3 (Fla. 2d Cir. Ct. July 10, 2014).

65. On appeal, the Florida Supreme Court agreed that the Legislature had made a “mockery” out of the Fair Districts Amendment in drawing its 2012 congressional plan. *Apportionment VII*, 172 So. 3d at 377 (emphasis omitted). The Court gave no deference to the Legislature’s justifications for the challenged district boundaries given its finding that the entire map had been “tainted by unconstitutional intent to favor the Republican Party and incumbent lawmakers.” *Id.* at 369 (citation modified). The Court then ordered the Legislature “to redraw, on an expedited basis,” several tainted congressional districts and “all other districts affected by the redrawing.” *Id.* at 371–72. After the Legislature ultimately failed to come to agreement on new districts, the Florida Supreme Court adopted a new map in December 2015, resulting in the congressional map that would be used in Florida’s next three congressional elections. *League of Women Voters of Fla. v. Detzner* (“*Apportionment VIII*”), 179 So. 3d 258, 261 (Fla. 2015).

66. The Court acknowledged that *Apportionment VII* was “neither the first, nor likely the last, time” that the Florida judiciary would need to “confront a challenge to a redistricting plan enacted by the Legislature.” 172 So. 3d at 415. Future courts, it pressed, must continue to “endeavor[] to give meaning to the intent of the framers and voters who passed the Fair Districts Amendment.” *Id.*

67. The next time the Florida Supreme Court interpreted the Fair Districts Amendment in the context of congressional redistricting was *Black Voters Matter*, 415 So. 3d 180. At issue before the Court was whether the 2022 Plan had been redrawn in a manner that diminished Black voters’ ability to elect their candidates of choice in the prior CD 5 in violation of the Fair Districts Amendment’s non-diminishment standard. The Court held that the specific benchmark district plaintiffs relied upon could not support a non-diminishment claim because it had itself been drawn with race as the predominant factor in violation of the U.S. Constitution’s Equal Protection Clause. *Id.* at 196.

68. Critically, *Black Voters Matter* did not hold any provision of the Fair Districts Amendment unconstitutional or invalid. The Court did not strike down the non-diminishment standard, did not hold that the Legislature is relieved of its obligation to comply with any other provision of the Fair Districts Amendment, and did not address—let alone invalidate—the Amendment’s prohibition on partisan gerrymandering.

FACTUAL BACKGROUND

III. Florida’s 2026 Plan is the culmination of a mid-decade redistricting blitz for partisan advantage.

69. The 2026 Plan resulted from a process that began, not with any neutral legal or demographic justification, but with a national Republican campaign to redraw congressional maps for partisan gain, and ended with the map drawer himself admitting on the record that he drew Florida’s congressional map using partisan data in deliberate disregard of the Florida Constitution.

A. Shortly after the Trump Administration and Texas began mid-decade partisan warfare over congressional redistricting, Governor DeSantis expressed interest in mid-decade redistricting in Florida.

70. Last year, the Trump Administration began a push for mid-decade congressional redistricting that triggered a cascade of states attempting to change their maps for partisan gain.

71. On June 9, 2025, the *New York Times* reported that President Donald Trump was pressuring Texas Republicans to redraw the state’s congressional map to more heavily favor Republicans.³

72. On July 9, 2025, Governor Abbot called a special session of the Texas Legislature to consider mid-decade redistricting,⁴ and the Legislature ultimately passed a new redistricting map on August 21, 2025. Texas declared in filings submitted to the U.S. Supreme Court that the purpose of its self-proclaimed “partisan gerrymander” was “to secure five additional Republican seats in the U.S. House of Representatives.”⁵

73. After Texas announced its special session, several other states followed suit and moved to adopt new congressional plans in an effort to gain partisan advantage, including California, Missouri, North Carolina, and, most recently, Virginia.⁶ California and Virginia voters voted specifically to amend their state constitutions in order to overcome existing bans on partisan intent and mid-decade redistricting, respectively, and approve those maps.

³ J. David Goodman & Shane Goldmacher, *White House Pushes Texas to Redistrict, Hoping to Blunt Democratic Gains*, N.Y. Times (June 9, 2025), <https://www.nytimes.com/2025/06/09/us/politics/trump-texas-redistricting.html>.

⁴ Press Release, *Governor Abbott Announces Special Session Agenda*, Off. of Tex. Governor (July 9, 2025), <https://perma.cc/QE6J-DK7E>.

⁵ Emergency Appl. for Stay & Admin. Stay Pending Appeal, *Abbott v. League of United Latin Am. Citizens*, No. 25A608 (U.S. Nov. 21, 2025), <https://perma.cc/N3KL-9PGP>.

⁶ David A. Lieb, *A State-by-State Look at the Narrowing Redistricting Battle for the U.S. House*, PBS News (Apr. 22, 2026), <https://perma.cc/C9HD-Q25X>.

74. Six weeks after President Trump expressed interest in mid-decade redistricting, and shortly after Texas Governor Abbott called for a special session, Florida Governor Ron DeSantis floated the idea of mid-decade redistricting for the first time.⁷

75. The Governor’s stated rationale for mid-decade redistricting shifted several times over the following weeks and months.

76. The Governor’s first stated rationale for redistricting, offered in July 2025, was to address what the Governor described as Florida’s “malapportionment” as a result of recent population surges and its (alleged) failure to receive more than 28 congressional seats as a result of the 2020 Census. As Governor DeSantis complained, “Florida, you know, we got a raw deal on the census.” “We only got one seat when some of these other states were getting seats, when we’ve obviously had more growth. We should have gotten at least two.”⁸

77. That rationale, however, would not explain the need to do mid-decade redistricting. The Governor’s complaint was about *reapportionment*—how many congressional seats Florida is entitled to, something that does not change during *redistricting*. In other words, whether or not Florida should have been awarded more than 28 seats in the 2020 Census, mid-decade redistricting would not change that Florida would still only be entitled to 28 seats.

78. By August 2025, the Governor stated unequivocally: “We are going to have to do a mid-decade redistricting” even without “a new census.”⁹

⁷ WKMG News 6 ClickOrlando, *Gov. Ron DeSantis to Hold News Conference in Bradenton*, at 36:10 (YouTube, July 24, 2025), <https://www.youtube.com/watch?v=tiHbwF2bVU0&t=2180s>.

⁸ Andrew Atterbury, *DeSantis Floats Mid-decade Redistricting for Florida Congressional Seats*, Politico (July 24, 2025), <https://www.politico.com/news/2025/07/24/desantis-floats-mid-decade-redistricting-for-florida-congressional-seats-00474675>.

⁹ Fox 35 Orlando, *LIVE: Gov. DeSantis Speaks in Melbourne*, at 18:23, 21:14 (YouTube, Aug. 11, 2025), <https://www.youtube.com/watch?v=ZzPlU7zQaNQ&t=1s>.

79. The Governor’s second rationale for redistricting, also in July 2025, was to respond to the *Black Voters Matter* decision from the Florida Supreme Court, suggesting the decision had revealed “defects” in the 2022 Plan requiring a remedy—even though the Florida Supreme Court considered only a single district in that decision.¹⁰ The Governor was candid that he hoped the decision would provide a springboard to redistrict: “My guys are going through the court’s opinion, to look at different avenues [for redistricting].”¹¹

80. The Governor’s third stated rationale for redistricting was to respond to the U.S. Supreme Court’s anticipated but then unreleased decision in *Louisiana v. Callais*, concerning Section 2 of the Voting Rights Act.¹² But as the Florida House of Representatives’ counsel Andy Bardos explained to the Florida House in late 2025, no issue in *Callais* would itself require Florida to conduct mid-decade redistricting.¹³ That remains true now that *Callais* has been released.

81. By November 2025, the Governor had dropped any pretense of deliberation, boasting at a speech at Yale University that “I’m going to make the Legislature do redistricting.”¹⁴

82. By January 2026, the Governor issued a proclamation to “convene[]” the Legislature “in Special Session for the sole and exclusive purpose of considering legislation relating to the drawing of congressional districts” beginning April 20, 2026.¹⁵ The Governor’s

¹⁰ *Id.* at 35:59; see also *Black Voters Matter*, 415 So. 3d 180.

¹¹ Jim Saunders, *DeSantis Raises Idea of Mid-decade Redistricting as Group Warns of ‘Domino Effect’ Across the Nation*, WUSF (July 30, 2025, 2:51 PM), <https://perma.cc/8684-FZ4C>.

¹² Michael Costeines, *DeSantis Will Call for Special Legislative Session on Congressional Redistricting*, The Floridian (Dec. 1, 2025), <https://perma.cc/8PFH-2PQP>.

¹³ *Meeting of H. Select Comm. on Cong. Redistricting*, 2026 Leg., Reg. Sess. (Fla. Dec. 10, 2025), <https://www.flhouse.gov/VideoPlayer.aspx?eventID=10752>.

¹⁴ John Kennedy, *Texas Ruling Heightens Focus on Florida in Trump’s Redistricting Push*, Tallahassee Democrat (Nov. 21, 2025, 5:07 AM), <https://perma.cc/B39T-K5QM>.

¹⁵ Ron DeSantis, Exec. Off. of the Governor of Fla., *Proclamation* (Jan. 7, 2026), https://www.flsenate.gov/PublishedContent/Home/CalendarLinks/Links/AprilSpecialSessionProclamationAmendment_Filed_4_15_26.pdf.

Proclamation stated that “the Legislature should redraw Florida’s congressional district boundaries . . . in the interest of making further improvements” to the 2022 Plan.

83. The Governor’s announced intention to redistrict was met with enthusiasm from Republican legislative leaders.

84. House Speaker Daniel Perez made clear the House was committed to moving forward: “The House is going to address it now, and eventually—sooner, rather than later—put forth a product for the membership to vote on.”¹⁶

B. Throughout 2025 and 2026, Florida officials have been candid about their partisan redistricting goals.

85. Over the past year, Florida’s Republican State House and Senate members, Florida’s Republican Party leaders, and Florida’s Republican congressional delegation have abandoned any pretense that Florida’s redistricting is about anything other than pure partisan advantage.

86. In December 2025, Florida State Senator and RNC Chair Joe Gruters reposted a prediction that Florida would add five Republican congressional seats during mid-decade redistricting.¹⁷

87. In January 2026, Senator Gruters also argued at the Florida GOP’s annual meeting that mid-decade redistricting in Florida would help Republicans “increase the majorities of both the House and Senate” and deliver President Trump “a full four years.”¹⁸

¹⁶ Dara Kam, *Florida House Speaker Daniel Perez talks redistricting, property taxes and more*, WUSF (Dec. 20, 2025), <https://perma.cc/V2NX-P3EG>.

¹⁷ Joe Gruters (@JoeGruters), X (Dec. 10, 2025), <https://perma.cc/NP9V-BG8S> (reposted from Matt Morse, @MattMorseTV).

¹⁸ Kimberly Leonard & Gary Fineout, *Redistricting and Governor’s Race Talk at RPOF*, Politico (Jan. 12, 2026), <https://www.politico.com/newsletters/florida-playbook/2026/01/12/key-takeaways-from-florida-republicans-annual-meeting-00721796>.

88. Similarly, in January 2026, and directly in response to Governor DeSantis’s announcement of a special session for mid-decade redistricting, Florida State Representative Tom Fabricio posted publicly that Florida’s mid-decade redistricting, “[d]one correctly, . . . will strengthen Republican seats, help keep a GOP majority in Congress to advance solid policies and stand up to the woke left.”¹⁹

89. Republican Party operatives outside the Legislature were equally candid.

90. Florida GOP Executive Director Bill Helmich told the Capital Tiger Bay Club in October 2025 that if called upon to help with redistricting, he could “sit down over a weekend and draw a map where there’s not a single Democratic member of Congress from Florida.”²⁰

91. At the Florida GOP’s annual meeting in January 2026, at which redistricting was a major topic, Florida GOP Chairman Evan Power declared that Democratic incumbents Jared Moskowitz and Darren Soto “should be on an endangered species list.”²¹

92. And Adam Kincaid, president of the National Republican Redistricting Trust, was explicit that a redrawn map in Florida “would be probably a better map for Republicans” and expressed confidence that President Trump himself would weigh in on the process.²²

93. The Republican members of Florida’s congressional delegation also discussed the potential redistricting as an exercise for partisan gain.

94. Representative Kat Cammack, a Republican member of Congress representing Florida’s third congressional district, was candid about the purpose of mid-decade redistricting.

¹⁹ Tom Fabricio (@TPFabricio), X (Jan. 7, 2026, 7:06 PM), <https://perma.cc/BP9Y-HVUF>.

²⁰ James Call, *Florida GOP Eyes Total Control of State’s 28 U.S. House Seats*, Tallahassee Democrat (Oct. 29, 2025, 6:40 PM), <https://perma.cc/7RZ8-QNBK>.

²¹ Gary Fineout (@fineout), X (Jan. 10, 2026, 12:53 PM), <https://perma.cc/C47E-KN53>; Leonard & Fineout, *supra* note 18.

²² Elizabeth Troutman Mitchell, *Current Florida Congressional Map Violates Constitution, Republican Says*, Daily Signal (Dec. 8, 2025), <https://perma.cc/3NHZ-8H7C>.

She warned that an overly aggressive redraw could backfire by putting existing safe Republican seats “in danger,” and she estimated that, “[o]n our best day,” the state could see three new Republican seats, and thought two was more realistic.²³

95. Representative Mario Diaz-Balart, a Republican member of Congress representing Florida’s twenty-sixth congressional district, speculated that “[y]ou could potentially do two” new Republican seats by redistricting.²⁴

96. Representative Byron Donalds, the Florida Republican Party’s leading gubernatorial candidate and Republican member of Congress representing Florida’s nineteenth congressional district, announced that Florida’s 2026 redistricting was intended to help Republicans retain control of Congress. Donalds argued that because of “California and Virginia responding to Texas,” and particularly because of “what now has been done in Virginia, now Florida needs to respond.”²⁵

97. And, indeed, after Virginia voters approved a new congressional map on April 21,²⁶ Governor DeSantis’s own team echoed Representative Donalds’ call to redistrict in response to Virginia’s referendum.

98. One day after Virginia’s referendum passed, and just days before Florida’s special session was set to begin, “Team DeSantis”—the “Official TEAM account of @RonDeSantis” reposted a celebratory tweet remarking that “Florida can add up to +5 REPUBLICAN seats to

²³ Kadia Goba & Hannah Knowles, *Can Florida Save Trump’s Plan to Keep GOP in Power?*, Wash. Post (Mar. 13, 2026), <https://www.washingtonpost.com/politics/2026/03/13/florida-trump-redistricting-midterms-congress/>.

²⁴ Ally Mutnick, Jake Sherman & John Bresnahan, *Florida Upset Sparks GOP Redistricting Concerns*, PunchBowl News (Mar. 26, 2026), <https://perma.cc/N3MG-SPQT>.

²⁵ Claire Heddles, *Donalds Says FL Should Counter Democrats by Redistricting. That’s Illegal Here*, Mia. Herald (Apr. 14, 2026, 9:22 AM), <https://www.miamiherald.com/news/politics-government/article315392027.html>.

²⁶ *Virginia Passes Gerrymandered House Map, Lifting Democrats’ Midterm Chances*, N.Y. Times (Apr. 23, 2026), <https://www.nytimes.com/live/2026/04/21/us/virginia-redistricting-election>.

more than cancel out Virginia’s 10-D-1R gerrymandering map that passed.” The post argued that “Republicans’ plan should be to go for BROKE in Florida.”

99. Team DeSantis deleted its post shortly after sharing the message, but not before the post was captured by Washington Post reporter Hannah Knowles, as shown below:²⁷



100. Republican members of Florida’s congressional delegation similarly acknowledged the Virginia referendum as a reason for Florida’s redistricting. U.S. Representative John Rutherford, who represents Florida’s fifth congressional district, said “I don’t like this redistricting in the middle of the census, but in light of what Virginia is doing, we may need to respond to that.”²⁸

²⁷ Hannah Knowles (@KnowlesHannah), X (Apr. 22, 2026, 6:23 PM), <https://perma.cc/C33S-CV5Q>.

²⁸ Gary Fineout & Erin Doherty, ‘All Eyes Are on Ron DeSantis’: Florida Could Make or Break the GOP’s Redistricting Edge, Politico (Apr. 23, 2026), <https://www.politico.com/news/2026/04/23/florida-redistricting-desantis-republicans-maps-trump-00887120?nname=florida-playbook&nid=0000014f-1646-d88f-a1cf-5f46b4500000&nrid=0000014f-88fb-d780-a9ef-9dfb14fe0000>.

C. The 2026 Plan was developed entirely in secret, with no public input or awareness of its development.

101. The 2026 redistricting process stands in stark contrast to every modern-day Florida redistricting effort that preceded it.

102. In prior redistricting cycles, the Florida Legislature engaged in a significantly more transparent process that included regular committee and subcommittee meetings that were open to the public and livestreamed.

103. During the 2021-2022 cycle, for example, the Legislature held more than a dozen such meetings, which allowed members of the public to ask legislators questions about the maps and to share feedback. Additionally, the Legislature created an official website, <https://www.floridaredistricting.gov/>, to facilitate public review and submission of plans, thereby enhancing transparency and participation.

104. The 2026 redistricting process, however, was conducted entirely behind closed doors.

105. The official redistricting website created during prior cycles—once a hub for public participation—sat dormant, with no mechanism for Floridians to engage with or respond to the process.

106. Neither the Legislature nor the Governor’s team held any public hearings dedicated to congressional map development, released any draft maps for public review, or provided any venue for the public to submit proposed plans or comments before the special session.

107. Over the spring and even in the days immediately preceding the special session, Florida House and Senate leaders admitted that they were planning to redistrict Florida’s congressional districts in collaboration with the Governor. But they conceded they would not be attempting to draw a new map themselves.

108. Instead, Senate President Ben Albritton announced in an April 15, 2026 memorandum that “a proposal [would] be transmitted from the Governor’s Office to the Senate.”²⁹ A few days later, House Speaker Daniel Perez stated that “the Governor is the one that asked for [the special session] in order to do redistricting and we expect him to produce a map.”³⁰

109. On April 24, 2026, Senate President Ben Albritton confirmed that his office was “awaiting a communication from the Governor’s Office regarding congressional redistricting” and that State Senator Donald Gaetz would “file the Governor’s map as Senate Bill 8D.”³¹

110. All told, the Legislature seemed determined to lend its imprimatur to whatever map the Governor and his team drew. As one state legislator put it, “If we get a map from the governor, we will vote it out and go home. . . . It’s his map. We’re not getting deposed. His people are.”³²

IV. The Governor and Legislature openly flouted the Fair Districts Amendment in releasing, considering, and enacting the 2026 Plan.

111. At every stage in the process, from its release to its final enactment, both the Governor and the Legislature made a mockery of the Fair District Amendment.

A. Governor DeSantis released a map drawn in deliberate disregard of the Florida Constitution.

112. On April 27, 2026—the day before the special session was set to convene—Governor DeSantis’s Office publicly released a proposed congressional map for the Legislature’s consideration. The map was first released to Fox News, which published it before Florida lawmakers had a chance to see it.

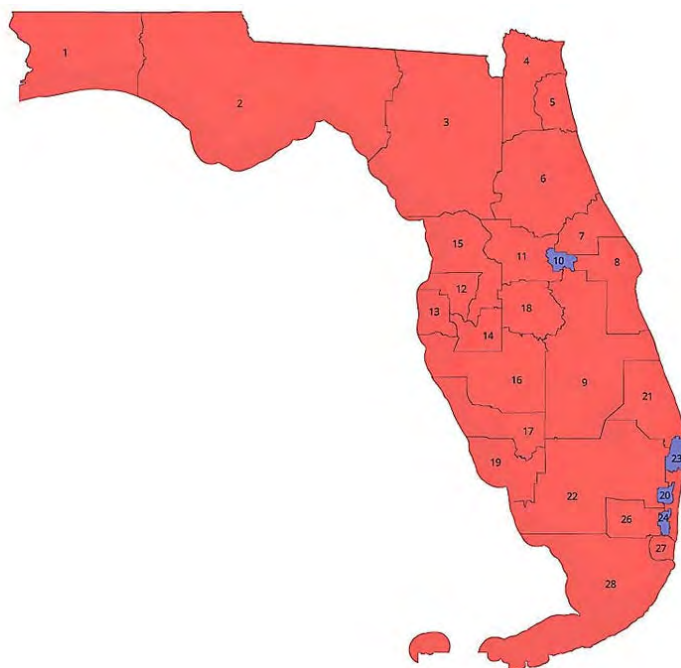
²⁹ Memorandum from Senate President Ben Albritton to All Senators (Apr. 15, 2026), <https://perma.cc/E2TA-9YPX>.

³⁰ WPLG Local 10, *This Week In South Florida: Florida House Speaker Daniel Perez*, at 01:45 (YouTube, Apr. 19, 2026), <https://www.youtube.com/watch?v=r4GpbRH-omk>.

³¹ Memorandum from Senate President Ben Albritton to All Senators (Apr. 24, 2026), <https://perma.cc/YYQ4-WUCG>.

³² Marc Caputo, *DeSantis Plots End Run of Florida Law to Create More GOP House Seats*, Axios (Apr. 24, 2026), <https://www.axios.com/2026/04/24/desantis-florida-redistricting-gop-house>.

113. The Governor made no effort to conceal the plan’s partisan purpose. His office released a map color-coded by party, showing four blue districts for Democrats and 24 red districts for Republicans as shown below:



114. As one Florida Republican consultant who has been involved in past redistricting cycles stated, “I don’t know how you can argue a red and blue map released from the governor’s office doesn’t show some form of partisan intent.”³³

115. In a statement to Fox News, Governor DeSantis explained that the map was drawn to reflect population changes that affect the partisan makeup of the state: “Our population has . . . grown dramatically, and we have moved from a Democrat majority to a 1.5 million Republican advantage.”³⁴

³³ Matt Dixon, *Ron DeSantis Releases New Congressional Map Creating Four More GOP-Leaning Seats in Florida*, NBC News (Apr. 27, 2026, 12:56 PM), <https://perma.cc/P2ZK-PT8M>.

³⁴ Preston Mizell, *Ron DeSantis Unveils New Florida Congressional Map that Would Give the GOP an Extra Four Seats*, Fox News (Apr. 27, 2026, 10:00 AM), <https://perma.cc/5ZBL-4R85>.

116. Accompanying the map was a memorandum from the Governor’s General Counsel, David Axelman, that confirmed the 2026 Plan was drawn in deliberate disregard of the Fair Districts Amendment.

117. The memo advanced four arguments, none of which has any basis in law.

118. First, Axelman argued that the Fair Districts Amendment requires the Legislature to draw districts where race predominates over traditional redistricting principles—a reading of the Amendment that no Florida court has ever adopted and for which the memo cites no supporting authority.

119. Second, having constructed that novel premise, Axelman next speculated about the outcome of *Louisiana v. Callais*, which had then not yet been released. Building on these two premises, Axelman concluded that the Fair Districts Amendment’s race-related provisions violate the Equal Protection Clause of the Fourteenth Amendment and that the Governor’s map drawers were therefore free to ignore them.

120. Third, and most remarkably, having argued that the Fair Districts Amendment’s race-related protections are unconstitutional, Axelman argued that the entire Fair Districts Amendment must fall with them, including the Amendment’s prohibition on partisan gerrymandering and Tier II requirements to draw compact districts and to use political and geographic boundaries where feasible. That conclusion is not only legally baseless; it is transparently convenient, as it would free the Legislature to engage in precisely the kind of partisan gamesmanship that Florida voters amended their Constitution to prohibit.

121. Fourth, the memo invoked Florida’s alleged undercounting in the 2020 Census as a purported justification for redistricting, even as the 2026 Plan itself continues to use that same 2020 Census data as its population baseline, requiring 769,221 people in every district, just as in

the 2022 Plan. The census grievance, like the memo's other justifications, cannot be squared with the map the Governor's Office proposed and the Legislature blessed.

B. The Special Session confirmed that the 2026 Plan was drawn with partisan intent.

122. The special session convened on April 28, 2026, just one day after Governor DeSantis's Office released the proposed map.

123. The House Redistricting Committee and the Senate Rules Committee both held hearings on the proposed map on April 28.

124. The Governor's proposed map was presented to both chambers by Jason Poreda, a member of the Governor's staff who claimed to have drawn the map himself but would not share any other information about who he consulted with in developing the map, claiming such an inquiry was protected by legal privileges.

125. The House Redistricting Committee voted against placing Poreda under oath before receiving questions from Committee members. The committee also voted against extending the session to allow adequate time for public comment.

126. Poreda's testimony before the Senate Rules Committee removed any remaining ambiguity about whether the map was drawn with partisan intent. For example, Poreda stated explicitly that he drew that map "not using race, and not having to adhere to the Fair Districts Amendment," but instead used "the entire suite of redistricting criteria that are available to other states . . . including partisan data."

127. When pressed on precisely how he used partisan data, and for which districts, Poreda acknowledged that partisan metrics were not limited to any particular district. Instead, they were "mixed in" with other traditional redistricting principles and applied across the entire map, including in particular in the "final balancing" of a district.

128. That admission—that partisan data was used to draw the 2026 Plan—is direct evidence of the unconstitutional intent that the Fair Districts Amendment prohibits.

129. Although Poreda later claimed that he nonetheless drew the map without partisan intent, that claim is simply irreconcilable with his own testimony, and it also appeared premised on the notion that partisan intent would need to “predominate” his map-drawing to be unlawful. But as the Florida Supreme Court has explained, under the Fair Districts Amendment, “there is no acceptable level of improper intent.” *Apportionment I*, 83 So. 3d at 617. In any event, as set forth below, the 2026 Plan and individual districts plainly subordinate traditional redistricting principles and all other mandatory and permissible factors to partisanship.

130. Mo Jazil, an attorney for the Governor, also made a legal presentation to both chambers regarding the Governor’s Office’s legal assumptions underlying the map.

131. During Jazil’s presentation, Senator Jason Pizzo, who has no party affiliation, asked the Governor’s representatives to square giving 86% of the congressional seats to Republicans when Republicans receive far fewer votes in Florida. Jazil dismissed those concerns, responding that whether Democrats are underrepresented in Congress is “a normative question.”

132. But Jazil was candid about the legal premises on which the 2026 Plan rests, and just how thin those premises are. When asked how the Governor’s Office intended to defend the map, Jazil stated plainly that the Governor’s Office believed it was not bound by the Fair Districts Amendment, confirming that the 2026 Plan was drawn in deliberate disregard of binding Florida constitutional law.

133. Jazil further acknowledged that the Governor’s non-severability argument—that the entire Fair Districts Amendment would be unenforceable, including its prohibition on partisan gerrymandering, if its race-related provisions were unconstitutional—is the Governor’s own legal

theory, not a conclusion any court has reached. Nor is it a conclusion that the Florida Supreme Court is likely to reach. *See, e.g., Ray v. Mortham*, 742 So. 2d 1276, 1281 (Fla. 1999) (recognizing that “we 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”).

134. When pressed, Jazil further conceded that the legal justification of the 2026 Plan depended on the Florida Supreme Court’s adoption of the Governor’s non-severability argument. Asked directly whether the map was premised on that question, Jazil confirmed that it was.

135. Jazil also explained the reasons for redistricting were “twofold: population changes and to ensure the state has a race-neutral congressional map.” But neither justification holds up, nor do they actually explain the decisions made in the 2026 Plan.

136. On population, Poreda confirmed that the 2026 Plan was drawn using the same 2020 Census data as the existing map, meaning there is no possible way the 2026 Plan actually accounts for population changes post-2020.

137. On race neutrality, no court has held that the Fair Districts Amendment’s race provisions are unconstitutional, particularly if they can be implemented alongside traditional redistricting criteria, as the Legislature has long acknowledged they can be.

138. Nor has any court held that the current congressional map should be redrawn. When asked directly whether the 2022 Plan is unconstitutional, Jazil answered “not yet.” That answer confirms what the Governor’s months of public statements already made plain: the 2026 Plan was not drawn in response to any legal obligation, but in anticipation of a legal landscape that does not yet exist, in deliberate disregard of the one that does.

139. Republican Senators were not united on advancing the 2026 Plan, with several voting against the Plan from proceeding to the Floor. Republican Senator Bradley, for example, said she was a “no” on a plan that assumes the Fair Districts Amendments are unconstitutional.

140. Despite the fact that the 2026 Plan was drawn on the basis of legal arguments that are entirely speculative and advanced by a map drawer who admitted to using partisan data, both committees ultimately voted to advance the proposed map to the House and Senate Floor.

141. The evening after the Governor’s staff presented the map to the Legislature, Defendant Byrd posted the following ode to Elbridge Gerry, the “namesake of gerrymandering,” which was quickly retweeted by Governor DeSantis’s Communications Director with a laughing emoji, as shown below:³⁵



³⁵ Alex Lanfranconi (@AlexLanfran), X (Apr. 28, 2026, 8:03 PM), <https://perma.cc/9WAW-4TUE>.

142. The floor debate on April 29, 2026 confirmed what the committee hearings had already established. The bill’s sponsor in the House acknowledged that the map drawer considered partisan data and was unable to provide any substantive justification for the 2026 Plan’s departure from traditional redistricting principles—namely, its reduction in compactness and increase in county and city splits as compared to the 2022 Plan.

143. The sponsor did acknowledge, when asked directly, that no Florida court has held the 2022 Plan to be unconstitutional, and that *Black Voters Matter* “was very specific to the questions and analysis asked in that case and looked only at CD 5,” not the map as a whole.

144. When pressed on whether the House was simply deferring to the Governor’s Office, the sponsor pushed back: “We are the ones considering the map, voting on the map, we have not deferred our duties.” In other words, the Legislature affirmatively adopted the map as its own, with full knowledge that the map was drawn using partisan data, without regard for the Fair Districts Amendment. Whatever role the Governor and his office played in drawing the 2026 Plan, the Legislature owns it.

145. During the debate, a Democratic member moved for a recess to allow the House to digest the U.S. Supreme Court’s decision in *Louisiana v. Callais*—which was issued during the special session and which the Governor has repeatedly cited as the legal predicate for redistricting—and the motion was voted down on a party-line basis. That vote speaks volumes: when the decision the Governor had spent months waiting for finally arrived, the House declined to pause for even a moment to consider what it said.

146. The Senate floor debate that same day was equally revealing. The bill’s Senate sponsor, Senator Gaetz, advanced a drastic narrowing of the Fair Districts Amendment that is not grounded in the Florida Constitution’s text. When asked, for example, whether passing a map

drawn using partisan data violated the oath Senators took to uphold the Florida Constitution, Senator Gaetz responded that it would only be illegal if it were proven in court that partisan intent was the “controlling factor” for line drawing decisions—an interpretation that neither the Fair Districts Amendment’s plain text nor Florida Supreme Court precedent supports.

147. On the Governor’s non-severability argument, however, Senator Gaetz parted ways with the Governor’s Office. As he explained, “I believe that the rest of the Fair Districts Amendment could and should and ought to stand. I don’t think we should do gerrymandering on the basis of political partisanship. . . I believe that we should be required to follow all of the other demands of the Fair Districts Amendment.” He continued, “[i]f it turns out that [drawing districts] on the basis of race is wrong and is unconstitutional on the basis of the federal Constitution, I still believe everything else in the Fair Districts Amendment ought to stand and should stand and does stand.”

148. When asked whether this was the Governor’s bill, rather than the Legislature’s, Senator Gaetz emphasized the Legislature’s role in the process: the Governor had used his prerogative to propose the map, but “we have the authority to accept, amend, or reject [it].”

149. Although several Republican Senators (including Senators Bradley, Calatayud, Garcia, and Grall) voted against the 2026 Plan, the Legislature enacted the plan just two days after the Governor released it, after a single committee hearing in each chamber and minimal floor debate. No prior redistricting process has proceeded this way. That departure from established practice, combined with the unusual speed and lack of deliberation, suggests the Legislature was determined to sanction the Governor’s partisan efforts no matter what.

150. The Legislature was under no compulsion to adopt a new congressional plan. By choosing to pass a new map drawn by an avowedly partisan actor known to be drawn with partisan data, the Legislature acted with impermissible partisan intent.

V. The 2026 Plan radically reshapes Florida’s congressional district lines, carving up the State to the benefit of the Republican Party.

151. In region after region, the 2026 Plan carves up the state to create districts with the intent to benefit the Republican Party.

A. Tampa Bay

152. Tampa Bay is Florida’s quintessential politically balanced region: both Pinellas and Hillsborough Counties, which anchor the region, are bellwether counties that historically track national political trends. For example, in 2020, both counties voted for Joe Biden by a slim majority; in 2024, both counties voted for Donald Trump by a slim majority.

153. Until 2022, Tampa Bay consistently elected two Democrats to Congress.

154. Specifically, after the Florida Supreme Court struck down the Florida Legislature’s 2012 Plan for intentionally packing Democrats in Tampa Bay, the Florida Supreme Court ordered the region to be redrawn. Under the court-ordered 2015 Plan to remedy partisan gerrymandering in this region, which was in place from 2016 to 2022, Tampa Bay consistently elected two Democrats to Congress. The region had one safe Democratic seat anchored in Hillsborough County (CD 14), represented by Rep. Kathy Castor, and one competitive but Democratic-leaning district anchored in Pinellas County (CD 13), represented by then-Rep. Charlie Crist.

155. Under the stated explanation of attempting to comply with Tier II criteria, the 2022 Plan redrew Tampa Bay substantially, again creating only one district from Tampa Bay (CD 14) that could reliably elect a Democrat to Congress.

156. At the time of its drawing and enactment, the Governor’s map drawer, Alex Kelly, praised the 2022 Plan’s Tier II compliance in the Tampa Bay region, pointing to the compactness of the districts, and praising the 2022 Plan’s ability to keep many counties whole.

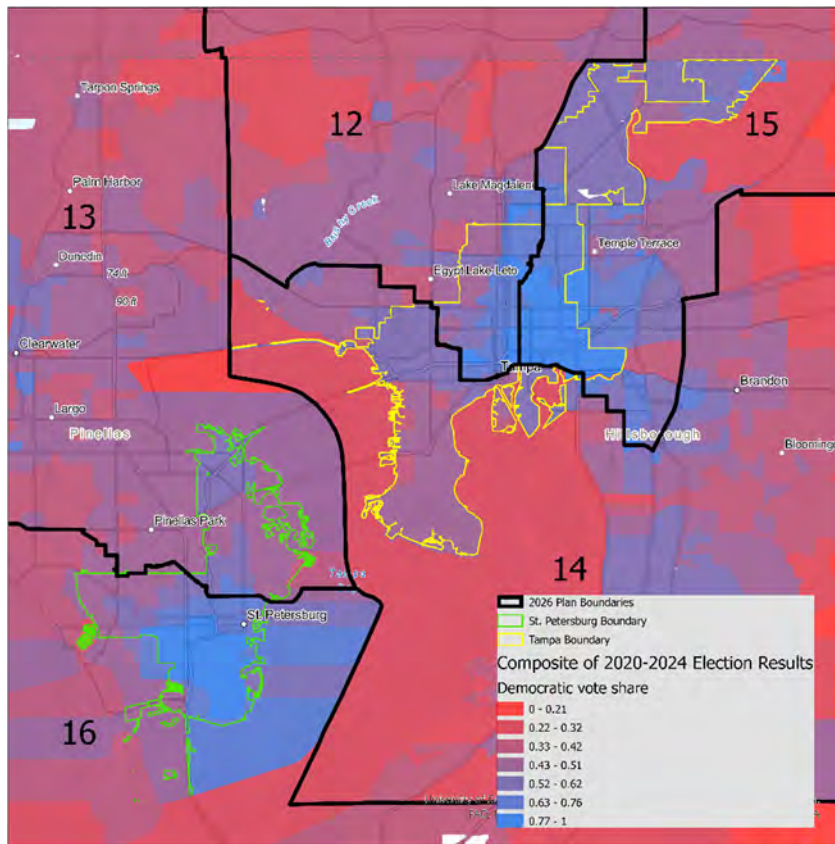
157. The 2026 Plan, however, dispels all notions of Tier II compliance in Tampa Bay, redrawing the region in a manner that decreases compactness, increases county and city splits, and eliminates any potential Democratic seats by cracking Democratic voters across Tampa Bay.

158. In particular, the 2026 Plan splits the Democratic-leaning city of Tampa three ways into new CD 12, CD 15, and CD 14 such that no district contains a majority of Tampa’s population, then pairing Tampa residents with faraway, rural voters. In the 2026 Plan, residents of downtown Tampa are paired with residents much further north in Citrus County, including Crystal River and Homosassa Springs.

159. The 2026 Plan also splits Hillsborough County four ways, even though the County only has the population for two congressional districts, and splits Pasco County three ways, even though it only has the population for one congressional district.

160. The 2026 Plan also splits the Democratic-leaning city of St. Petersburg almost perfectly in half, giving part to CD 13 and part to CD 16, even though the city’s population is approximately 250,000—only enough for a third of a single congressional district. In the 2026 Plan, residents of downtown St. Petersburg are paired with residents much further away in Polk, Hardee, and DeSoto Counties.

161. The 2026 Plan’s cracking of Tampa (in yellow) and St. Petersburg (in green) is shown below:



162. The 2026 Plan’s excessive county and city splits are not justified by any attempt to create more compact districts. Indeed, the 2026 Plan decreases the compactness of both CD 13 and CD 14 as compared to the 2022 Plan, as well as the compactness of the Tampa Bay region as a whole (including CDs 12, 13, 14, 15, and 16). Although the average total compactness score of those five districts (using the sum of the Reock, Convex Hull, and Polsby-Popper scores) was 1.81 in the 2022 Plan, the average total compactness of those same five districts is 1.62 in the 2026 Plan.³⁶

163. CD 15 in the 2026 Plan, which pairs downtown Tampa with Citrus County, is particularly visually and mathematically noncompact, with a total compactness score of 1.25, less

³⁶ This complaint analyzes compactness using the Reock ratio, Convex Hull, and Polsby-Popper scores, the three scores Florida has traditionally relied upon to measure compactness. When Plaintiffs report a “total” compactness score, it is the sum of each of those measures for that district.

than the compactness of CD 20 in the 2022 Plan that the Governor demeaned as egregiously noncompact (with a total compactness score of 1.55).

B. Orlando Metro

164. Central Florida, including the Orlando metropolitan area, is home to a rapidly growing and highly diverse population. In particular, Central Florida's Puerto Rican population has grown rapidly over the past decade.

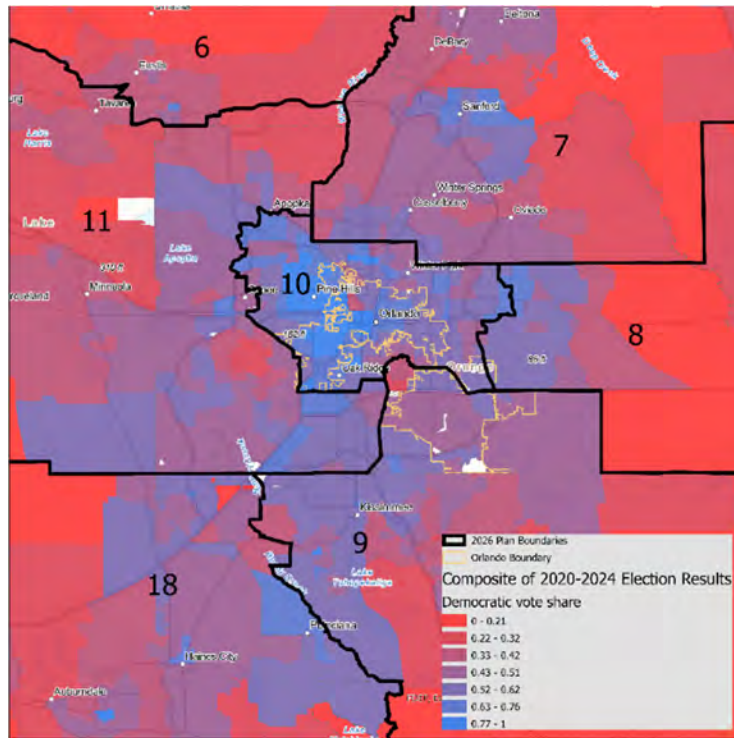
165. Until 2022, Central Florida elected three Democrats to Congress, from CDs 9, 10, and 7. Of these districts, CD 7 was the most competitive for Republicans, though it still elected a Democrat by more than 10 percentage points in 2020.

166. Under the stated explanation of attempting to comply with Tier II criteria, the 2022 Plan redrew the Orlando metropolitan area substantially, creating only two districts that could reliably elect a Democrat to Congress: CD 10, anchored in Orange County (and represented by Rep. Maxwell Frost), and CD 9 anchored in Orange and Osceola Counties (and represented by Rep. Darren Soto).

167. At the time of its drawing and enactment, the Governor's map drawer of the 2022 Plan, Alex Kelly, praised the compactness and Tier II compliance of both of these districts. And in litigation subsequent to the 2022 Plan's enactment, the Legislature has specifically pointed to CD 9 in the 2022 Plan as an example of a particularly compact district.

168. The 2026 Plan, however, dispels all notions of Tier II compliance in the Orlando metropolitan area, redrawing the region in a manner that decreases compactness of key districts (including CD 9), introduces unnecessary county and city splits, and eliminates CD 9 as a district likely to elect a Democratic member of Congress, leaving only one Democratic district (CD 10) in Central Florida.

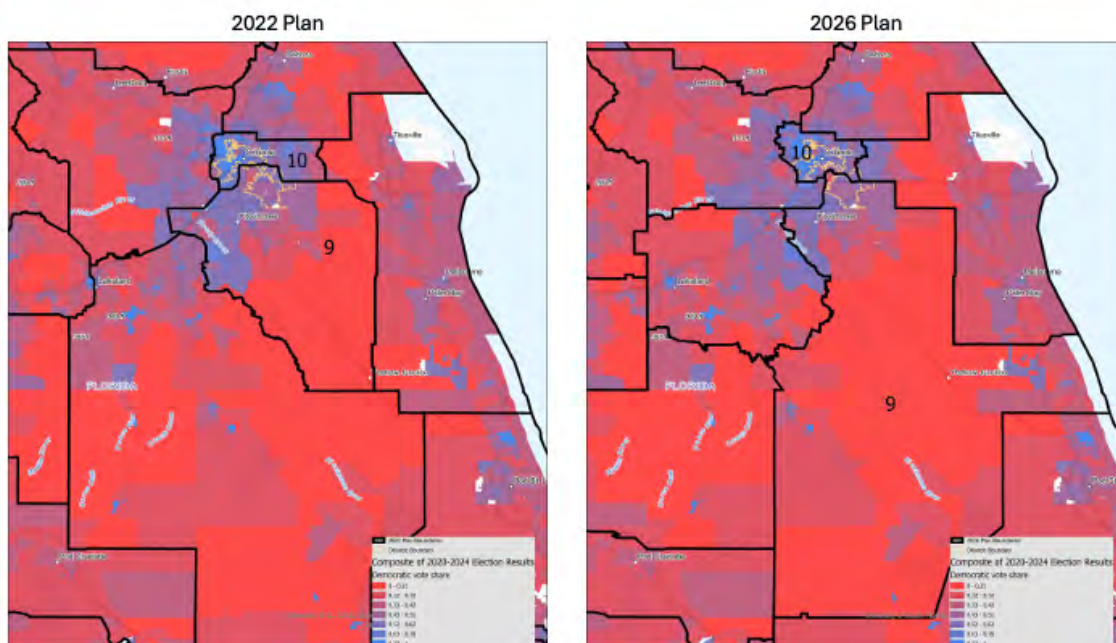
169. The 2026 Plan accomplishes this by packing and cracking Democratic voters in the Orlando metropolitan area, packing Democrats into CD 10, and siphoning them away from CD 9. The figure below shows just how efficiently Democrats have been packed into CD 10 and cracked among the remaining districts.



170. Although CD 10 is visually compact, its boundaries are not easily explainable. Indeed, a full third of CD 10's boundaries do not follow any recognized political or geographic boundary, such as a county line, city line, road, water, or rail boundary, making it the worst-performing district in the 2026 Plan on this measure.

171. Overall, the 2026 Plan splits Orange County five ways, even though it only has the population for two congressional districts. And it does so quite strategically—dividing Orange County's Democratic-leaning population across multiple districts in such a manner such that Democrats can only be expected to reliably win one district in Central Florida.

172. In the 2026 Plan, CD 9 is substantially redrawn from its predecessor district in the 2022 Plan, which previously contained a substantial number of Hispanic voters in Orange, Osceola, and Polk Counties. The 2026 Plan, however, moves the district south to include a substantially new population of white, rural voters. In the 2026 Plan’s CD 9, voters in Orange County are paired with voters a hundred miles south in Glades County, bordering Lake Okeechobee. In remaking CD 9, the 2026 Plan substantially decreases the district’s compactness as compared to the 2022 Plan, decreasing its total compactness score from 1.82 to 1.61. The figure below shows the changes to CD 9 from the 2022 Plan to the 2026 Plan.



C. South Florida

173. South Florida is home to the State’s largest population of Democratic voters, as well as significant Black and Hispanic populations.

174. Until 2022, and under the 2015 court-ordered plan, South Florida elected anywhere from five to seven Democrats to Congress, with then CDs 20, 21, 22, 23, and 24 reliably electing

Democrats, and then CDs 26 and 27 performing as fiercely competitive seats that switched hands between Republicans and Democrats.

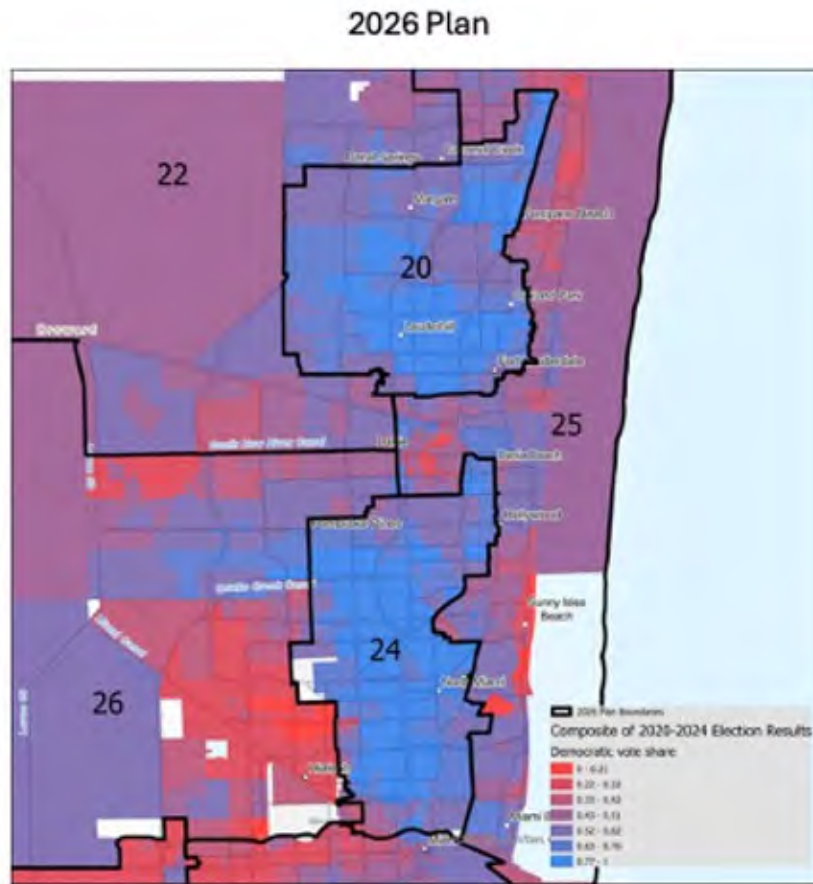
175. Under the stated explanation of attempting to comply with Tier II criteria, the 2022 Plan redrew the South Florida region and established five districts that could reliably elect a Democrat to Congress: CD 20 (currently vacant), CD 22 (represented by Rep. Lois Frankel), CD 23 (represented by Rep. Jared Moskowitz), CD 24 (represented by Rep. Frederica Wilson), and CD 25 (represented by Rep. Debbie Wasserman Schultz). Under the 2022 Plan, however, the two competitive districts in which Democrats could regularly compete for additional seats (redrawn as CDs 27 and 28) were drawn in ways that made it more difficult for a Democrat to be elected, and in both the 2022 and 2024 congressional elections, Democrats did not win either of those districts.

176. Although several districts in South Florida were considered to be minority-protected districts under the Fair Districts Amendment, the districts in the 2022 Plan were drawn with Tier II criteria in mind, as map drawer Alex Kelly explained to the Legislature when he presented the 2022 Plan to it. And in litigation subsequent to the 2022 Plan’s enactment, the Legislature has specifically pointed to some of these districts in the 2022 Plan, such as CDs 24 and 27, as examples of particularly compact districts. At no point in the 2022 redistricting cycle did anyone from the Legislature or the Governor’s Office ever suggest that they had prioritized race to draw any of these districts at the expense of traditional redistricting criteria.

177. Under the guise of drawing “race-neutral” districts, the 2026 Plan substantially redraws some—but not all—of South Florida, keeping the previously race-protected CDs 27 and 28 (which performed for Latino Republican candidates) “almost identical” to the 2022 Plan, but otherwise substantially redrawing South Florida in ways that harm the Democratic Party and its candidates, as well as voters unaffiliated with either party who are similarly entitled to a fair map.

178. The 2026 Plan decimates the five reliably-held Democratic seats into only three seats that would be expected to reliably elect Democratic candidates, functionally eliminating Democratic seats currently held by Rep. Jared Moskowitz and Rep. Debbie Wasserman Schultz.

179. The 2026 Plan does so by packing Democratic (and particularly Black Democratic) voters into CDs 20 and 24 as shown below, even though there is no longer any race-related reason to do so under the Governor's reasoning:



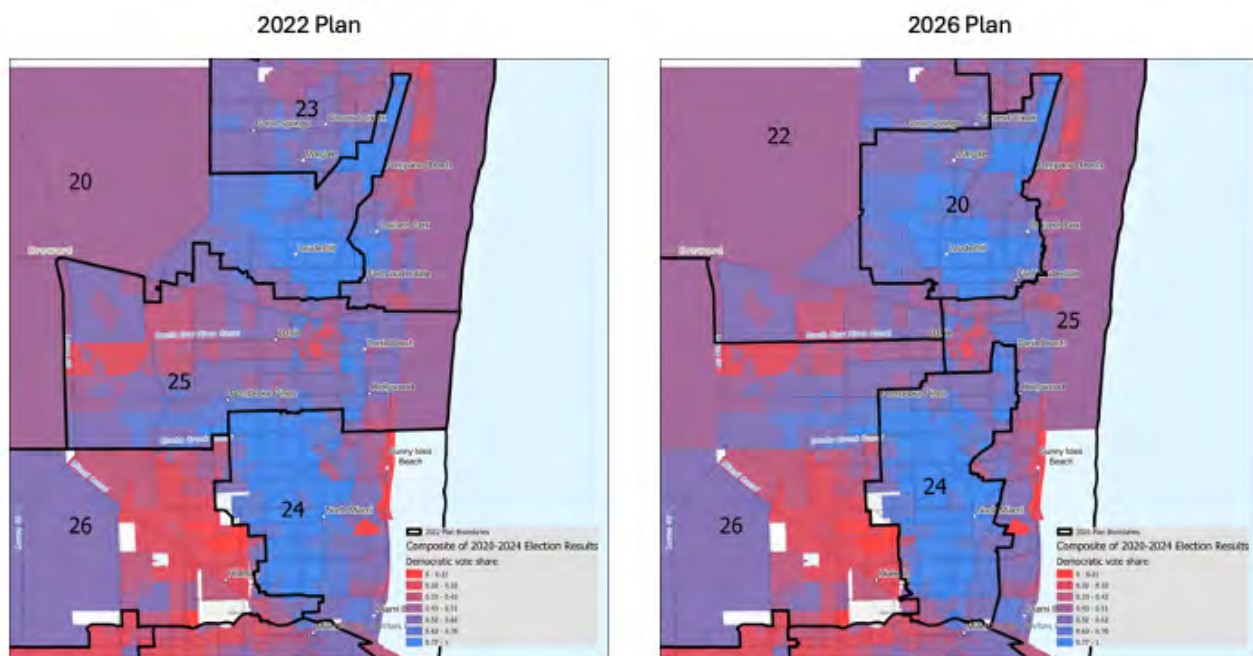
180. For example, CD 24 in the 2022 Plan had a 42.17% Black voting age population (BVAP) and it was quite compact, with a total compactness score of 1.86 (considering the sum of Reock, Convex-Hull, and Polsby Popper).

181. CD 24 in the 2026 Plan, however, despite being drawn “race-neutrally,” both *increases* the BVAP to 47.72% and *decreases* the total compactness score to 1.5, a substantial decrease.

182. CD 24 in the 2026 Plan also splits eight cities (more cities than it keeps whole), whereas CD 24 in the 2022 Plan splits only two cities.

183. To the extent that new CD 24 was in fact drawn race-neutrally, the only other reasonable explanation for this district is a desire to pack Democrats into a single district in Miami.

184. A comparison of CD 24 from the 2022 Plan to the 2026 Plan is shown below:



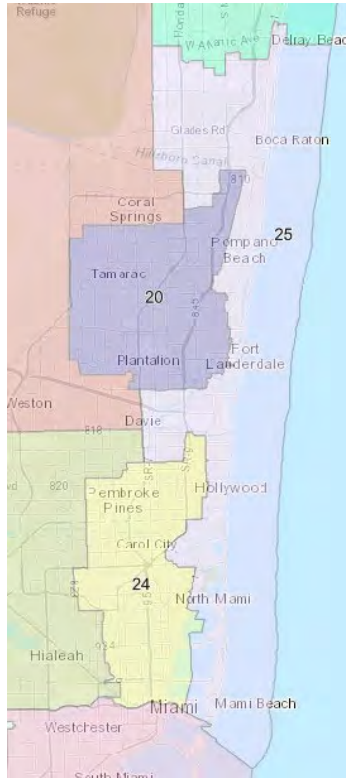
185. Similarly, although CD 20 in the 2026 Plan was allegedly drawn “race-neutrally,” CD 20 in the 2026 Plan packs Black Democratic voters into one district, such that they comprise 42% of the voters of the district, with no stated racial reason for doing so at all.

186. CD 20 in the 2026 Plan also splits seven cities, a comparable number to the cities split by CD 20 in the 2022 Plan, but now with no Tier I race justification for doing so at all.

187. To the extent this district was in fact drawn race-neutrally, the only other reasonable explanation for this district is a desire to pack Democrats into a single district in Broward County.

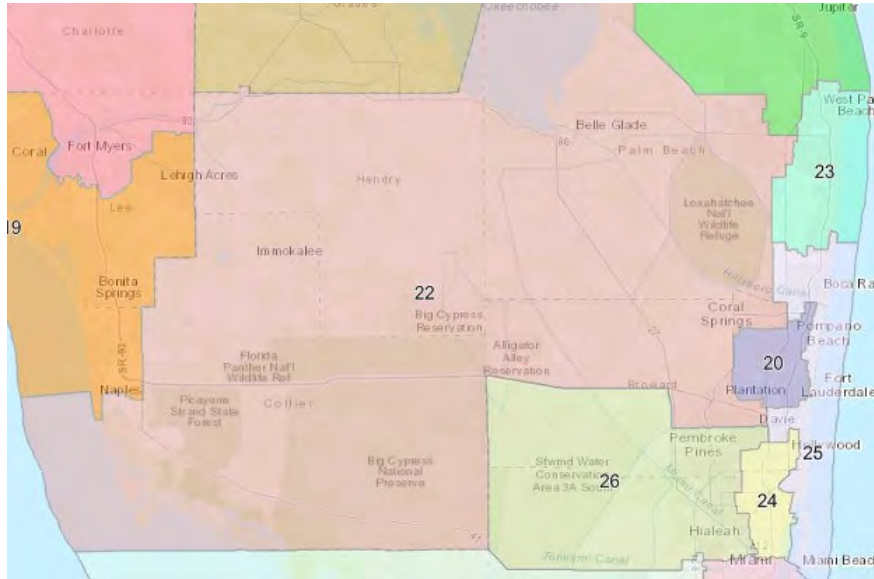
188. Indeed, 32% of the boundaries of CD 20 do not follow a recognized political or geographic boundary, making it one of the worst performing districts on this measure in the 2026 Plan.

189. Although the 2026 Plan does increase the compactness of CD 20—the district the Governor specifically criticized for being non-compact—it does so at the expense of new CD 25, which stretches down Florida’s coast all the way from Boca Raton to Miami Beach. In so doing, new CD 25’s total compactness score is a measly 1.02, which is *substantially* less compact than the 2022 Plan’s CD 20 that the Governor has repeatedly criticized for being non-compact (and which had a total compactness score of 1.55). Indeed, the new CD 25 is nearly as non-compact as the pre-2022 Plan CD 5 that stretched from Tallahassee to Jacksonville that the Florida Supreme Court held was inconsistent with traditional redistricting principles in *Black Voters Matter*, and which had a total compactness score of 0.88. A visual depiction of the new CD 25 is shown below:



190. CD 25’s noncompactness cannot be explained by any desire to keep cities together. CD 25 alone in the 2026 Plan splits 11 cities, none of which are required to be split because of their population. By contrast, the pre-2022 Plan CD 5, which the Florida Supreme Court held was inconsistent with traditional redistricting principles, split only two cities, one of which (Jacksonville) was required to be split due to its size.

191. The 2026 Plan also creates a substantially noncompact CD 22, shown below, which stretches all the way from Marco Island on southwest Florida’s coast to Parkland, Wellington, and Weston on Florida’s east coast. In so doing, it also splits six cities in the process, and it also draws in two Democratic incumbents, U.S. Representative Wasserman Schultz and U.S. Representative Moskowitz, just into the edge of the district, drawing them out of formerly reliable Democratic seats and into a new Republican one.



192. Overall, the city and county splits in the new map in South Florida, all made in service of eliminating Democratic seats in South Florida, is nothing less than shocking. Although *none* of these cities are required to be split to fit in a congressional district, the 2026 Plan splits: Coconut Creek, Coral Springs, Dania Beach, Davie (three ways), Deerfield Beach, Delray Beach, Fort Lauderdale, Hallandale Beach, Hollywood (three ways), Miami, Miramar, North Miami, North Miami Beach, Pembroke Pines, Plantation (three ways), Pompano Beach, Riviera Beach, Royal Palm Beach, Sunrise, and West Palm Beach.

193. The same is true for county splits. Although Broward, Miami-Dade, and Palm Beach each need to be split given their substantial populations, the 2026 Plan splits them far more than necessary, splitting Broward five ways, Miami-Dade five ways, and Palm Beach four ways, in each case splitting the county in such a way to advantage Republicans and disadvantage Democrats.

194. There is, of course, no Tier I race justification for any of these splits given that the 2026 Plan was allegedly drawn with no racial considerations whatsoever.

D. North Florida

195. The 2026 Plan made no changes to North Florida whatsoever, including specifically CDs 1, 2, 3, 4, 5, 6, and 7—all of which have reliably elected Republicans.

196. The 2026 Plan makes no changes to these districts, even though they have some of the fastest growing populations in Florida, including in St. Johns County (CDs 5 and 6) and Flager County (CD 6), both of which the Florida Legislature’s Office of Economic and Demographic Research reports have grown in population by more than 20% since 2020,³⁷ which is, of course, one of Governor DeSantis’s main purported justifications for the need to redraw districts.

VI. The 2026 Plan violates both Tier I and Tier II of Article III, Section 20(a) of the Florida Constitution.

197. The 2026 Plan’s unprecedented line-drawing decisions blatantly violate the core provisions of the Fair Districts Amendment.

A. The 2026 Plan violates the Florida Constitution by intentionally favoring the Republican Party and disfavoring the Democratic Party.

198. The 2026 Plan unequivocally violates the Florida Constitution’s requirement that “[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party.” Fla. Const. art. III, § 20(a).

199. The 2026 Plan’s impermissible partisan intent is apparent on the face of the map as a whole and in the districts encompassing the Tampa Bay, Central Florida, and South Florida regions. With nearly every line-drawing decision, the 2026 Plan advantages the Republican Party.

200. Under the 2022 Plan—which had already made significant gains for the Republican Party compared to prior maps—Democrats were expected to consistently win eight of the state’s 28 congressional districts: two in Central Florida, one in Tampa Bay, and five in South Florida.

³⁷ Fla. Leg. Off. of Econ. & Demographic Rsch., *Florida Legislature Econographic News* (2025), <https://perma.cc/UM7W-7BD5>.

201. The 2026 Plan, however, is expected to consistently elect 24 Republicans and only four Democrats to Congress: zero in Tampa Bay, one in Central Florida, and three in South Florida.

202. In other words, in a state in which Democrats have recently received approximately 45% of the statewide vote, Democrats are only expected to carry only 14% of the state's congressional seats under the 2026 Plan.

203. Based on traditional metrics of partisan gerrymandering, including measures like the efficiency gap, which measure the extent to which Democratic votes are “wasted” compared to Republican votes, the 2026 Plan is a clear partisan gerrymander, and an extreme one at that.

204. Using the most recent general election results, for example, the 2026 Plan has an approximately 20% pro-Republican efficiency gap—a *significantly* larger efficiency gap than the Legislature's 2012 Congressional Plan that the Florida Supreme deemed an unconstitutional partisan gerrymander in 2015, which had a pro-Republican efficiency gap of 7%.

205. Using the same measure, the 2026 Plan is even a more egregious gerrymander than the Legislature's 2002 Congressional Plan that the Florida Legislature itself has claimed was a partisan gerrymander and that inspired the Fair Districts Amendments, which had a pro-Republican efficiency gap of approximately 9%.

206. Even outside Florida, the 2026 Plan is a statistical outlier—even using known partisan gerrymanders as the baseline. Among states with 15 or more congressional districts, the 2026 Plan has the second largest absolute efficiency gap in history (after Illinois's 2020s plan) and *the largest pro-Republican efficiency gap in history*. Among all states, the 2026 Plan has the 5th largest pro-Republican bias in history.

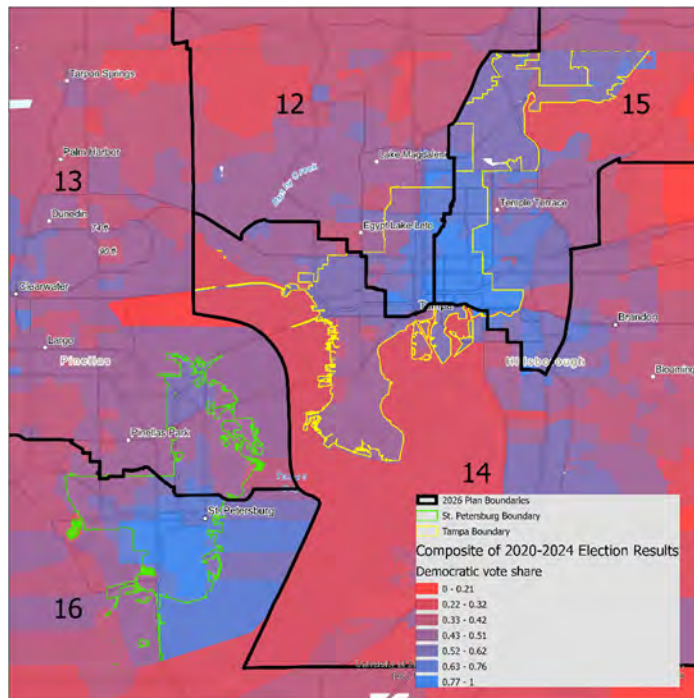
207. Using other traditional measures of partisan gerrymandering, the 2026 Plan shows similar results. Considering the declination measure, which captures asymmetries in the

distribution of district-level vote shares between the parties, the 2026 Plan has the largest pro-Republican skew of any state with 15 or more congressional districts in history.

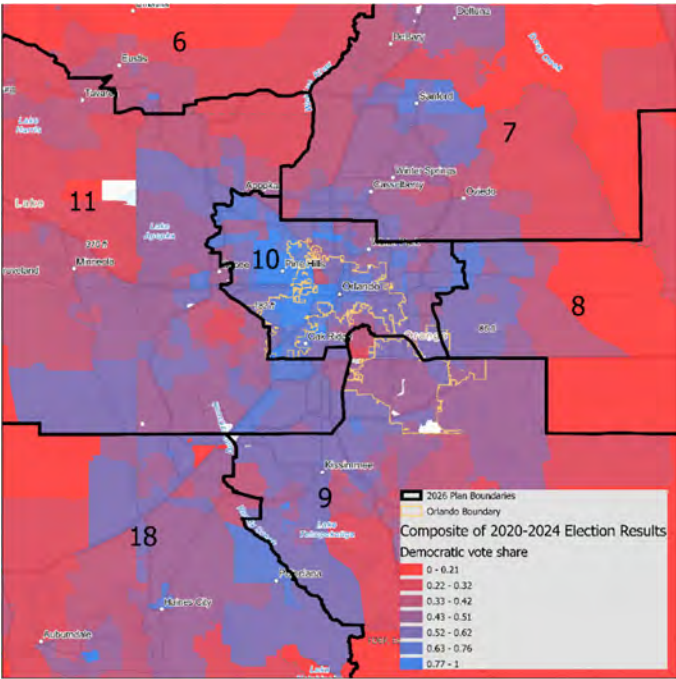
208. The loss of Democratic seats is no accident. As the map drawer himself admitted, partisan data was used to draw the map. And even if partisanship was not his predominant motivation, which it almost assuredly was, the map would be unlawful anyway; under the Fair Districts Amendments, *any* partisan intent renders the map unlawful. *See Apportionment I*, 83 So.3d at 617.

209. Even if the map maker had not admitted that he had considered partisan data in drawing the plan, it would have been obvious from the plan’s design, which packs and cracks Democrats at every turn for Republican advantage.

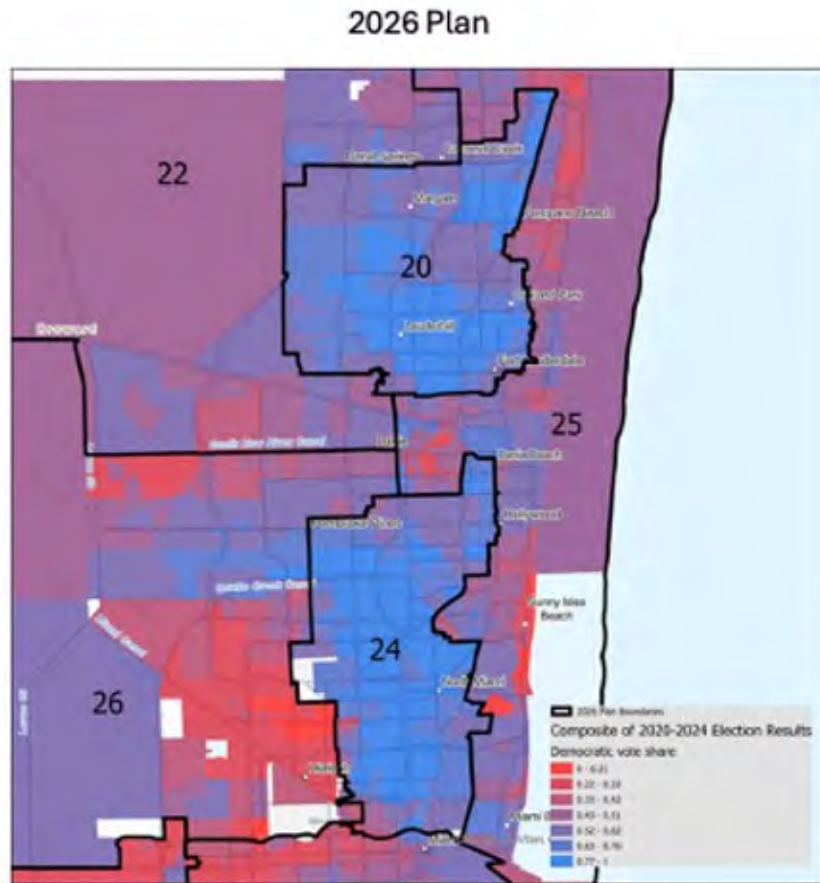
210. In Tampa Bay, the 2026 Plan cracks Democrats across new CD 12, 14, and 15, eliminating CD 14 (Rep. Castor) as a district which will reliably elect a Democrat, as shown below:



211. In Orlando, the 2026 Plan packs Democrats into CD 10, and siphons them away from CD 9, eliminating CD 9 (Rep. Soto) as a district which will reliably elect a Democrat, as shown below:



212. In South Florida, the 2026 Plan packs CDs 20 and 24 with Democratic voters and substantially reconfigures the entire region, eliminating prior CD 23 (Rep. Moskowitz) and CD 25 (Rep. Wasserman Schultz) as districts that will reliably elect a Democrat, as shown below:



213. Those four Democratic representatives who see their districts decimated in the 2026 Plan—Rep. Castor, Rep. Soto, Rep. Moskowitz, and Rep. Wasserman Schultz—are conveniently the same representatives who political commentators identified that Republicans would be itching to eliminate as soon as Governor DeSantis raised the prospect of mid-decade redistricting in 2025.³⁸

214. The 2026 Plan’s impermissible partisan intent is also evidenced by its disregard for Tier II principles across the state.

215. As the Florida Supreme Court has explained, “the extent to which the Legislature complies with the sum of Florida’s traditional redistricting principles [under Tier II] serves as an

³⁸ Julia Manchester, *Florida GOP, DeSantis may follow Texas’s lead*, The Hill (Aug. 2, 2025), <https://thehill.com/homenews/campaign/5432996-florida-republicans-redrawing-congressional-lines/>.

objective indicator of the impermissible legislative purpose proscribed under tier one (i.e., intent to favor or disfavor a political party or an incumbent).” *Apportionment I*, 83 So.3d at 639.

216. As described both above and below, in every region, the 2026 Plan decreases compactness and increases splits of the existing districts for political gain. The 2026 Plan’s decrease on Tier II compliance (even just as compared to the 2022 Plan) is particularly notable because it cannot be explained by any need to protect minority districts, having been allegedly drawn without any consideration of race at all.

217. Finally, the 2026 Plan’s impermissible intent is apparent from the process used to enact the plan.

218. The Florida Supreme Court has explained that, “if evidence exists to demonstrate that there was an entirely different, separate process that was undertaken contrary to [a] transparent effort in an attempt to favor a political party or an incumbent in violation of the Florida Constitution, clearly that would be important evidence in support of the claim that the Legislature thwarted the constitutional mandate.” *League of Women Voters of Fla. v. Fla. H.R.*, 132 So.3d 135, 149 (Fla. 2013); *see also Apportionment VII*, 172 So.3d at 376 (explaining that finding of partisan intent was supported by “communicat[ion] and collaborat[ion] with partisan political operatives, in the shadow of the Legislature’s purportedly open and transparent redistricting process, to produce a map favoring Republicans and incumbents”).

219. Here, the 2026 Plan was drawn in a process so secretive and cloistered that the public did not even see the plan until two days before it was handed to and approved by the Legislature. Nor would the map drawer reveal who he consulted with in designing the plan.

220. Both legislative chambers passed the plan submitted by the Governor without any modifications, demonstrating that the Governor and his team “obtain[ed] the necessary

cooperation and collaboration to . . . taint the redistricting process and the resulting map with improper partisan intent.” *Id.* at 377.

221. In *Apportionment VII*, the Florida Supreme Court found that Florida’s 2012 congressional plan was drawn with partisan intent based on circumstantial evidence—namely the destruction of the Legislature’s emails, meetings between legislative staff and political consultants, and the continued involvement of political consultants. *See id.* The evidence of improper partisan intent here is far more direct. Rather than working through intermediaries or concealing outside involvement, the Legislature publicly adopted the work of a partisan official whose team sought to “add up to +5 REPUBLICAN seats to more than cancel out Virginia’s” redistricting efforts.³⁹ This “cooperation and collaboration,” *see Apportionment VII*, 172 So.3d at 377, is direct evidence of partisan intent.

222. Finally, the 2026 Plan cannot be explained on the basis that a race-neutral plan requires such a result.

223. The professed aim of race-neutrality would not require changes to any congressional districts in Tampa Bay. Specifically, although Pinellas and Hillsborough Counties contain sizable minority populations, there was no district in Tampa Bay in the 2022 Plan that the Legislature and the Governor considered to be a minority-protected district under the Fair Districts Amendments in 2022 Plan. Consequently, there would have been no reason to consider race in the drawing of the Tampa Bay region in 2022. Indeed, the Governor’s map drawer, Alex Kelly, disclaimed the use of race in drawing this region in 2022. For all of these reasons, a desire to draw a race-neutral map does not explain the elimination of CD 14 in Tampa Bay as a Democratic-performing district.

³⁹ Knowles, *supra* note 27.

224. The same is true in Central Florida. Even though Central Florida contains sizable minority populations, there was no district in Central Florida in the 2022 Plan that the Legislature and the Governor collectively considered to be a minority-protected district under the Fair Districts Amendments. In particular, the Governor’s Office concluded in 2022 that CD 10 was *not* a minority-protected district because Black voters were not substantial enough to elect their candidate of choice, and the Governor’s Office declined to consider CD 9 a minority-protected district in the 2022 Plan as well, even though it ultimately contained a sizeable number (indeed, a majority) of Hispanic voters. But as the House Redistricting Chair described at the time, CD 9 was a “compact tier two compliant district [that] *happens to be* a new majority minority Hispanic district reflective of the Hispanic growth in this region.”⁴⁰ As House Redistricting staff confirmed, CD 9’s prior majority Hispanic status was a result of the “natural population” in this area, not the result of an attempt to specifically keep the Hispanic population together to draw a majority Hispanic district.⁴¹

225. Because the Governor’s Office did not consider any districts in Central Florida to be minority-protected districts, the Governor’s map drawer, Alex Kelly, disclaimed the use of race in drawing this region in 2022. And for all of these reasons, a desire to draw a race-neutral map does not explain the elimination of CD 9 in Central Florida as a Democratic-performing district.

226. The same is also true in South Florida, even though the Fair Districts Amendment currently requires the protection of several districts in this region from diminishment, including CD 20 and CD 24. In particular, both can be drawn pursuant to traditional redistricting principles in ways that preserve their status as districts where Black voters can elect their candidates of choice

⁴⁰ Meeting of H. Cong. Redistricting Subcomm., at 16:56–17:05 (Fla. Feb. 18, 2022), <https://www.flhouse.gov/VideoPlayer.aspx?eventID=7944> (statement of Rep. Tyler Sirois).

⁴¹ Meeting of H. Redistricting Comm., at 44:58 (Fla. Jan. 13, 2022), <https://www.flhouse.gov/VideoPlayer.aspx?eventID=7654> (statement of Leda Kelly).

without fundamentally changing the partisan makeup of the region. For that reason, a desire to draw a race-neutral map does not explain the elimination of CD 23 and 25 in South Florida as Democratic-performing districts.

227. Of course, even though the Governor’s map drawer claimed to have drawn the 2026 Plan race-neutrally, he made virtually no changes to CDs 27 and 28, both of which were drawn to protect Latino voters in the 2022 Plan, and both of which elect Republican candidates. To the extent there was no reason to re-draw CDs 27 and 28 because they were already compact, as Poreda implied, there was no reason to redraw CD 24, which was significantly more compact than the average district in the 2022 Plan (indeed, more compact than CD 28, and more compact than several districts in North Florida that the map maker left untouched). In fact, in recent litigation, the Legislature specifically highlighted CD 24 in the 2022 Plan as a highly compact district.

228. For all of these reasons, there is no question that partisan intent infected the map-drawing process. The partisan result was not required by any constitutional criteria, and Florida’s existing constitutional Tier II requirements were compromised in the process.

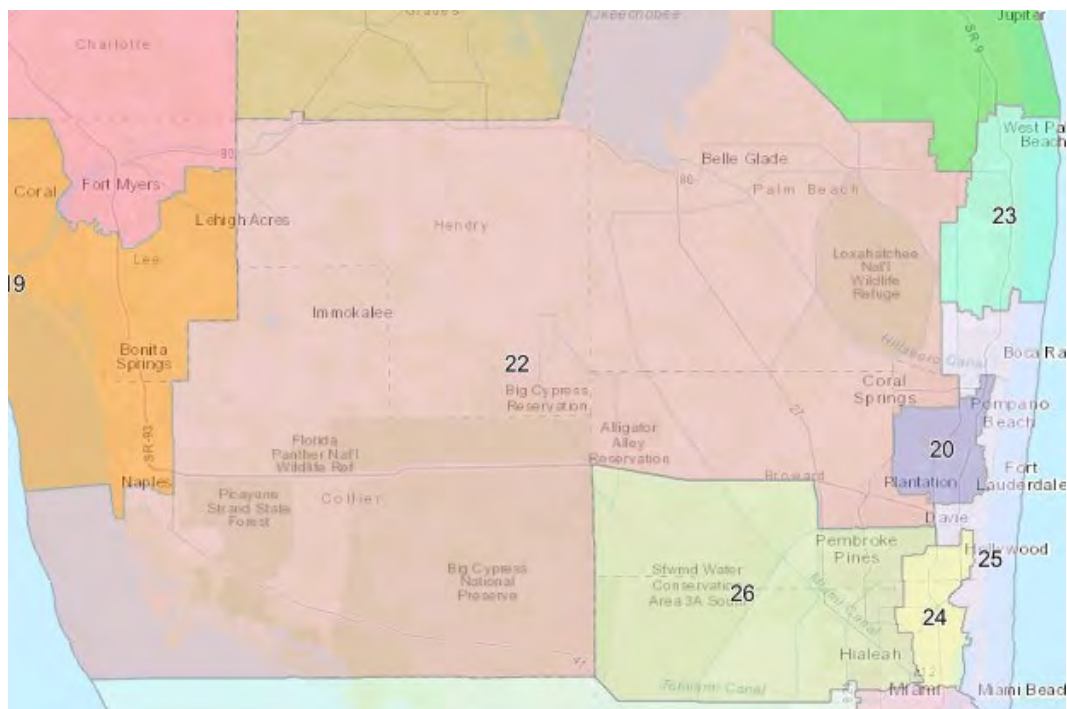
B. The 2026 Plan violates the Florida Constitution by intentionally disfavoring Democratic incumbents.

229. The 2026 Plan also violates a Tier I criteria of the Fair Districts Amendment because it intentionally disfavors Democratic incumbents.

230. In particular, the 2026 Plan disfavors Democratic incumbents U.S. Representative Wasserman Schultz, who currently represents CD 25 in the 2022 Plan, and U.S. Representative Moskowitz, who represents CD 23 in the 2022 Plan, by drawing them just inside the edge of the new, sprawling CD 22, which is expected to elect a Republican.

231. CD 22’s configuration, shown below, makes little logical sense. The district stretches all the way from Marco Island on southwest Florida’s coast to Parkland, Wellington, and

Weston on Florida's east coast. The district's shape cannot be explained by any Tier I race requirement, as the district was allegedly drawn race-neutrally.

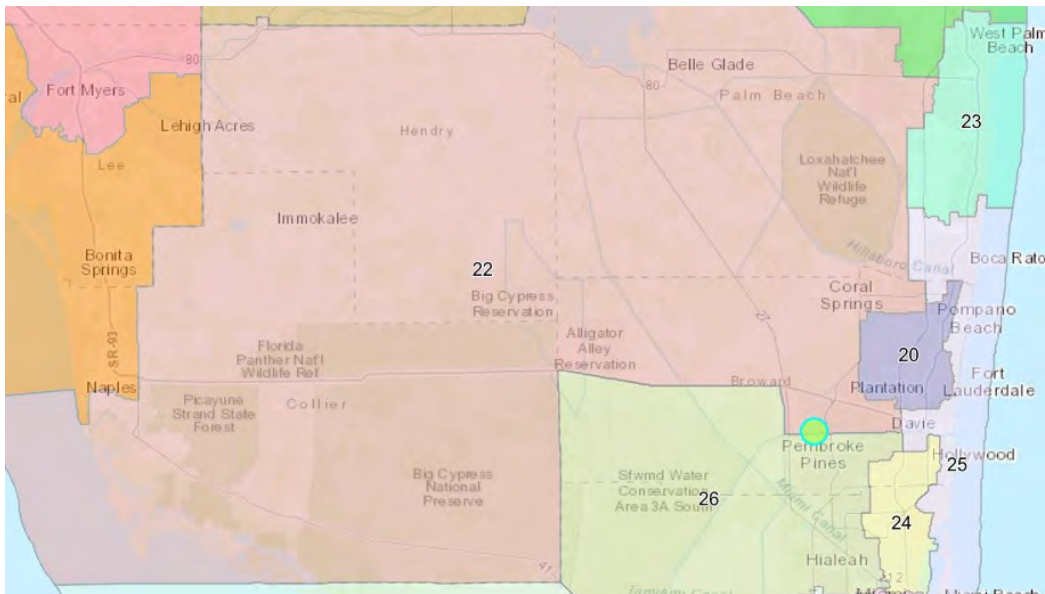


232. Unlike most districts in the 2026 Plan, which can be traced to a recognizable antecedent in the 2022 Plan, CD 22 was assembled from scratch by carving territory out of no fewer than six existing districts—CDs 18, 19, 20, 23, 25, and 26—to create an entirely new district.

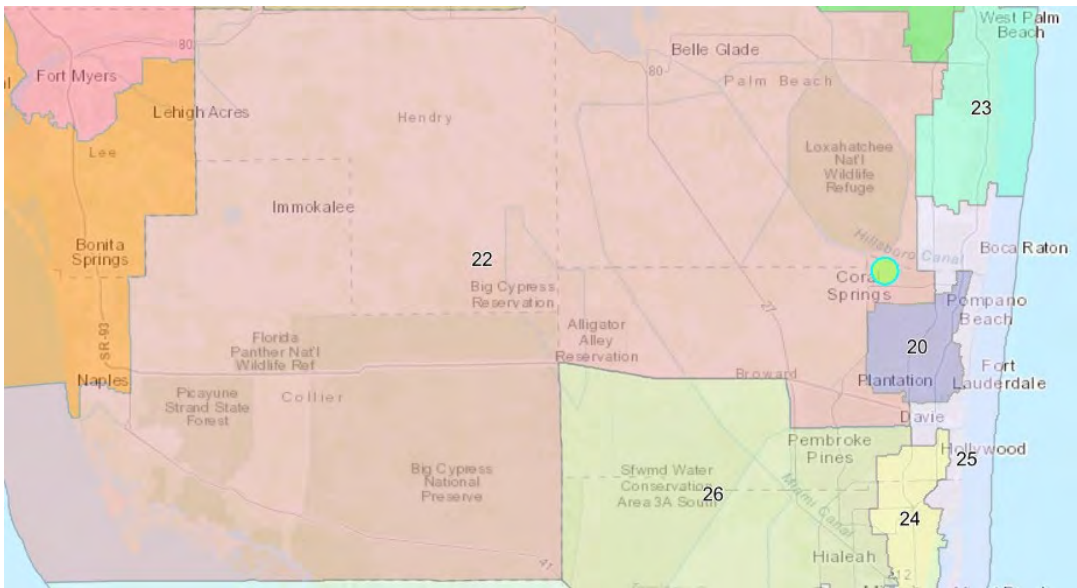
233. The district's odd shape is more comprehensible upon consideration of the location of certain incumbents. At the southeastern edge of the district, CD 22 dips into the Democratic-leaning city of Weston and draws in Rep. Wasserman Schultz's home address by what is likely no more than a few hundred feet.

234. Indeed, Representative Wasserman Schultz's district is so close to the district boundary that it is difficult to tell whether her home is included inside the district until one zooms in at a much closer distance. The green dot below shows Representative Wasserman Schultz's

residence just on the edge of CD 22, the precise location of which can be provided to the Court under seal.



235. CD 22 makes a similar maneuver for Representative Moskowitz, who resides in the city of Parkland. The green dot below shows Rep. Moskowitz’s residence on the eastern edge of CD 22, the precise location of which can be provided to the Court under seal.



236. These incumbents’ inclusion at the edges of a district (and their double bunking) might be more explainable if the district were otherwise regular in shape. But the district all but

connects two coasts of Florida, splits six cities in the process, and cannot be explained by any neutral criteria.

237. Because the map maker has drawn a particularly noncompact district “that reaches out to clearly encompass an incumbent,” and because the district’s shape “cannot be justified based on concerns pertaining to ensuring minority voting strength,” or any other neutral criteria for that matter, the map violates the Florida Constitution’s ban on intentionally disfavoring political incumbents. *Apportionment I*, 83 So. 3d. at 672.

C. The 2026 Plan violates the Florida Constitution’s compactness mandate.

238. The 2026 Plan also violates the Florida Constitution’s requirement that “districts shall be compact” “unless compliance with [that standard] conflicts with” the Fair Districts Amendment’s Tier I criteria. Fla. Const. art. III, § 20(b). Several districts in the 2026 Plan—specifically, CDs 9, 15, 16, 22, and 25—are egregiously and unlawfully noncompact.

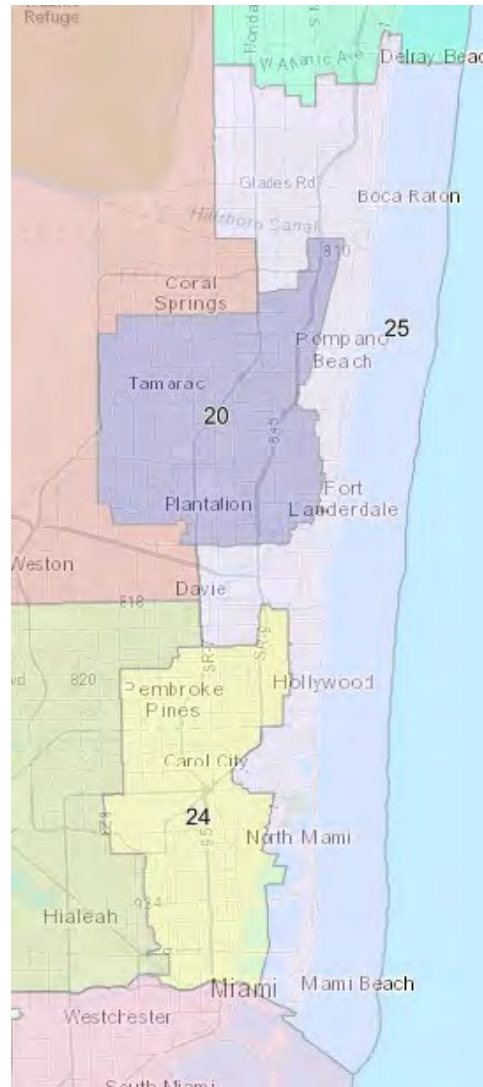
239. The constitutional compactness mandate “ensure[s] that districts are logically drawn and that bizarrely shaped districts are avoided.” *Apportionment I*, 83 So.3d at 636. “[The] compactness requirement serves to limit partisan redistricting.” *Id.* at 632.

240. “Compactness can be evaluated both visually and by employing standard mathematical measurements.” *Id.* at 636; *see also id.* at 634 (explaining that “[c]ompact districts should not have an unusual shape, a bizarre design, or an unnecessary appendage unless it is necessary to comply with some other requirement”).

241. The 2026 Plan’s CDs 9, 15, 16, 22, and 25 are noncompact, as demonstrated by their visual appearance as well as compactness metrics.

242. The 2026 Plan’s CD 25, as shown below, is remarkably noncompact in both its visual appearance and its performance on compactness metrics. The district begins north of Boca Raton and snakes down Florida’s southeastern coast, occasionally meandering inland, until

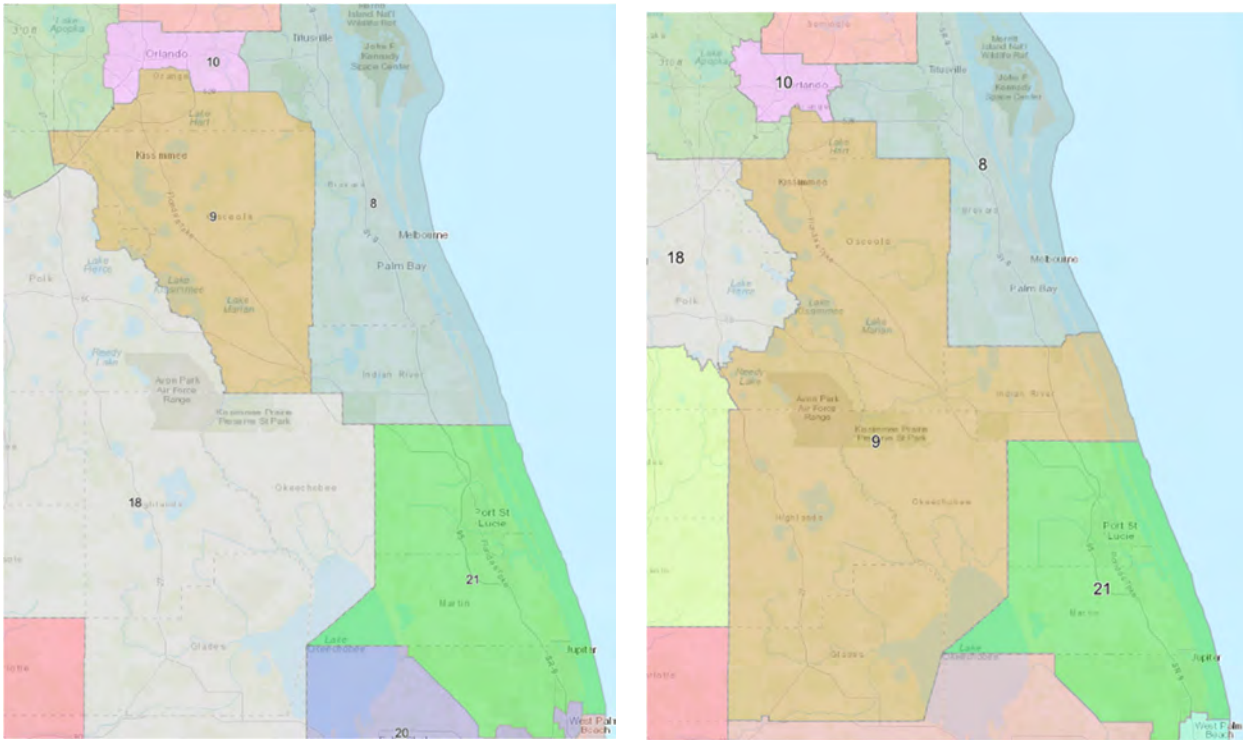
reaching Miami Beach. This elongated, uneven district unsurprisingly has a total compactness score of 1.02, making it nearly as noncompact as the pre-2022 Plan's CD 5 that stretched from Tallahassee to Jacksonville that the Florida Supreme Court held was inconsistent with traditional redistricting principles in *Black Voters Matter*.



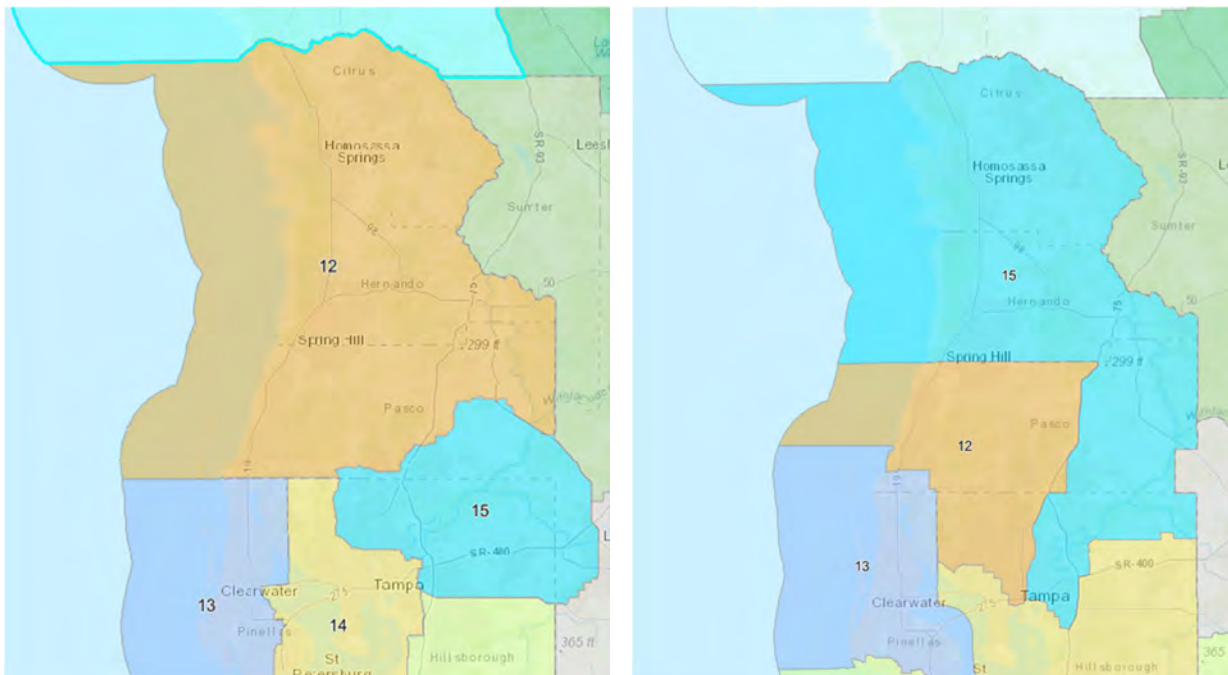
243. The district has no predecessor in the 2022 Plan. Instead, the 2026 Plan's CD 25 bears a striking resemblance to prior decades' districts that the Florida Supreme Court has already held to violate the constitutional compactness requirement. *See, e.g., Apportionment I*, 83 So. 3d

at 672–73 (invalidating a district that resembles an “upside-down alligator”); *id.* at 674 (invalidating “a long and narrow coastal district”).

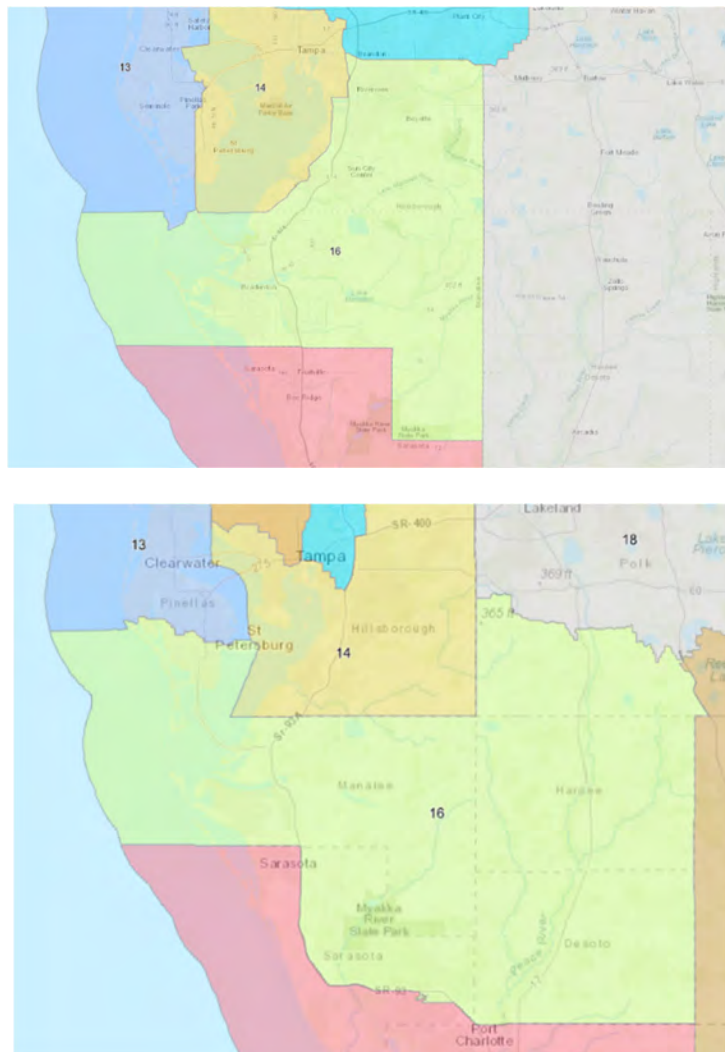
244. Next, the 2026 Plan’s CD 9 winds approximately 140 miles across central Florida, starting in Orange County and moving south to combine three entire counties and portions of four additional counties before reaching Glades County. The 2026 Plan’s CD 9 is visually less compact than the 2022 Plan’s CD 9, as shown by the below comparison of CD 9 (shaded orange) in the 2022 Plan on the left and the 2026 Plan on the right. The district’s total compactness score also fell from 1.82 in the 2022 Plan to 1.61 in the 2026 Plan.



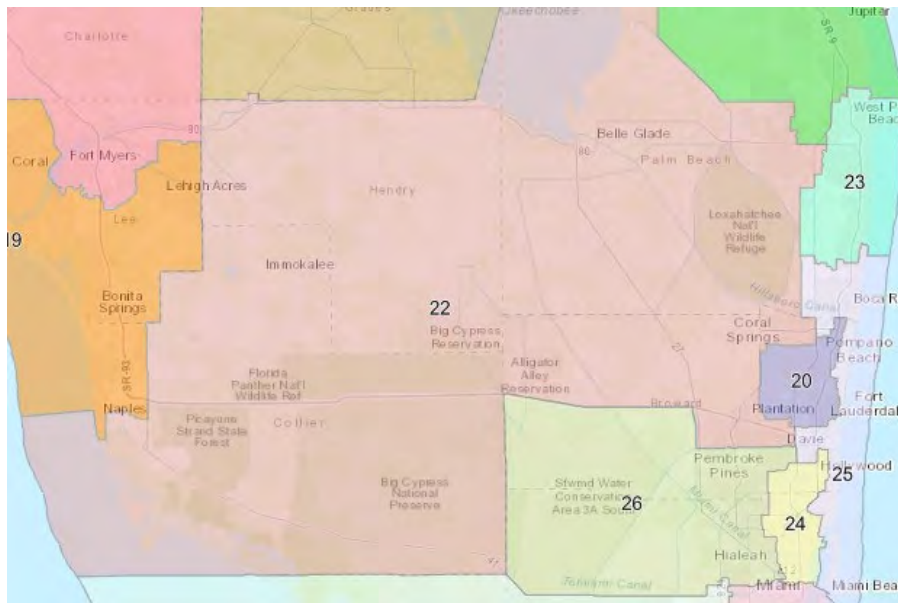
245. The 2026 Plan's CD 15 combines downtown Tampa and an eastern chunk of Pasco County before hooking dramatically northwest to Hernando and Citrus County. The 2026 Plan's CD 15 is visually less compact than the 2022 Plan's CD 15, as shown by the below comparison of CD 15 (shaded light blue) in the 2022 Plan on the left and the 2026 Plan on the right. The district's total compactness score of 1.25 is significantly lower than 2022 Plan's CD 15's score of 2.04. It is also lower than Plan 2022's CD 20's score of 1.55, which the Governor had demeaned as egregiously noncompact.



246. The 2026 Plan's CD 16 takes the southernmost portions of Pinellas County and drags the district across Tampa Bay all the way east to take the entirety of Manatee and Hardee Counties, as well as a portion of Polk County. The district is less visually compact than the 2022 Plan's CD 16, which made no incursion into Pinellas County and stopped eastward at the Manatee County line. The 2026 Plan's CD 16 is far less visually compact than the 2022 Plan's CD 16, which made no incursion into Pinellas County and stopped eastward at the Manatee County line, as shown by the below comparison of CD 16 (shaded light yellow) in the 2022 Plan on the top and the 2026 Plan on the bottom below. Reflecting its unusual shape, CD 16's total mathematical compactness scores also dropped moving from the 2022 Plan to the 2026 Plan.



247. Finally, as noted, the 2026 Plan’s CD 22 is a creature with no real predecessor in Florida’s congressional map, created by bridging together former CDs 18, 19, 20, 23, 25, and 26 to create an entirely new district stretching across southern Florida, from Marco Island in the west to Weston and Wellington in the east, as shown below:



248. These districts’ lack of compactness cannot be explained as the product of an attempt to comply with the Fair Districts Amendment’s Tier I race-related criteria, as the 2026 Plan’s map drawer was explicit that he did not consider himself bound by that criteria. *Compare supra* ¶ 135, *with Apportionment I*, 83 So.3d at 648 (rejecting plaintiffs’ Tier II compactness challenge because districts’ shape was “necessary to comply with federal law”). The districts consequently violate the Florida Constitution’s compactness requirement.

D. The 2026 Plan violates the Florida Constitution’s requirement that districts, where feasible, utilize existing political and geographic boundaries.

249. Finally, the 2026 Plan violates the Florida Constitution’s requirement that “districts shall, where feasible, utilize existing political and geographical boundaries.” Fla. Const. art. III, § 20(b). The Florida Supreme Court has explained that it considers “adherence to county and city

boundaries as political boundaries, and rivers, railways, interstates and state roads as geographical boundaries[.]” *Apportionment I*, 83 So.3d at 638.

250. In past redistricting cycles, the Court has invalidated multiple districts for failure to comply with this provision. *See, e.g., Apportionment I*, 83 So.3d at 662–79; *Apportionment IV*, 172 So.3d at 402. In doing so, the Court has considered the extent to which a district follows the types of boundaries described above and whether the district “splits counties, municipalities, and geographical features.” *Apportionment I*, 83 So.3d at 656, 673.

251. The 2026 Plan’s CDs 9, 10, 12, 14, 15, 16, 20, 22, 23, 24, and 25 violate the constitutional requirement that districts utilize existing political and geographical boundaries where feasible.

252. In the Tampa Bay region, CDs 12, 14, and 15 trisect the city of Tampa, strategically carving up the core of the city and combining the fragments with faraway areas. In addition, a substantial portion of each of those districts’ boundaries does not correspond to existing political or geographic boundaries.

253. In Central Florida, the 2026 Plan excessively and strategically splits the city of Orlando as well as Orange, Osceola, and Polk Counties. Approximately one-third of CD 10’s boundaries do not correspond to existing political or geographic boundaries.

254. And finally, in South Florida, CDs 20, 22, 23, 24, and 25 excessively split numerous cities, including Coconut Creek, Coral Springs, Dania Beach, Davie, Deerfield Beach, Delray Beach, Fort Lauderdale, Hallandale Beach, Hollywood, Miramar, North Miami, North Miami Beach, Pembroke Pines, Plantation, Pompano Beach, Riviera Beach, Royal Palm Beach, Sunrise, and West Palm Beach. The districts also split Broward County into five districts, Miami-Dade County into five districts, and Palm Beach County into four districts. A substantial portion of each

district's boundaries does not correspond to existing political or geographic boundaries, with nearly one-third of CD 20's boundaries failing to correspond to existing political or geographic boundaries.

255. These districts' failures to utilize existing political and geographic boundaries cannot be explained by the need to comply with Tier I criteria or even with the Tier II compactness criteria, because the map drawer avowedly did not consider himself bound by those constitutional requirements.

256. Likewise, the 2026 Plan's general failure to adhere to political and geographic boundaries cannot be explained as the result of an effort to comply with other portions of the Fair Districts Amendment. The Legislature had no legal obligation to redistrict mid-decade, and in doing so chose to enact a plan with two more county splits and 14 more city splits than the 2022 Plan, and that adheres less closely to existing political and geographic boundaries than the 2022 Plan.

CLAIMS FOR RELIEF

COUNT I

Violation of Article III, Section 20 of the Florida Constitution Intent to Favor or Disfavor a Political Party (Tier I Violation)

257. Plaintiffs reallege and reincorporate by reference paragraphs 1 through 256 of this Complaint as though fully set forth herein.

258. The 2026 Plan and individual districts in the plan, including but not limited to CDs 9, 10, 12, 13, 14, 15, 16, 20, 22, 23, 24, and 25 were drawn with the intent to favor the Republican Party and to disfavor the Democratic Party in violation of Article III, Section 20 of the Florida Constitution.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment:

a. Declaring that the 2026 Plan and/or individual districts in the 2026 Plan violate Article III, Section 20 of the Florida Constitution;

b. Enjoining Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing enforcing, or giving any effect to the 2026 Plan, including enjoining Defendants from conducting any elections for the U.S. House of Representatives under the 2026 Plan;

c. Reinstating the 2022 Plan or otherwise ordering or adopting a new congressional districting plan that complies with Article III, Section 20 of the Florida Constitution;

d. Issuing an order requiring Defendants to pay Plaintiffs' costs and expenses incurred in the prosecution of this action, as authorized by Fla. Stat. § 86.081; and

e. Granting such other and further relief as the Court deems just and proper.

COUNT II

Violation of Article III, Section 20 of the Florida Constitution Intent to Favor or Disfavor an Incumbent (Tier I Violation)

259. Plaintiffs reallege and reincorporate by reference paragraphs 1 through 256 of this Complaint as though fully set forth herein.

260. The 2026 Plan and individual districts in the plan, including but not limited to CD 22, were drawn with the intent to disfavor incumbents from the Democratic Party in violation of Article III, Section 20 of the Florida Constitution.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment:

a. Declaring that the 2026 Plan and/or individual districts in the 2026 Plan violate Article III, Section 20 of the Florida Constitution;

b. Enjoining Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing

enforcing, or giving any effect to the 2026 Plan, including enjoining Defendants from conducting any elections for the U.S. House of Representatives under the 2026 Plan;

c. Reinstating the 2022 Plan or otherwise ordering or adopting a new congressional districting plan that complies with Article III, Section 20 of the Florida Constitution;

d. Issuing an order requiring Defendants to pay Plaintiffs' costs and expenses incurred in the prosecution of this action, as authorized by Fla. Stat. § 86.081; and

e. Granting such other and further relief as the Court deems just and proper.

COUNT III

Violation of Article III, Section 20 of the Florida Constitution Non-Compactness (Tier II Violation)

261. Plaintiffs reallege and reincorporate by reference paragraphs 1 through 256 of this Complaint as though fully set forth herein.

262. The 2026 Plan and individual districts in the plan, including but not limited to CDs 9, 15, 16, 22, and 25, are not compact in violation of Article III, Section 20 of the Florida Constitution. These violations were not in service of any Tier I criteria; on the contrary, these violations were made in service of the Tier I violations set forth in the previous claims.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment:

a. Declaring that the 2026 Plan and/or individual districts in the 2026 Plan violate Article III, Section 20 of the Florida Constitution;

b. Enjoining Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing enforcing, or giving any effect to the 2026 Plan, including enjoining Defendants from conducting any elections for the U.S. House of Representatives under the 2026 Plan;

c. Reinstating the 2022 Plan or otherwise ordering or adopting a new congressional districting plan that complies with Article III, Section 20 of the Florida Constitution;

d. Issuing an order requiring Defendants to pay Plaintiffs' costs and expenses incurred in the prosecution of this action, as authorized by Fla. Stat. § 86.081; and

e. Granting such other and further relief as the Court deems just and proper.

COUNT IV

Violation of Article III, Section 20 of the Florida Constitution Political and Geographic Boundary Splits (Tier II Violation)

263. Plaintiffs reallege and reincorporate by reference paragraphs 1 through 256 of this Complaint as though fully set forth herein.

264. The 2026 Plan and individual districts in the plan, including but not limited to CDs 9, 10, 12, 14, 15, 16, 20, 22, 23, 24, and 25 do not use political and geographic boundaries where feasible in violation of Article III, Section 20 of the Florida Constitution. These violations were not in service of any Tier I criteria; on the contrary, these violations were made in service of the Tier I violations set forth in the previous claims.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment:

a. Declaring that the 2026 Plan and/or individual districts in the 2026 Plan violate Article III, Section 20 of the Florida Constitution;

b. Enjoining Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing enforcing, or giving any effect to the 2026 Plan, including enjoining Defendants from conducting any elections for the U.S. House of Representatives under the 2026 Plan;

- c. Reinstating the 2022 Plan or otherwise ordering or adopting a new congressional districting plan that complies with Article III, Section 20 of the Florida Constitution;
- d. Issuing an order requiring Defendants to pay Plaintiffs' costs and expenses incurred in the prosecution of this action, as authorized by Fla. Stat. § 86.081; and
- e. Granting such other and further relief as the Court deems just and proper.

Dated: May 4, 2026

Respectfully submitted,

Abha Khanna*

ELIAS LAW GROUP LLP

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

Telephone: (206) 656-0177

Facsimile: (206) 656-0180

akhanna@elias.law

Christina Ford

Florida Bar No. 1011634

Harleen K. Gambhir*

Julie Zuckerbrod*

ELIAS LAW GROUP LLP

250 Massachusetts Ave NW, Suite 400

Washington, D.C. 20001

Phone: (202) 968-4490

Facsimile: (202) 968-4498

cford@elias.law

hgambhir@elias.law

jzuckerbrod@elias.law

Counsel for Plaintiffs

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Quinn B. Ritter

Florida Bar No. 1018135

**KING, BLACKWELL, ZEHNDER &
WERMUTH, P.A.**

25 E. Pine Street

Orlando, Florida 32801

Telephone: (407) 422-2472

Facsimile: (407) 648-0161

fwermuth@kbzwlaw.com

qritter@kbzwlaw.com

** Pro hac vice application forthcoming*

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

EQUAL GROUND EDUCATION FUND,
INC., MARCOS VILAR, BRANDON
NELSON, LISA BARIKA, KISHA
LINEBAUGH, ROCHELLE REBACK,
ELIZABETH WELLS, SUSAN WILSON,
ANDREA DAVNIE HILL, EMMA KURTZ,
LYNNELLE MAYS, STEVEN LICARI,
ANNE BLANFORD, SHARON LASCOLA,
JANET WECHTER, KERRY MARIE,
LINDA ROSENTHAL, DANIELLA
PIERRE, and PHILIP FORTMAN,

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 000914

**NOTICE OF COMPLIANCE WITH
SECTION 86.091, FLORIDA STATUTES**

The undersigned hereby gives notice of compliance with Fla. R. Civ. P. 1.071, with respect to the constitutional challenge brought pursuant to Fla. Const. art. III, § 20 and Fla. Stat. § 86.011. The undersigned complied by serving the Attorney General for the State of Florida with a copy of the pleading challenging Fla. Stat. § 8.0002 (2026) via email to oag.civil.eserve@myfloridalegal.com, as directed by the Office of the Attorney General, see *Constitutional Challenge Notice*, Office of the Attorney General, <https://www.myfloridalegal.com/civil-litigation-division/constitutional-challenge-notice>, on May 5, 2026.

Dated: May 5, 2026

Abha Khanna*

ELIAS LAW GROUP LLP

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

Telephone: (206) 656-0177

Facsimile: (206) 656-0180

akhanna@elias.law

Christina Ford

Florida Bar No. 1011634

Harleen K. Gambhir*

Julie Zuckerbrod*

ELIAS LAW GROUP LLP

250 Massachusetts Ave NW, Suite 400

Washington, D.C. 20001

Phone: (202) 968-4490

Facsimile: (202) 968-4498

cford@elias.law

hgambhir@elias.law

jzuckerbrod@elias.law

Counsel for Plaintiffs

** Pro hac vice application forthcoming*

Respectfully submitted,

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Quinn B. Ritter

Florida Bar No. 1018135

**KING, BLACKWELL, ZEHNDER &
WERMUTH, P.A.**

25 E. Pine Street

Orlando, Florida 32801

Telephone: (407) 422-2472

Facsimile: (407) 648-0161

fwermuth@kbzwlaw.com

qritter@kbzwlaw.com

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

EQUAL GROUND EDUCATION FUND, INC.,
MARCOS VILAR, BRANDON NELSON, LISA
BARIKA, KISHA LINEBAUGH, ROCHELLE
REBACK, ELIZABETH WELLS, SUSAN
WILSON, ANDREA DAVNIE HILL, EMMA
KURTZ, LYNNELLE MAYS, STEVEN LICARI,
ANNE BLANFORD, SHARON LASCOLA,
JANET WECHTER, KERRY MARIE, LINDA
ROSENTHAL, DANIELLA PIERRE, AND
PHILIP FORTMAN,

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 000914

WAIVER OF SERVICE OF PROCESS

TO: Frederick S. Wermuth, Esq.
KING, BLACKWELL, ZEHNDER & WERMUTH, P.A.
25 E. Pine Street
Orlando, Florida 32801
fwermuth@kbzwlaw.com

I acknowledge receipt of your request that I waive service of process in the lawsuit of *Equal Ground Education Fund, Inc., et al. v. Cord Byrd, et al.* in the Second Judicial Court in and for Leon County, Florida. I have also received a copy of the complaint, 2 copies of this waiver, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of process and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Florida Rule of Civil Procedure 1.070.

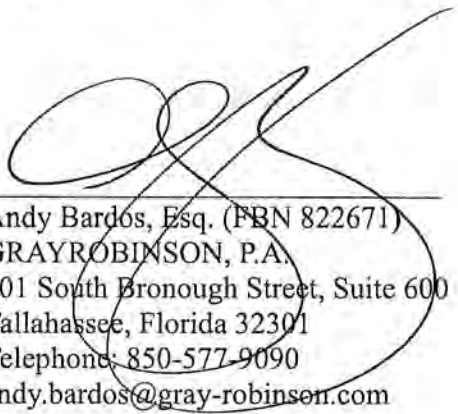
If I am not the defendant to whom the notice of lawsuit and waiver of service of process was sent, I declare that my relationship to the entity or person to whom the notice was sent and my authority to accept service on behalf of such person or entity is as follows:

**Andy Bardos, Esq. as Counsel for
Defendant, Florida House of Representatives**

The entity on whose behalf I am acting will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for any objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against the party on whose behalf I am acting if a written response is not served on you within 60 days from the date I received the notice of lawsuit and request for waiver of service of process.

DATED May 4, 2026



Andy Bardos, Esq. (FBN 822671)
GRAYROBINSON, P.A.
301 South Bronough Street, Suite 600
Tallahassee, Florida 32301
Telephone: 850-577-9090
andy.bardos@gray-robinson.com

Counsel for Florida House of Representatives

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

EQUAL GROUND EDUCATION FUND, INC.,
MARCOS VILAR, BRANDON NELSON, LISA
BARIKA, KISHA LINEBAUGH, ROCHELLE
REBACK, ELIZABETH WELLS, SUSAN
WILSON, ANDREA DAVNIE HILL, EMMA
KURTZ, LYNNELLE MAYS, STEVEN LICARI,
ANNE BLANFORD, SHARON LASCOLA,
JANET WECHTER, KERRY MARIE, LINDA
ROSENTHAL, DANIELLA PIERRE, AND
PHILIP FORTMAN,

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 000914

WAIVER OF SERVICE OF PROCESS

TO: Frederick S. Wermuth, Esq.
KING, BLACKWELL, ZEHNDER & WERMUTH, P.A.
25 E. Pine Street
Orlando, Florida 32801
fweruth@kbzwlaw.com

I acknowledge receipt of your request that I waive service of process in the lawsuit of *Equal Ground Education Fund, Inc., et al. v. Cord Byrd, et al.* in the Second Judicial Court in and for Leon County, Florida. I have also received a copy of the complaint, 2 copies of this waiver, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of process and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Florida Rule of Civil Procedure 1.070.

If I am not the defendant to whom the notice of lawsuit and waiver of service of process was sent, I declare that my relationship to the entity or person to whom the notice was sent and my authority to accept service on behalf of such person or entity is as follows:

**Mohammad O. Jazil, Esquire, as counsel for Defendant CORD BYRD,
in his official capacity as Florida Secretary of State**

The entity on whose behalf I am acting will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for any objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against the party on whose behalf I am acting if a written response is not served on you within 60 days from the date I received the notice of lawsuit and request for waiver of service of process.

DATED May 5, 2026

/s/ Mohammad O. Jazil
Mohammad O. Jazil (FBN 72556)
HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK PLLC
119 South Monroe Street, Suite 500
Tallahassee, Florida 32301
(850) 270-5938
mjazil@holtzmanvogel.com

Counsel for CORD BYRD, in his official
capacity as Florida Secretary of State

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

EQUAL GROUND EDUCATION FUND, INC.,
MARCOS VILAR, BRANDON NELSON, LISA
BARIKA, KISHA LINEBAUGH, ROCHELLE
REBACK, ELIZABETH WELLS, SUSAN
WILSON, ANDREA DAVNIE HILL, EMMA
KURTZ, LYNNELLE MAYS, STEVEN LICARI,
ANNE BLANFORD, SHARON LASCOLA,
JANET WECHTER, KERRY MARIE, LINDA
ROSENTHAL, DANIELLA PIERRE, AND
PHILIP FORTMAN,

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 000914

WAIVER OF SERVICE OF PROCESS

TO: Frederick S. Wermuth, Esq.
KING, BLACKWELL, ZEHNDER & WERMUTH, P.A.
25 E. Pine Street
Orlando, Florida 32801
fweremuth@kbzwlaw.com

I acknowledge receipt of your request that I waive service of process in the lawsuit of *Equal Ground Education Fund, Inc., et al. v. Cord Byrd, et al.* in the Second Judicial Court in and for Leon County, Florida. I have also received a copy of the complaint, 2 copies of this waiver, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of process and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Florida Rule of Civil Procedure 1.070.

If I am not the defendant to whom the notice of lawsuit and waiver of service of process was sent, I declare that my relationship to the entity or person to whom the notice was sent and my authority to accept service on behalf of such person or entity is as follows:

**Daniel E. Nordby, Esq. as Counsel for
Defendant, Florida Senate**

The entity on whose behalf I am acting will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for any objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against the party on whose behalf I am acting if a written response is not served on you within 60 days from the date I received the notice of lawsuit and request for waiver of service of process.

DATED May 4, 2026

/s/ Daniel Nordby
Daniel E. Nordby, Esq. (FBN 14588)
Shutts & Bowen LLP
215 S Monroe St, Ste 804
Tallahassee, FL 32301-1858
Office (850) 241-1717
dnordby@shutts.com

Counsel for Florida Senate

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, the FLORIDA
SENATE, and the FLORIDA HOUSE OF
REPRESENTATIVES,

Defendants.

Case No. 2026 CA 000914

PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

Pursuant to Florida Rule of Civil Procedure 1.610, Plaintiffs Equal Ground Education Fund, Inc., and Florida voters Marcos Vilar, Brandon Nelson, Lisa Barika, Kisha Linebaugh, Rochelle Reback, Elizabeth Wells, Susan Wilson, Andrea Davnie Hill, Emma Kurtz, Lynnelle Mays, Steven Licari, Anne Blanford, Sharon Lascola, Janet Wechter, Kerry Marie, Linda Rosenthal, Daniella Pierre, and Philip Fortman, for the reasons set forth herein and in the memorandum of law filed concurrently with this motion, along with its associated verifications and affidavits, respectfully move for an order temporarily enjoining Defendants from enforcing the boundaries of the congressional districts as drawn in the congressional plan signed into law by Governor Ron DeSantis on May 4, 2026 (the "2026 Plan").

A temporary injunction is warranted here because Plaintiffs are likely to succeed on the merits of their claim that the 2026 Plan violates the Florida Constitution's requirements that (1) "[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor

a political party,” Fla. Const. art. III, § 20(a), and (2) “districts shall be compact” and shall “where feasible, utilize existing political and geographical boundaries,” *Id.* § 20(b).

There is no serious dispute that the 2026 Plan was drawn with the intent to favor the Republican Party and disfavor the Democratic Party. Plaintiffs’ motion provides the Court with both direct and circumstantial evidence of partisan intent, *see In re Senate Joint Resol. of Legis. Apportionment 1176 (Apportionment I)*, 83 So. 3d 597, 607 (Fla. 2021), including testimony from the map maker that he did not consider himself bound by the Fair Districts Amendment in drawing the 2026 Plan and consequently used partisan data to draw it. *See* Memo. Supp. Temp. Inj. Background § IV; Argument § I.A.1. Plaintiffs’ expert analysis only confirms the extent to which Democratic voters were packed into a small number of districts and cracked across others, while disregarding political and geographic boundaries, in a textbook effort to dilute their votes. *See* Memo. Supp. Temp. Inj. Background § V; Argument I.A.2.

The 2026 Plan also violates the Fair Districts Amendment’s geographic requirements. The 2026 Plan is less compact than the 2022 Plan it replaces and is substantially less compact than what computer-simulated plans demonstrate is achievable in Florida. *See* Mem. Supp. Temp. Inj. Argument § I.B.1. Further, the 2026 Plan needlessly splits counties and cities across the state in ways that cannot be explained by adherence to the Fair Districts Amendment’s other criteria. *See* Mem. Supp. Temp. Inj. Argument § I.B.2.

This Court has authority to preserve the status quo by enjoining the 2026 Plan for upcoming elections and ordering the 2022 congressional plan remain in place pending a final determination on the merits. *See Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 339 So. 3d 1070 (Fla. 1st DCA 2022). Plaintiffs lack an adequate remedy at law because their injuries result from a violation of a fundamental constitutional right—the right to vote. *See, e.g., Gainesville Woman Care, LLC*

v. State, 210 So. 3d 1243, 1263–64 (Fla. 2017) (finding “no adequate legal remedy at law for the improper enforcement of” unconstitutional law), *overruled on other grounds by Planned Parenthood of Sw. & Cent. Fla. v. State*, 384 So. 3d 67 (Fla. 2024). Plaintiffs will suffer irreparable injury to their fundamental voting rights without immediate injunctive relief because Florida “law recognizes that a continuing constitutional violation, in and of itself, constitutes irreparable harm.” *Bd. of Cnty. Comm’rs v. Home Builders Ass’n of W. Fla., Inc.*, 325 So. 3d 981, 985 (Fla. 1st DCA 2021); *see also, e.g., League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) (“Courts routinely deem restrictions on fundamental voting rights irreparable injury.”). And “enjoining the enforcement of a law that encroaches on a fundamental constitutional right presumptively would serve the public interest,” *Green v. Alachua County*, 323 So. 3d 246, 254 (Fla. 1st DCA 2021) (internal quotation omitted)—especially where, as here, the 2026 Plan was not enacted on the basis of a good-faith legal judgment that it complies with the Florida Constitution as written, but on an explicit bet that future courts will change the law.

Plaintiffs therefore request that the Court temporarily enjoin implementation of the 2026 Plan. Plaintiffs further request that the Court expedite its consideration of this motion, including the scheduling of any hearings, to ensure that a lawful congressional plan is in place for the 2026 congressional elections.

Plaintiffs also request that the Court, in determining the posting of bond as required by Florida Rule of Civil Procedure 1.610(b), set no more than a nominal bond, because the relief sought is against the State and to remedy a congressional plan that fails to comply with the Florida Constitution.¹

¹ Plaintiffs have requested that Defendants waive the requirement of a bond, but Defendants have not reached a definitive position on that request as of the time of this filing. *See Dubner v. Ferraro*,

WHEREFORE, Plaintiffs request that the Court temporarily enjoin implementation of the 2026 Plan, require no more than a nominal bond for injunctive relief, and expedite consideration of this matter to ensure that a lawful congressional plan is in place in time for the 2026 primary and general elections.

CERTIFICATE OF GOOD FAITH CONFERRAL

Pursuant to Section 2.3 of the Court’s Policies and Procedures, on May 5, 2026, Plaintiffs’ counsel—Frederick Wermuth—conferred with counsel for the Defendants—Daniel Nordby, Andy Bardos, and Mohammed Jazil—by telephone in a good faith effort to resolve the issues raised in this motion, and counsel have been unable to agree on the resolution of the motion.

Dated: May 6, 2026

Respectfully submitted,

/s/ Frederick S. Wermuth

Frederick S. Wermuth
Florida Bar No. 0184111
Quinn B. Ritter
Florida Bar No. 1018135
**KING, BLACKWELL, ZEHNDER &
WERMUTH, P.A.**
P.O. Box 1631
Orlando, Florida 32802
Telephone: (407) 422-2472
Facsimile: (407) 648-0161
fweremuth@kbzwlaw.com
qritter@kbzwlaw.com

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, Washington 98101
Telephone: (206) 656-0177
Facsimile: (206) 656-0180
akhanna@elias.law

Christina Ford
Florida Bar No. 1011634
Harleen K. Gambhir*
Julie Zuckerbrod*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW, Suite 400
Washington, D.C. 20001
Phone: (202) 968-4490
Facsimile: (202) 968-4498
cford@elias.law
hgambhir@elias.law
jzuckerbrod@elias.law

Counsel for Plaintiffs

** Pro hac vice application forthcoming*

242 So. 3d 444, 447–48 (Fla. 4th DCA 2018) (“[A] bond is ordinarily required for a temporary injunction absent evidence of financial inability to maintain a bond, agreement of both sides, or any other recognized ground.”).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 6, 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 and counsel in the Service List below, including counsel for the Florida Senate and Florida House of Representatives by consent.

/s/ Frederick S. Wermuth

Frederick S. Wermuth
Florida Bar No. 0184111

Counsel for Plaintiffs

SERVICE LIST

Mohammed O. Jazil
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com

Counsel for Florida Secretary of State

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
ndordby@shutts.com

Counsel for Florida Senate

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Counsel for Florida House of Representatives

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, the FLORIDA
SENATE, and the FLORIDA HOUSE OF
REPRESENTATIVES,

Defendants.

Case No. 2026 CA 000914

PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR
TEMPORARY INJUNCTION

TABLE OF CONTENTS

TABLE OF AUTHORITIES	iii
INTRODUCTION	1
BACKGROUND	2
I. The Florida Constitution prohibits partisan intent in redistricting, requires compact districts and respect for existing boundaries, and empowers courts to enforce these constraints.	2
II. The Legislature and Governor created and have vigorously defended the 2022 Plan.	4
III. Florida’s 2026 Plan was designed to be the last puzzle piece in a nationwide mid-decade redistricting blitz for partisan advantage.	7
IV. The Governor and Legislature openly flouted the Florida Constitution in releasing, considering, and enacting the 2026 Plan.	8
V. The 2026 Plan is an extreme and intentional partisan gerrymander.	11
A. The 2026 Plan radically reshapes Florida’s congressional district lines, carving up the State to the benefit of the Republican Party and at the expense of traditional redistricting criteria.	13
1. Tampa Bay	14
2. Orlando Metro.....	18
3. South Florida.....	20
B. The 2026 Plan’s extreme partisan results cannot be explained by a race-neutral plan, by adherence to traditional redistricting criteria, or by Florida’s political geography.	24
C. The 2026 Plan favors the Republican Party at historically extreme levels.	26
VI. The 2026 Plan harms Plaintiffs.....	27
LEGAL STANDARD.....	27
ARGUMENT	28
I. Plaintiffs are substantially likely to succeed on the merits of their claims that the 2026 Plan violates both Tier I and Tier II of the Florida Constitution.	28

A.	The 2026 Plan was drawn with intent to favor the Republican Party and disfavor the Democratic Party (Count I).....	28
1.	Direct Evidence of Partisan Intent	29
2.	Circumstantial Evidence of Partisan Intent.....	30
B.	The 2026 Plan violates the Florida Constitution’s Tier II requirements (Counts III and IV).....	38
1.	The 2026 Plan violates the constitutional compactness mandate.	38
2.	The 2026 Plan violates the constitutional requirement to utilize existing political and geographic boundaries where feasible.	44
C.	The Court has no basis to refuse to enforce the Florida Constitution’s redistricting mandates.	46
II.	Plaintiffs are entitled to a temporary injunction to maintain the status quo: the 2022 Plan.	51
A.	This Court has authority to preserve the status quo by ordering the State to conduct the 2026 elections using the 2022 Plan.	51
B.	Plaintiffs satisfy the other temporary injunction criteria.	52
1.	Plaintiffs have no adequate remedy at law.	52
2.	Plaintiffs and other Florida voters will suffer irreparable harm absent a temporary injunction.	53
3.	Injunctive relief will serve the public interest.....	54
	CONCLUSION.....	55

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Adams v. DeWine</i> , 195 N.E.3d 74 (Ohio 2022)	35
<i>Advisory Op. to Att’y Gen. re Standards for Legis. to Follow in Cong. Redistricting</i> , 2 So. 3d 175 (Fla. 2009).....	2
<i>Bd. of Cnty. Comm’rs v. Home Builders Ass’n of W. Fla., Inc.</i> , 325 So. 3d 981 (Fla. 1st DCA 2021)	53
<i>Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec’y</i> , 415 So. 3d 180 (Fla. 2025).....	7
<i>Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.</i> , 339 So. 3d 1070 (Fla. 1st DCA 2022)	51
<i>Common Cause Fla. v. Byrd</i> , 726 F. Supp. 3d 1322 (N.D. Fla. 2024).....	7
<i>Common Cause v. Lewis</i> , No. 18-CVS-014001, 2019 WL 4569584 (N.C. Super. Sep. 3, 2019)	12
<i>Emerson v. Hillsborough Cnty.</i> , 312 So. 3d 451 (Fla. 2021).....	48
<i>Gainesville Woman Care, LLC v. State</i> , 210 So. 3d 1243 (Fla. 2017).....	52, 53
<i>Green v. Alachua Cnty.</i> , 323 So. 3d 246 (Fla. 1st DCA 2021)	54
<i>Harkenrider v. Hochul</i> , 204 A.D.3d 1366 (N.Y. 2022)	29
<i>In re Senate Joint Resol. of Legis. Apportionment 1176</i> , 83 So. 3d 597, 607 (Fla. 2012).....	passim
<i>Larios v. Cox</i> , 305 F. Supp. 2d 1335 (N.D. Ga. 2004).....	53
<i>League of Women Voters of Fla. v. Browning</i> , 863 F. Supp. 2d 1155 (N.D. Fla. 2012).....	54
<i>League of Women Voters of Fla. v. Detzner</i> , 172 So. 3d 363 (Fla. 2015).....	passim

<i>League of Women Voters of Fla. v. Detzner</i> , 314 F. Supp. 3d 1205 (N.D. Fla. 2018).....	52, 53
<i>League of Women Voters of N.C. v. North Carolina</i> , 769 F.3d 224 (4th Cir. 2014)	53
<i>League of Women Voters of Ohio v. Ohio Redistricting Comm’n</i> , 192 N.E.3d 379 (Ohio 2022)	31
<i>League of Women Voters of Utah v. Utah State Legis.</i> , No. 220901712, 2025 WL 3145894 (Utah Dist. Ct. Nov. 10, 2025).....	12
<i>League of Women Voters v. Commonwealth</i> , 178 A.3d 737 (Pa. 2018).....	12, 35
<i>Louisiana v. Callais</i> , No. 24–109, 2026 WL 1153054 (U.S. Apr. 29, 2026)	46
<i>Madera v. Detzner</i> , 325 F. Supp. 3d 1269 (N.D. Fla. 2018).....	53
<i>Ohio A. Philip Randolph Inst. v. Householder</i> , 373 F. Supp. 3d 978 (S.D. Ohio 2019)	13
<i>Planned Parenthood of Greater Orlando, Inc. v. MMB Props.</i> , 211 So. 3d 918 (Fla. 2017).....	51
<i>Planned Parenthood of Sw. & Cent. Fla. v. State</i> , 384 So. 3d 67 (Fla. 2024).....	28
<i>Ray v. Mortham</i> , 742 So. 2d 1276 (Fla. 1999).....	47
<i>Rucho v. Common Cause</i> , 588 U.S. 684 (2019).....	4

Statutes and Constitutional Provisions

Ariz. Const. art. 4, pt. 2, § 1(14).....	48
Fla. Const. art. III, § 20.....	<i>passim</i>
Mich. Const. art. IV, § 6(13).....	48
Haw. Rev. Stat. § 25-2(b)	48
Idaho Code § 72-1506.....	48

Mont. Code Ann. § 5-1-115(2)	48
Wash. Rev. Code § 44.05.090.....	48

INTRODUCTION

Florida’s 2026 congressional redistricting plan (the “2026 Plan”) was not drawn to serve Florida’s voters or the Florida Constitution. It was drawn to serve the Republican Party. Developed entirely in secret by the Governor’s Office, the map was released exclusively to Fox News—24 districts shaded red and 4 shaded blue—before a single Florida lawmaker had seen it. The map drawer admitted on the public record that the districts were drawn with partisan data and without regard for the constraints imposed by the Fair Districts Amendment. Indeed, the Governor’s Office defended the map by arguing the Amendment does not apply at all.

There is no serious dispute the 2026 Plan was drawn with the intent to favor the Republican Party and disfavor the Democratic Party. As a result, it violates Article III, Section 20(a) of the Florida Constitution. It also violates the Fair Districts Amendment’s mandate that districts be compact and, where feasible, utilize existing political and geographical boundaries. Indeed, the 2026 Plan accomplishes its partisan goals by creating sprawling districts that crisscross cities and counties. These are not the byproducts of a race-neutral map or a good-faith effort to comply with the Fair Districts Amendment. They are the hallmarks of partisan engineering. No expert analysis is required to conclude the 2026 Plan is infected with partisan intent, but by standard measures of partisan bias, the 2026 Plan is one of the most extreme congressional maps enacted by any state in the past 50 years—and substantially more extreme than the Legislature’s own 2012 Plan that the Florida Supreme Court struck down as an unconstitutional partisan gerrymander.

Plaintiffs ask that this Court preserve the status quo: the court-approved map that governed Florida’s last two congressional elections and that Defendants themselves drew and defended as constitutional. The equities overwhelmingly favor this modest relief. The burden the 2026 Plan imposes falls on Florida’s election administrators, who must implement new district lines on a compressed timeline, and on the voters who will find themselves in unfamiliar districts with

unfamiliar candidates on their ballots—not on the Defendants who created this situation. And the public interest could not be clearer: Floridians passed the Fair Districts Amendment to prevent politicians from choosing their voters. The 2026 Plan is precisely what Floridians voted to prohibit.

BACKGROUND

I. The Florida Constitution prohibits partisan intent in redistricting, requires compact districts and respect for existing boundaries, and empowers courts to enforce these constraints.

In 2010, Floridians voted by an overwhelming margin to enact the Fair Districts Amendment to the Florida Constitution. Ex. 53.¹ That Amendment “dramatically alter[ed] the landscape with respect to redistricting by prohibiting practices that have been acceptable in the past, such as crafting a plan or [a] district with the intent to favor a political party or an incumbent.” *In re Senate Joint Resol. of Legis. Apportionment 1176 (Apportionment I)*, 83 So. 3d 597, 607 (Fla. 2012). The “overall goal” of the Amendment is to require redistricting “in a manner that prohibits favoritism or discrimination, while respecting geographic considerations.” *Advisory Op. to Att’y Gen. re Standards for Legis. to Follow in Cong. Redistricting*, 2 So. 3d 175, 181 (Fla. 2009).

The Fair Districts Amendment standards are enumerated within two “tiers” in Article III, Section 20 of the Florida Constitution. The “Tier I” standards provide that (1) no congressional plan “shall be drawn with the intent to favor or disfavor a political party or an incumbent;” (2) “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 (3) “districts shall consist of contiguous territory.” Fla. Const. art. III, § 20(a). The “Tier II” standards provide that (1) “districts shall be as

¹ All exhibits are described in the Affidavit of Christina Ford, attached as Ex. 1 to Plaintiffs’ motion.

nearly equal in population as is practicable;” (2) “districts shall be compact;” and (3) “districts shall, where feasible, utilize existing political and geographical boundaries.” *Id.* § 20(b).

The Florida Constitution prohibits plans created with *any* partisan intent. Under Article III, Section 20, “there is no acceptable level of improper [partisan] intent.” *Apportionment I*, 83 So. 3d at 617. The constitutional compactness mandate further “serves to limit partisan redistricting” by “ensur[ing] that districts are logically drawn and that bizarrely shaped districts are avoided.” *Id.* at 632, 636. The additional Tier II requirement that “districts shall, where feasible, utilize existing political and geographical boundaries,” Fla. Const. art. III, § 20(b), is similarly “aimed at preventing improper intent.” *Apportionment I*, 83 So. 3d at 638.

The Fair Districts Amendment did not emerge overnight. Redistricting reform in Florida had been attempted at least eight times over four decades—through legislative proposals, constitutional revision commissions, and citizen initiatives—before advocates finally succeeded in 2010. *See* Ex. 47. The Fair Districts Florida campaign spent four years building a bipartisan coalition, collecting nearly 1.75 million signatures, and ultimately securing approval from 63% of Florida voters. *Id.* Throughout, the campaign’s public messaging centered overwhelmingly on ending partisan gerrymandering—the practice that had defined Florida redistricting for decades. In the weeks before the November 2010 election, major newspapers across the state described the Fair Districts Amendment almost exclusively in terms of its partisan and geographic provisions. *See* Exs. 48–52. The prohibition on partisan gerrymandering, in conjunction with the compactness and boundary requirements, were what voters overwhelmingly chose to enshrine in their state constitution. *See id.*; *see also infra* Argument I.C.

Florida courts have since enforced those provisions repeatedly, and the U.S. Supreme Court has held up Florida’s standards as a model for the nation. In *Apportionment VII*, the Florida

Supreme Court found that the Legislature had made a “mockery” of the Fair Districts Amendment in passing Florida’s 2012 Plan, holding that the entire map was “tainted by unconstitutional intent to favor the Republican Party.” *League of Women Voters of Fla. v. Detzner (Apportionment VII)*, 172 So. 3d 363, 369, 377 (Fla. 2015). The Court acknowledged that this would not be the last time Florida courts would likely need to confront a partisan gerrymander, pressing future courts to continue to give “meaning to the intent of the framers and voters who passed the Fair Districts Amendment.” *Id.* And when the U.S. Supreme Court held in *Rucho v. Common Cause* that federal courts could not adjudicate partisan gerrymandering claims under the federal constitution, it made clear that “[p]rovisions in state statutes and state constitutions can provide standards and guidance for state courts to apply”—and cited Florida’s enforcement of the Fair Districts Amendment as proof, noting that “[t]here is no ‘Fair Districts Amendment’ to the Federal Constitution.” 588 U.S. 684, 719 (2019) (citing *Apportionment VII*, 172 So. 3d at 363).

II. The Legislature and Governor created and have vigorously defended the 2022 Plan.

In advancing the 2026 Plan, the Legislature and the Governor seek to replace a congressional map that they themselves adopted and vigorously defended over the past four years. The Governor proposed the 2022 Plan for consideration in April 2022 after he vetoed maps prepared by the Legislature, with the professed “goal” “hav[ing] a constitutional map.” Ex. 42.

At the time, the 2022 Plan’s primary map drawer—the Governor’s then-Deputy Chief of Staff, Alex Kelly—touted the 2022 Plan’s compliance with the Fair Districts Amendment. *See* Ex. 22 at 14. Before the Legislature, Kelly was adamant that he “did not consider or even look at political data, including party registration[] and voter data.” *Id.* at 11. He said the 2022 Plan made “several overall improvements with respect to tier two metrics,” “improve[d] overall visual

compactness,” and “ha[d] a net effect of reducing . . . county split[s] and significantly increase[d] usage of Tier [II] political and geographic boundary lines.” *Id.* at 14.

Neither the Governor’s Office nor the Legislature ever suggested during the 2022 redistricting cycle that race had predominated in drawing any of the districts in that plan. Quite to the contrary: the 2022 Plan *eliminated* the only district (prior CD 5) that Governor DeSantis contended was driven by race. *Id.* at 13. Kelly testified before the Legislature that the Governor’s Office did not even *consider* race in drawing *any* districts in the 2022 Plan, insisting, “we drew districts in a race neutral way.” Ex. 21 at 34.

For Tampa Bay districts, Kelly was explicit: “Race and political partisan data in no way related at all to my drawing[] of Districts 13, 14, 15, 16.” Ex. 21 at 36; *see also* Ex. 23 at 10 (confirming State did not consider CD 14 a protected minority district). The same was true in Central Florida, where Kelly asserted the districts “are drawn on race-neutral principles” and that the changes “result in Tier 2 improvements.” Ex. 22 at 15. Indeed, the State declined to consider CD 9 or CD 10 minority-protected districts in the 2022 Plan. *Id.* at 14–15; Ex. 23 at 11. As the House Redistricting Chair explained at the time, CD 9 was a “compact Tier 2 compliant district [that] *happens to be* a new majority-minority Hispanic district reflective of the Hispanic growth in this region.” Ex. 19 at 8–9. House Redistricting staff confirmed that CD 9’s majority Hispanic status was a result of the “natural population” in this area, *not* the result of an attempt to specifically keep the Hispanic population together to draw a majority Hispanic district. Ex. 18 at 21.

Several South Florida districts—including CDs 22, 23, and 25, none of which were protected minority districts, *see* Ex. 23 at 11—were also drawn without any racial considerations. Jason Poreda, who helped draw some of the South Florida districts in the 2022 Plan, testified before a federal court that such districts “were drawn race-neutrally.” Ex. 28 at 121. And even as

to South Florida districts that *were* minority protected—including CDs 24 and 26—Poreda testified those districts were drawn using “race-neutral factors.” *Id.* at 120–21; *see also* Ex. 20 at 40–41 (House Redistricting Chair emphasizing the Tier II compliance of CD 24).

The Governor’s concern about racial gerrymandering in the 2022 redistricting process was confined to then-CD 5, a Black-performing district that spanned from Jacksonville to Tallahassee. Governor DeSantis vetoed maps containing such a district, and his Office drew the 2022 Plan that they contended contained only “race neutral” districts. Ex. 22 at 13–14. The racial gerrymandering problem the Governor identified in 2022—the East-West CD 5—was addressed and resolved through the enactment of his proposed map.

At no point in the 2022 redistricting cycle did anyone from the Legislature or the Governor’s Office suggest that CD 20 had been drawn with race as the predominant factor. In fact, House Redistricting Chair Sirios emphasized the work the Legislature did to increase the Tier II compliance of CD 20, explaining, “[t]his decade we were able to create this district in such a way that respects more major roadways in the area such as US 441, I-95, and the Florida Turnpike, and keeps more cities whole . . .” Ex. 20 at 38.

Although the Governor now professes concern over the compactness of the 2022 Plan’s CD 20, *see* Ex. 9 at 2–4, that district outperforms the East-West configuration of CD 5 on every compactness measure by a substantial margin. *Compare* Ex. 24 at 43, *with* Ex. 10 at 16. Indeed, this alleged concern rings especially hollow given the sprawling districts the 2026 Plan created, as well as that new CDs 15 and 25 are less compact on *every compactness measure* than CD 20 in the 2022 Plan. *Compare* Ex. 23 at 10, *with* Ex. 9 at 10.

The 2022 Plan was tested in both state and federal court—and survived both challenges. The Florida Supreme Court upheld the 2022 Plan just last year, bringing the state court challenge

to a close. *See Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec’y*, 415 So. 3d 180, 200 (Fla. 2025). In federal court, plaintiffs alleged the 2022 Plan was drawn with discriminatory intent, but those claims, too, were rejected. *See Common Cause Fla. v. Byrd*, 726 F. Supp. 3d 1322 (N.D. Fla. 2024). Based on these rulings, Defendants have no basis to now claim that the 2022 Plan—the map the Governor’s Office drew, that the Legislature passed, that Defendants here defended in years of litigation, and that has governed Florida’s congressional elections through two consecutive election cycles—presents any constitutional infirmity.

III. Florida’s 2026 Plan was designed to be the last puzzle piece in a nationwide mid-decade redistricting blitz for partisan advantage.

The 2026 Plan represents the culmination of a yearlong push for mid-decade partisan redistricting. In June 2025, President Trump successfully pressured Texas Republicans to redraw congressional districts to more heavily favor Republicans in advance of the 2026 midterms. *See* Ex. 29. The North Carolina and Missouri legislatures followed Texas’s lead, and voters in California and Virginia responded by amending their state constitutions to allow for mid-decade partisan redraws of their congressional maps. *See* Exs. 31, 45. In contrast, Florida made no efforts to amend its constitution when it sought to conduct a mid-decade redistricting for partisan gain.

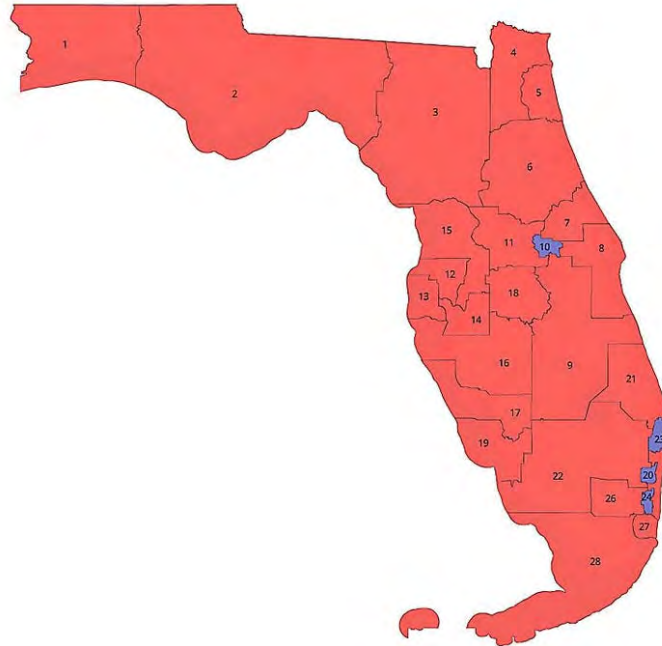
Governor DeSantis announced his desire to redistrict shortly after President Trump called for mid-decade redistricting, Exs. 29, 33, 38 and later called for a special session to conduct mid-decade redistricting, Ex. 6. In the interim, Florida’s Republican lawmakers and leaders made no effort to pretend that Florida’s redistricting is about anything other than pure partisan advantage. *See* Exs. 32–39. In December 2025, Florida State Senator and RNC Chair Joe Gruters reposted a prediction that Florida would add five Republican congressional seats during mid-decade redistricting. Ex. 32. Multiple members of Florida’s congressional delegation publicly mused about how many Republican seats Florida could add without jeopardizing their own seats. Exs.

33–34. U.S. Representative Byron Donalds, the Florida Republican Party’s leading gubernatorial candidate, argued at a campaign event that because of “California and Virginia responding to Texas . . . Florida needs to respond.” Ex. 35. And after Virginia voters approved a new congressional map shortly before Florida’s special session, “Team DeSantis”—the “Official TEAM account of @RonDeSantis”—reposted a tweet remarking that “Florida can add up to +5 REPUBLICAN seats to more than cancel out Virginia’s 10-D-1R gerrymandering map that passed.” Ex. 37. The post was quickly taken down but captured by reporters. *See id.*

This public celebration of partisan aims was matched with an unprecedentedly secretive map development process. No public hearings were held, no draft maps were released for public review, and no venue was made available for the public to submit proposed plans or comments before the special session. *See* Ex. 16. This process stood in stark contrast to the 2021–2022 cycle, for example, in which the Legislature held over twenty committee and subcommittee meetings and operated a website to facilitate public review and submission of plans. *See* Exs. 26–27.

IV. The Governor and Legislature openly flouted the Florida Constitution in releasing, considering, and enacting the 2026 Plan.

The Governor and Legislature made a mockery of the Fair Districts Amendment at every stage of the 2026 Plan’s process. On April 27, the day before the special session was set to convene, the Governor’s Office released the map for the first time. The Governor’s Office provided the map to Fox News—before it was provided to the Legislature—and made no effort to conceal the plan’s partisan purpose, releasing the map color-coded in red and blue, with 24 districts shaded red and 4 shaded blue, as shown below. Ex. 43.



In a statement to Fox News, Governor DeSantis explained that the map was drawn to reflect the increase of the Republican population of the state. Ex. 41 (“[W]e have moved from a Democrat majority to a 1.5 million Republican advantage.”). The map was accompanied by a memorandum from the Governor’s General Counsel confirming the 2026 Plan was drawn in deliberate disregard of the Fair Districts Amendment. *See* Ex. 9 at 2–4. In particular, the memo argued that the Fair Districts Amendment’s race provisions are unconstitutional, and that the entire Fair Districts Amendment must fall with them, including the Amendment’s prohibition on partisan gerrymandering and Tier II requirements to draw compact districts and to use political and geographic boundaries where feasible. *See id.* at 4.

One day later, the Legislature heard from Jason Poreda, a member of the Governor’s staff who claimed to have drawn the map himself but would not share any other information about who he consulted with—other than confirming he consulted with the Governor’s Office—in developing the map, claiming such an inquiry was protected by legal privileges. *See* Ex. 11 at 59–60; Ex. 12 at 50–51. The House Redistricting Committee voted against placing Poreda under oath before receiving questions from Committee members. *See* Ex. 11 at 43–45.

Poreda’s testimony removed any doubt that the 2026 Plan was drawn with partisan intent. Poreda explained that he drew the map “not having to comply with the Fair Districts Amendment” and so used “the entire suite of redistricting criteria that are available to other states . . . including partisan data.” Ex. 12 at 23. Yet just months earlier, DeSantis himself had acknowledged such use would be unlawful: When asked by reporters whether the plan would favor the Republican Party, he responded: “[Mapmakers are] not allowed to use the partisan data.” Ex. 44.

The Governor’s attorney, Mo Jazil, confirmed that the map’s legal justification depended on a court agreeing that the Fair Districts Amendment’s partisan gerrymandering prohibition is null and void. *See* Ex. 12 at 48. Jazil cited two reasons for redistricting: to account for “population growth” since 2020 and “to ensure the state has a race-neutral congressional plan.” *Id.* at 4.

The floor debate the next day confirmed the 2026 Plan’s partisan intent and disregard for the Fair Districts Amendment more generally. The bill’s House sponsor, for example, acknowledged that the map drawer considered partisan data and was unable to provide any substantive justification for the 2026 Plan’s departure from traditional redistricting principles—namely, its reduction in compactness and increase in county and city splits as compared to the 2022 Plan. Ex. 13 at 13–14, 17–19. When the bill’s Senate sponsor, Senator Gaetz, was asked whether passing a map drawn using partisan data violated the oath Senators took to uphold the Florida Constitution, Senator Gaetz responded that it would only be illegal if it were proven in court that partisan intent was the “controlling factor” for line drawing decisions—an interpretation that neither the Fair Districts Amendment’s plain text nor Florida Supreme Court precedent supports. *See* Ex. 14 at 21; *infra* Argument I.A. Senator Gaetz conceded, however, that the map remained subject to the constitutional ban on partisan gerrymandering. *See* Ex. 14 at 85–86 (“If it

turns out that [the race provisions are unconstitutional], I still believe everything else in the Fair Districts Amendment ought to stand and should stand and does stand.”).

When asked whether the Legislature had ceded its redistricting authority to the Governor’s Office, Senator Gaetz emphasized the Legislature’s authority to accept, reject, or amend the proposal. *Id.* at 43. Although several Republican Senators (including Senators Bradley, Calatayud, Garcia, and Grall) voted against the 2026 Plan, the Legislature ultimately enacted it. *Id.* at 87.

V. The 2026 Plan is an extreme and intentional partisan gerrymander.

The 2026 Plan is an extreme partisan gerrymander in favor of the Republican Party. The 2026 Plan decimates four Democratic districts, leaving only half the number of Democratic seats as in the 2022 Plan. That is no accident: The 2026 Plan accomplishes that result by carving up Florida’s Democratic-leaning cites, drawing sprawling and non-compact districts, and ruthlessly packing and cracking Democrats across the state. Although partisan intent is obvious on the record based on Poreda’s admission to using partisan data, Plaintiffs’ evidence is also supported by the expert analyses of Dr. Jonathan Rodden, Dr. Jowei Chen, and Dr. Chris Warshaw, all of whom are recognized experts in redistricting.

Dr. Rodden is a tenured professor of political science at Stanford University and the founder and director of the Stanford Social Science Lab, a center for research and teaching with a focus on the analysis of geospatial data in the social sciences. *See* Ex. 2, Dr. Rodden Expert Report at 2 (hereinafter “Rodden Rep.”). Dr. Rodden has published extensively on political geography and representation, and his testimony has been credited by dozens of courts, including in multiple partisan gerrymandering cases. *Id.* at 2–3. Dr. Rodden served as an expert for the plaintiffs in the litigation successfully striking down Florida’s 2012 Plan as a partisan gerrymander. *Id.* at 49–50. For this case, Dr. Rodden examined how the 2026 Plan impacts district partisanship and

performance on traditional redistricting principles, with a focus on Tampa Bay, Orlando, and Southeast Florida.

Dr. Chen is an associate professor of political science at the University of Michigan, Ann Arbor. *See* Ex. 3, Dr. Chen Expert Report at 3 (hereinafter “Chen Rep.”). Dr. Chen is one of the “foremost political science scholars on the question of political geography” and “helped pioneer the methodology of using computer simulations to evaluate the partisan bias of a redistricting plan.” *Common Cause v. Lewis*, No. 18-CVS-014001, 2019 WL 4569584, at *17 (N.C. Super. Sep. 3, 2019); *see also League of Women Voters of Utah v. Utah State Legis.*, No. 220901712, 2025 WL 3145894, at *3 (Utah Dist. Ct. Nov. 10, 2025) (recognizing Dr. Chen as “one of the preeminent scholars in the field of using computer simulations in redistricting,” finding his testimony “credible, careful, and lucid,” and giving his testimony “great weight”). Like Dr. Rodden, Dr. Chen served as an expert for the plaintiffs in the litigation successfully striking down Florida’s 2012 Plan as a partisan gerrymander. *See* Chen Rep. ¶ 10. For this case, Dr. Chen developed 5,000 race-blind and partisan-blind computer-simulated congressional plans that follow the redistricting criteria in the Fair Districts Amendment. *See id.* ¶¶ 12–15. By comparing the simulations to the 2026 Plan, Dr. Chen can determine whether the 2026 Plan’s extreme partisan characteristics can be explained by a race-neutral plan, by a desire to prioritize the traditional redistricting criteria in the Fair Districts Amendment, or by Florida’s political geography. *See id.* ¶¶ 12–15.

Finally, Dr. Warshaw is a professor at the McCourt School of Public Policy at Georgetown University. *See* Ex. 4, Dr. Warshaw Expert Report at 1 (hereinafter “Warshaw Rep.”). Dr. Warshaw is “an expert in the field of American politics.” *League of Women Voters v. Commonwealth*, 178 A.3d 737, 777 (Pa. 2018). He “has been published extensively in prestigious

peer-reviewed publications and he has published specifically on the topic of partisan gerrymandering.” *Ohio A. Philip Randolph Inst. v. Householder*, 373 F. Supp. 3d 978, 1025–26 (S.D. Ohio 2019). Courts have “found his testimony highly credible” and “no court has ever failed to credit his testimony.” *Id.* For this case, Dr. Warshaw used a variety of standard measures to evaluate whether the 2026 Plan exhibits partisan bias.

A. The 2026 Plan radically reshapes Florida’s congressional district lines, carving up the State to the benefit of the Republican Party and at the expense of traditional redistricting criteria.

The 2026 Plan consistently carves up political subdivision boundaries and distorts district lines to benefit the Republican Party. Every change the 2026 Plan makes is designed to benefit the Republican Party; indeed, the map drawer freely admitted he disregarded compliance with the Fair Districts Amendment and considered partisan data. Ex. 12 at 23. And, while the map maker purported to free himself of any racial considerations, the 2026 Plan is *less* compact, *increases* county and city splits, and *deviates more* frequently from political and geographic boundaries than the 2022 Plan. See Rodden Rep. at 12; Ex. 23 at 26; Ex. 10 at 16.

The first notable feature of the 2026 Plan is the districts it does not change. In North Florida, the 2026 Plan preserves *in their entirety* CDs 1 through 7, each of which has reliably elected a Republican since the 2022 Plan’s inception. Rodden Rep. at 9 & Fig.1. And it leaves those districts alone even though population in CDs 5 and 6 are growing rapidly, *see* Rodden Rep. at 12, which was one of the Governor’s purported justifications for redistricting, Ex. 11 at 5–6.

Even more notably, the 2026 Plan makes *virtually no changes* to CDs 27 and 28 in South Florida, each of which were minority-protected districts in the 2022 Plan for Latino voters—and both of which elect Republicans. See Ex. 23 at 11–13. Even though the 2026 Plan was designed to eliminate all racial considerations, CDs 27 and 28 remain “almost identical” to their predecessors

in the 2022 Plan, as Poreda himself admitted, Ex. 11 at 27, and indeed, analysis confirms they retain virtually all of their predecessor districts. *See* Rodden Rep. at 9 & Fig. 3.

In every other region of the state, however, including those regions that had *no* recognized minority-protected districts (and thus no need to re-draw “race-blind”), the 2026 Plan radically reconfigures the map to eliminate four reliable Democratic districts. *See id.* at 8–10 & Fig. 1. All told, the 2026 Plan eliminates *half* of the districts that can be expected to elect Democratic representatives as compared to the 2022 Plan—a plan that was already quite favorable for Republicans. *See* Warshaw Rep. at 8. Below, Plaintiffs show how the 2026 Plan meticulously packs and cracks Democratic voters across the state, all the while subordinating traditional redistricting criteria to do so.

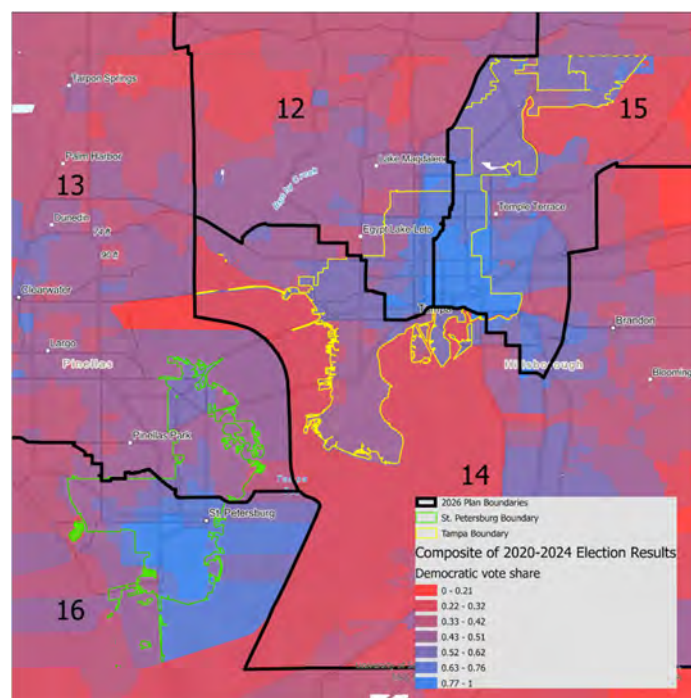
1. Tampa Bay

Until as recently as 2022, Tampa Bay had two Democratic members of Congress, one from CD 14, located solely in Hillsborough County, which kept the city of Tampa whole, and one from CD 13, anchored in Pinellas County, which kept St. Petersburg whole. Rodden Rep. at 12–13. The 2022 Plan, under the stated explanation of creating more Tier II-compliant districts, *see supra* Background II, eliminated CD 13 as a Democratic district by packing Democratic voters from both St. Petersburg and Tampa into CD 14. *See id.* at 13. The 2022 Plan’s crossing of Tampa Bay to join these voters was itself a brazen gambit; the Legislature’s same tactic in Tampa Bay was struck down as a partisan gerrymander in 2015. *See Apportionment VII*, 172 at 406–09.

The 2026 Plan completes what the 2022 Plan started but could not accomplish without an avowed retreat from the Fair Districts Amendment: eliminating *all* of Tampa Bay’s Democratic districts by meticulously cracking Democratic voters across new CDs 12, 13, 14, 15, and 16, all while subordinating traditional redistricting criteria to accomplish that goal. *See* Rodden Rep. at 12–14 & Fig. 4, 18–22; Chen Rep. ¶¶ 92–105. The 2026 Plan accomplishes this goal by creating

a pinwheel out of Tampa, dividing it into three segments, each of which takes approximately a third of Tampa's population and then reaches out to the rural periphery to overwhelm urban Democrats. Rodden Rep. at 13–17 & Figs. 6–7. Under the 2026 Plan, CD 14 goes from a reliable Democratic-performing district (with a predicted vote share of 54.5% Democratic), to a Republican district (43.9% Democratic). *Id.* at 18–19 & Tbl. 1. Such a configuration of Tampa Bay has never existed in modern history. A single district composed primarily of the population of the city of Tampa has existed and elected a Democratic member of Congress in every single U.S. Congressional election since 1962. *Id.* at 13.

Meanwhile, the 2026 Plan also ensures that CD 13 does not become a Democratic-performing district on its own by splitting St. Petersburg with the new CD 16. The cracking of Tampa Bay's Democratic voters is shown below. *Id.* at 16, Fig. 6.



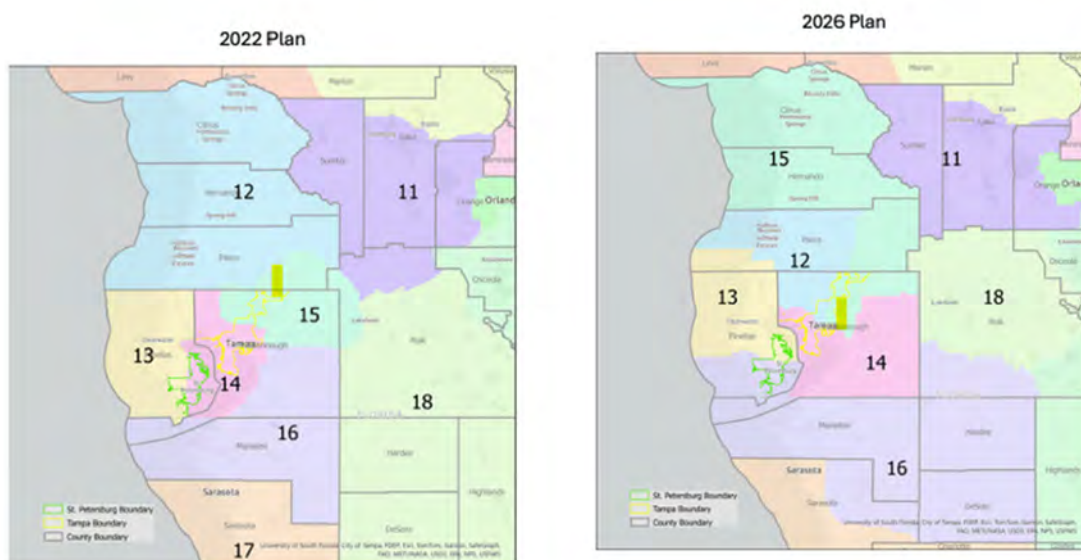
In eliminating CD 14 as a Democratic district, the 2026 Plan violates a number of traditional redistricting principles. Even though Tampa can easily fit within one or two congressional districts, the 2026 Plan perfectly splits the city of Tampa into even thirds. *Id.* at 21.

Such an arrangement would not emerge without partisan intent: as Dr. Chen shows, race-blind and partisan-blind simulations that are designed to prioritize the Fair Districts Amendment’s criteria almost *always* create a district with at least 50% of Tampa’s residents, and *none* of the simulations creates a district with as low of a percentage of Tampa’s residents as in the 2026 Plan. *See* Chen Rep. ¶¶ 92–94 & Fig. 20.

The 2026 Plan’s configuration of Tampa Bay also results in substantially noncompact districts. To crack Democrats, the plan must pair urban voters in Tampa and St. Petersburg with voters in faraway, rural counties. *See* Rodden Rep. at 7, 13. CD 15, for example, pairs residents of downtown Tampa in Hillsborough County with residents much further north in Citrus County, including Crystal River and Homosassa Springs. *Id.* at 13. CD 15’s sprawling design is not likely to emerge without partisan intent: As Dr. Chen shows, race-blind and partisan-blind simulations that are designed to prioritize the Fair Districts Amendment’s criteria pair residents of Hillsborough County with residents of Citrus County only 0.3% of the time. *See* Chen Rep. ¶¶ 97–99 & Fig. 22. Such a configuration also transforms CD 15 from one of the most compact districts in the 2022 Plan to one of the least compact in the 2026 Plan. *See* Ex. 23 at 10; Ex. 10 at 16. Indeed, CD 15 in the 2026 Plan is now less compact on every single mathematical compactness measure *than CD 20 in the 2022 Plan*, which the Governor has decried as noncompact. *Compare* Ex. 23 at 10, *with* Ex. 10 at 16; *see also* Rodden Rep. at 40.

A similar pattern emerges for the new CD 16, which in the 2022 Plan consisted only of Hillsborough and Manatee Counties, but which now reaches east to grab the bottom of Pinellas County (splitting St. Petersburg), dips into Sarasota County, and goes as far east as DeSoto, Hardee, and Polk Counties. *See* Rodden Rep. at 13–14 & Fig. 4; Ex. 23 at 24; Ex. 15. The change substantially increases the footprint of CD 16 and decreases its compactness, both mathematically

and visually. See Rodden Rep. at 13–14 & Fig. 4, 20–21 & Tbl. 2. And it is, again, a design that is not likely to emerge without partisan intent: As Dr. Chen shows, race-blind and partisan-blind simulations that are designed to prioritize the Fair Districts Amendment’s criteria never pair Pinellas with DeSoto or Hardee Counties, and pair Pinellas with Polk and Sarasota Counties just 0.6% and 0.4% of the time, respectively. See Chen Rep. ¶¶ 103–105 & Fig. 24. The arrangement of Tampa Bay’s districts from the 2022 Plan to the 2026 Plan is shown below:

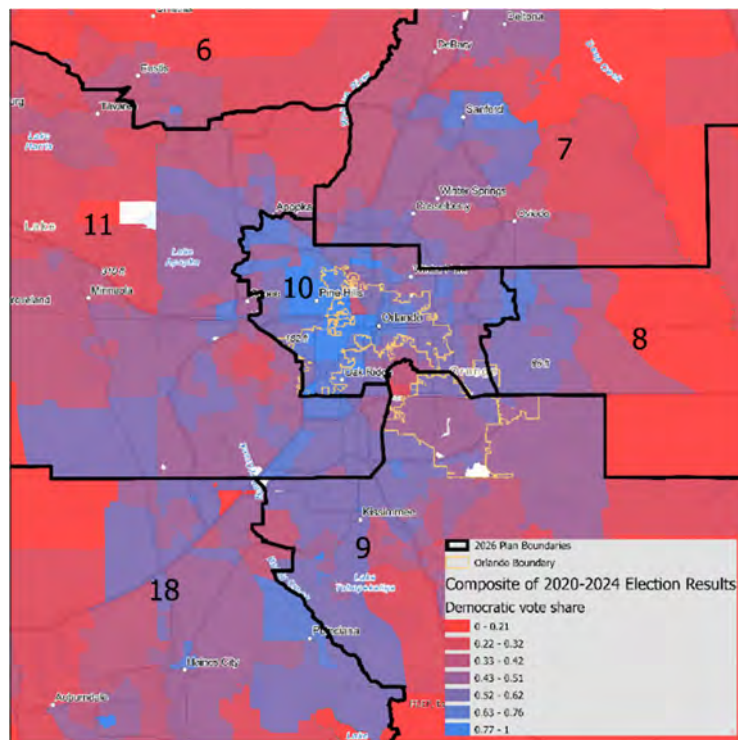


CDs 13 and 14 in the 2026 Plan also become less compact than their predecessors on nearly every commonly used mathematical compactness measure. Rodden Rep. at 20–21 & Tbl. 2. Moving from the 2022 Plan to the 2026 Plan, the districts that encompass Tampa Bay—Districts 12 through 16—become on average less compact *on every commonly used mathematical compactness measure*. See *id.* This outcome, too, would not emerge without partisan intent. As Dr. Chen shows, race-blind and partisan-blind simulations that are designed to prioritize the Fair Districts Amendment’s criteria *almost always* produce districts in Tampa Bay that are both more compact (and more Democratic-leaning) than those in the 2026 Plan. See Chen Rep. ¶¶ 95–96 & Fig. 21, ¶¶ 100–102 & Fig. 23.

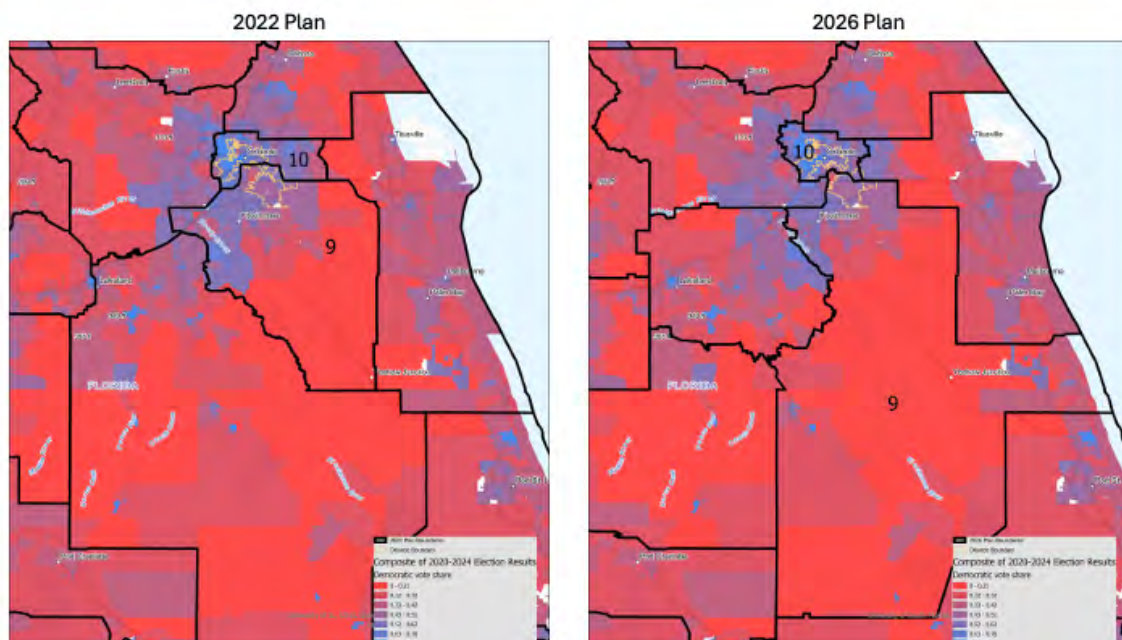
2. Orlando Metro

Until 2022, the Orlando metropolitan area had three Democratic members of Congress, from CDs 7, 9, and 10. Rodden Rep. at 22. The 2022 Plan, under the stated explanation of creating more Tier II compliant districts, *see supra* Background II, eliminated CD 7 as a Democratic district, leaving two districts that could reliably elect a Democrat to Congress: CD 10, anchored in Orange County, and CD 9, anchored in Orange, Osceola, and Polk Counties. *See id.* at 22.

Unlike Tampa Bay, which can be successfully cracked to leave no Democratic districts, Democrats are sufficiently numerous in Central Florida such that it is not mathematically possible to construct the region with no Democratic seats. *Id.* at 22. So the 2026 Plan does the next best thing: it packs Democrats tightly into CD 10 and siphons Democrats from CD 9 by scattering them across several surrounding districts, all while subordinating traditional redistricting criteria to accomplish that goal. *See id.* at 22, 24–29. The figure below shows just how efficiently Democrats have been packed into CD 10 and cracked among the remaining districts. *Id.* at 24–25 & Fig. 11.



The 2026 Plan accomplishes its goal of eliminating CD 9 as a Democratic-performing district by reducing CD 9’s footprint in Orange and Osceola Counties, where more Democratic voters reside, and taking the district so far south that it reaches the southwestern shore of Lake Okeechobee. *Id.* at 22, 24–25. Overall, the areas moved into CD 9 were overwhelmingly Republican (69 percent), and the areas moved out of CD 9 were Democratic (56 percent). *Id.* at 26–27 & Tbl. 3. Under the 2026 Plan, CD 9 goes from a relatively safe Democratic district (52.4% Democratic) to a Republican district (40.6% Democratic). *Id.* at 37 & Tbl. 3. Neighboring districts absorb some of CD 9’s Democrats, but no district takes on so many that they will lose their Republican status. *Id.* In the end, CD 9 and its neighboring districts (CDs 8 and 11) end up with virtually identical Democratic vote shares of 40.6, 40.7 and 40.5 percent. *Id.* The figure below shows the change between the 2022 Plan and the 2026 Plan in this region. *Id.* at 24–26 & Figs. 11–12.



In eliminating CD 9 as a Democratic district, the 2026 Plan violates a number of traditional redistricting principles. As noted, the 2026 Plan creates a sprawling new CD 9, pairing voters in

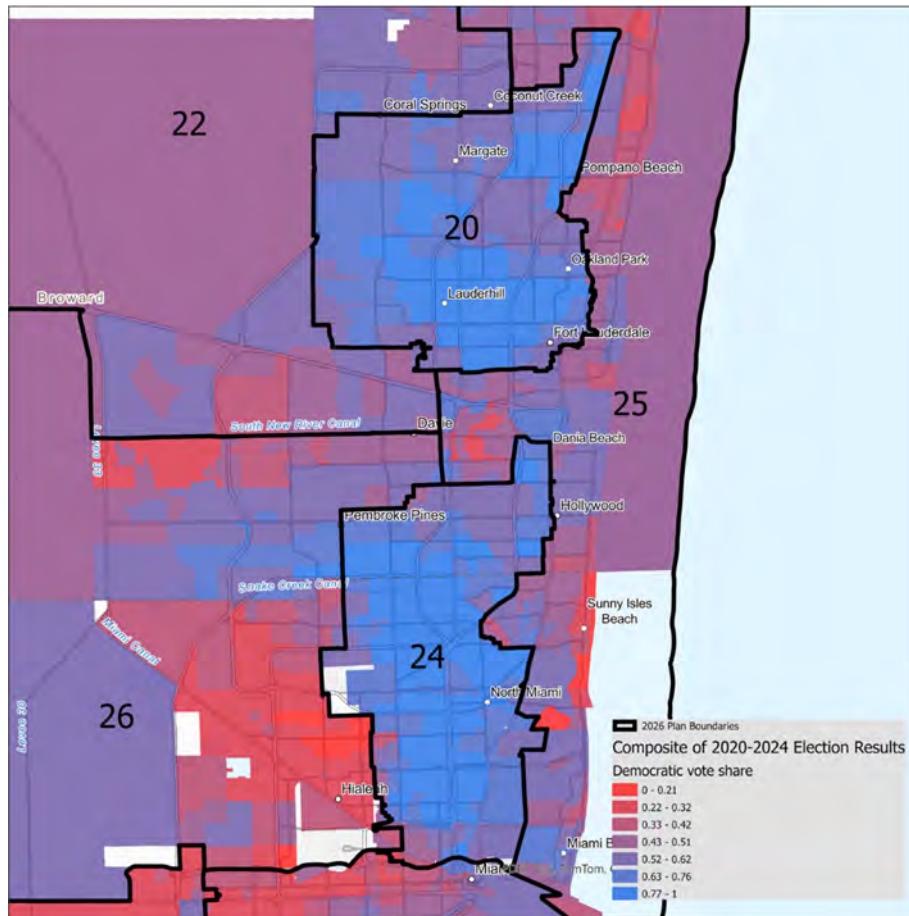
Orange County with voters over a hundred miles south in Glades County, bordering Lake Okeechobee. *Id.* at 22, 24 & Fig. 10. CD 9’s design is not likely to emerge without partisan intent: As Dr. Chen shows, race-blind and partisan-blind simulations that are designed to prioritize the Fair Districts Amendment’s criteria pair residents of Orange County with residents of Glades County only 1.6% of the time. Chen Rep. ¶¶ 109–111 & Fig. 26. Such a configuration also decreases CD 9’s compactness both visually and on every mathematical compactness measure as compared to the 2022 Plan. *See* Rodden Rep. at 23 Fig. 9, 29 & Tbl. 4. And as Dr. Chen shows, the 2026 Plan’s Orlando-based districts are less compact than nearly every simulation he produced, once again indicating partisanship was subordinated to traditional redistricting criteria in this region. Chen Rep. ¶¶ 106–108 & Fig. 25.

Finally, although CD 10 is visually compact, its boundaries are not easily explainable by neutral criteria. Indeed, a full third of CD 10’s boundaries in the 2026 Plan do not follow *any* recognized political or geographic boundary, making it the worst-performing district in the 2026 Plan on this measure. Ex. 10 at 16.

3. South Florida

South Florida is home to the State’s largest population of Democratic voters. Until the 2022 Plan, South Florida elected anywhere from five to seven Democrats to Congress. Rodden Rep. at 30. Under the stated explanation of attempting to comply with Tier II criteria, *see supra* Background II, the 2022 Plan redrew the South Florida region and established only five districts that would elect a Democrat to Congress: CDs, 20, 22, 23, 24, and 25. Rodden Rep. at 30.

The 2026 Plan decimates the five reliably held Democratic seats in South Florida into only three. *Id.* at 30–31. The 2026 Plan does so by packing Democratic (and particularly Black Democratic) voters into CDs 20 and 24 as shown below, even though there is no longer any race-related reason to do so under the Governor’s reasoning:



See *id.* 32–33 & Fig. 17; Ex. 10 at 16. Incredibly, despite now being drawn “race-neutrally,” CD 24’s Black voting age population (BVAP) *increases* from 42.17% to 47.72% and the district decreases in compactness by a substantial margin on every mathematical compactness measure as compared to its predecessor in 2022. *Compare* Ex. 23 at 10, *with* Ex. 10 at 16. CD 24 in the 2026 Plan also splits eight cities (more cities than it keeps whole), whereas CD 24 in the 2022 Plan split only two cities. *Compare* Ex. 23 at 25, *with* Ex. 10 at 17; *see also* Rodden Rep. at 36. To the extent that new CD 24 was in fact drawn race-neutrally, the only other reasonable explanation for this district is a desire to pack Democrats into a single district in Miami.

Although CD 20 in the 2026 Plan is more visually compact than its predecessor district, the district performs substantially worse than CD 20 in the 2022 Plan on adherence to political and geographic boundaries. *Compare* Ex. 23 at 26, *with* Ex. 10 at 16. In total, 32% of CD 20’s

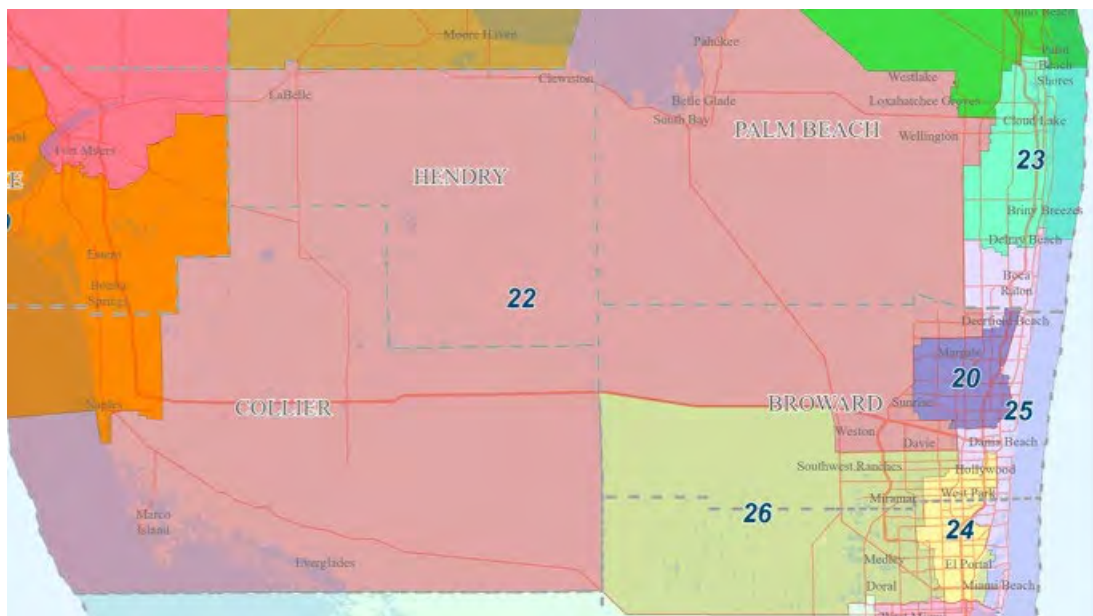
boundaries do not follow a recognized political or geographic boundary, making it one of the worst performing districts on this measure in the 2026 Plan, Ex. 10 at 16, and suggesting partisan intent prompted deviations from established boundaries to pick and choose voters. Finally, CD 20 in the 2026 Plan also splits seven cities, a comparable number to its predecessor, but now with no Tier I race justification for doing so at all. *Compare* Ex. 23 at 25, *with* Ex. 10 at 17. To the extent this district was in fact drawn race-neutrally, the only other reasonable explanation for this district's configuration is a desire to pack Democrats into a single district in Broward County.

The 2026 Plan then capitalizes on these two packed Democratic districts by surrounding them with new CDs 25 and 22, both of which transform to Republican-performing districts. Rodden Rep. at 34 & Tbl. 5. To create these Republican districts, the 2026 Plan subverts traditional redistricting criteria. New CD 25, for example, stretches down Florida's coast all the way from Boca Raton to Miami Beach. *See id.* at 31 & Fig. 15; Ex. 15. As Dr. Chen's redistricting simulations show, a map drawn to adhere to redistricting criteria in the Fair Districts Amendment would virtually *never* assign Miami-Dade County municipalities (such as Miami Beach or North Miami) to the same district as Boca Raton and other portions of Palm Beach County or produce such a grossly noncompact district as CD 25. *See* Chen Rep. ¶¶ 112–120, Figs. 27–39. The choice to do so is only explainable by partisan intent. *See id.* ¶¶ 112–120.

In stringing these coastal regions together, new CD 25 is both visually and mathematically noncompact. In fact, new CD 25 is *substantially* less mathematically compact than the 2022 Plan's CD 20 that the Governor has repeatedly criticized. *Compare* Ex. 23 at 10, *with* Ex. 10 at 16; *see also* Rodden Rep. at 40. And new CD 25 is nearly as non-compact as the prior CD 5 that stretched from Tallahassee to Jacksonville that the Florida Supreme Court held was non-compact in *Black Voters Matter*. *Compare* Ex. 10 at 16, *with* Ex. 24 at 20. CD 25's non-compactness cannot be

explained by any desire to keep cities together: it splits 11 cities, none of which are required to be split because of their population. See Rodden Rep. at 21 n.3, 36.

The 2026 Plan also creates a substantially noncompact CD 22, shown below, which stretches all the way from Marco Island on southwest Florida's coast to Parkland, Wellington, and Weston on Florida's east coast, splitting six cities in the process. See Ex. 10 at 18; Ex. 15; *see also* Rodden Rep. at 31 & Fig. 15.



Overall, the city and county splits in South Florida, all made in service of eliminating Democratic seats, are striking and extreme. Together, new CDs 25 and 22 alone split 15 cities, just one less than the number of cities split in the 2022 Plan *across all 28 districts*. See Rodden Rep. at 36; Ex. 23 at 3. Similarly, although Broward, Miami-Dade, and Palm Beach Counties each need to be split given their substantial populations, the 2026 Plan splits them far more than necessary, splitting Broward five ways, Miami-Dade five ways, and Palm Beach four ways, in each case splitting the county in such a way to advantage Republicans and disadvantage Democrats. See Rodden Rep. at 35. There is, of course, no Tier I race justification for any of these splits given that the 2026 Plan was allegedly drawn with no racial considerations whatsoever.

B. The 2026 Plan’s extreme partisan results cannot be explained by a race-neutral plan, by adherence to traditional redistricting criteria, or by Florida’s political geography.

Expert analysis confirms that the extreme partisan results in the 2026 Plan are not the result of race-neutrality, an attempt to comply with the Tier II traditional redistricting criteria, or Florida’s natural political geography. They are only explainable by partisan intent.

Dr. Chen’s race-blind, partisan-blind analysis shows the 2026 Plan creates more Republican-favoring districts than *all 5,000* of the computer-simulated plans. *See* Chen Rep. ¶ 41.

And it is an extreme partisan outlier on every measure. For example:

- The 2026 Plan produces 24 Republican districts and only 4 Democratic districts (defined as over 50% Republican vote share). By contrast, *none* of the 5,000 computer-simulated plans create 24 or more Republican districts. *See id.* ¶¶ 42–44 & Fig. 9.
- The 2026 Plan produces 23 safe Republican districts (as defined by 55% Republican vote share). By contrast, *none* of the 5,000 computer-simulated plans create 23 or more safe Republican districts. Instead, the middle 95% of the simulated plans contain between 15 to 19 safe Republican districts. *See id.* ¶¶ 45–46 & Fig. 10.
- The 2026 Plan creates *zero* districts with Republican vote share between 47.5% to 52.5%, districts that would otherwise be considered very electorally close between the parties. By contrast, the vast majority of the computer-simulated plans contain two to five districts within a 47.5% to 52.5% Republican vote share, and over 98% of the computer-simulated plans create more of these “electorally close” districts than the 2026 Plan does. *See id.* ¶¶ 47–50 & Fig. 11.
- The 2026 Plan creates only one district (CD 25, with a 53% Republican vote share) with Republican vote share between 45% to 55%, a range reflecting potentially competitive seats, particularly in wave years. By contrast, *all 5,000* of the simulated plans have more than one “competitive” district in this range, with the vast majority containing five to eight, and some containing as many as ten potentially “competitive” districts. *See id.* ¶¶ 51–52 & Fig. 12.

As Dr. Chen’s simulations show, the 2026 Plan accomplishes these outcomes by creating a huge number of partisan outlier districts that are not found in any of his simulations. In particular:

- Dr. Chen finds that both CDs 20 and 24 (the two-most Democratic districts in the 2026 Plan) are more heavily Democratic than 100% of the two-most Democratic districts in each of the 5,000 computer-simulated plans. And CD 10 is more Democratic than 98.2% of the

simulated plans. Together, these results reflect an effort to pack Democrats as tightly as possible into a small number of districts. *See id.* ¶¶ 60–62.

- Dr. Chen finds that eight safe Republican districts in the 2026 Plan are less heavily Republican than the safe Republican districts produced in 99% of the computer simulated districts. These results reflect an effort to efficiently distribute Republicans in the 2026 Plan more widely than would otherwise occur naturally. *See id.* ¶¶ 63–64.

All told, Dr. Chen finds that 19 of the 28 districts in the 2026 Plan are statistical partisan outliers. *See id.* ¶ 68 & Fig. 14. And because Dr. Chen controls for these factors, Dr. Chen is able to conclude that these results are not the result of a race-neutral plan, a plan that attempts to adhere to the Fair Districts Amendment’s criteria, or a plan that simply occurs as a result of Florida’s political geography. *See id.* ¶ 69.

Finally, Dr. Chen compared the 2026 Plan to the 5,000 computer-simulated plans along common measures of partisan bias, including the efficiency gap (which measures how many more votes are “wasted” by the disadvantaged party), the lopsided margins measure (which measures the extent to which the disadvantaged party’s voters are packed into a small number of districts that are won by a lopsided margin), and the partisan symmetry measure (which measures what share of seats each party would win in a 50-50 election between the parties). *See id.* ¶¶ 76–90. Dr. Chen’s analysis on all of these measures demonstrates that the 2026 Plan is an *extreme statistical outlier* in its bias toward the Republican Party as compared to the simulations, which is unexplainable by Florida’s political geography or by compliance with the Fair Districts Amendment’s criteria. *See id.* ¶¶ 76–90 & Figs. 16–19. The evidence is unequivocal. In an election in which Democrats and Republicans each take 50% of the vote, Democrats would win between 11 and 14 congressional seats under most simulated plans—but only 8 seats under the 2026 Plan. *See id.* ¶ 89. In short, the 2026 Plan leaves no room for Florida voters to translate their preferences into congressional representation.

Based on all of these findings, including Dr. Chen’s analysis of the 2026 Plan’s lack of compactness and unnecessary political subdivision splits, *see id.* ¶¶ 16–33, 91–120 & Figs. 1–8, Dr. Chen concluded that partisanship not only informed but predominated in the drawing of the 2026 Plan—that is, it subordinated traditional redistricting criteria to its political goals, and did so to a quantifiable, statistical extreme. *See id.* ¶¶ 121–27.

C. The 2026 Plan favors the Republican Party at historically extreme levels.

A variety of traditional metrics of partisan gerrymandering show that the 2026 Plan has a historically extreme level of partisan bias. *See* Warshaw Rep. at 1. Indeed, it has a larger partisan bias than Florida’s 2012 Plan that was struck down as a partisan gerrymander and any other congressional plan enacted by a large state in the past fifty years. *See id.* at 8–9 & Tbl. 2.

The 2026 Plan performs extraordinarily poorly on the efficiency gap, which measures the extent to which one party’s votes are systematically “wasted”—either packed into safe districts or cracked across losing ones—relative to the other party’s. *See id.* at 4–5. As Dr. Warshaw shows, when applying recent election results, the 2026 Plan has a 21.4% efficiency gap—meaning one in five Democratic votes are wasted compared to Republican votes. *See id.* at 9, Tbl. 2. That figure dwarfs the 7% efficiency gap of Florida’s 2012 congressional plan—the plan the Florida Supreme Court deemed an unconstitutional partisan gerrymander. *Id.* at 9, Tbl. 2; *Apportionment VII*, 172 So. 3d at 390–93. Among large states with similarly sized congressional delegations, the 2026 Plan is the most extreme plan enacted over the past 50 years. *See* Warshaw Rep. at 9, Tbl. 2.

The other standard measures tell the same story. The declination metric, which captures asymmetries in the distribution of district-level vote shares between the parties on a scale of -1 to +1, is .975 in a pro-Republican direction under the 2026 Plan, nearly three times the .375 declination of Florida’s unconstitutional 2012 Plan, and more partisan than any plan enacted in any state in the past fifty years. *Id.* at 5, 9, Tbl. 2. And the Geographic and Election Outcomes

metric indicates that the 2026 Plan has extracted the maximum Republican advantage achievable. *Id.* at 7. These are not marginal differences. They are the statistical signature of a map engineered for partisan dominance.

VI. The 2026 Plan harms Plaintiffs.

The 2026 Plan harms the Voter Plaintiffs, who reside across Florida and in each of the challenged districts. The Voter Plaintiffs are registered either with the Democratic Party or with no party affiliation; all of the Voter Plaintiffs have consistently voted for Democratic candidates in the U.S. House of Representatives and intend to do so in the future. Exs. 55–72. The Voter Plaintiffs will be harmed if they are forced to vote under a congressional plan drawn with partisan intent, which dilutes their voting power, and in districts that violate the Florida Constitution’s requirements as to compactness and utilization of existing political and geographic boundaries.

Plaintiff Equal Ground, a nonprofit organization dedicated to increasing engagement among Black voters in Florida, is also harmed by the 2026 Plan. It dilutes the voting power of the communities Equal Ground serves, who overwhelmingly prefer Democrats or who have no party affiliation, and makes Equal Ground’s voter engagement and turnout work less effective. *See* Ex. 54 ¶¶ 9–11. In particular, the 2026 Plan breaks apart cities, counties, and communities that have organized together and fought for the same issues for years into separate congressional districts with separate representatives. *See id.* ¶ 9. When that happens, organizing becomes harder, and the work Equal Ground does every day—registering voters, turning them out, building civic power in underserved communities—becomes less effective. *See id.*

LEGAL STANDARD

“Under Florida law, a party seeking a temporary injunction must prove four things: ‘(1) a substantial likelihood of success on the merits, (2) the unavailability of an adequate remedy at law, (3) irreparable harm absent entry of an injunction, and (4) that the injunction would serve the

public interest.” *Planned Parenthood of Sw. & Cent. Fla. v. State*, 384 So. 3d 67, 73 n.4 (Fla. 2024) (quoting *Fla. Dep’t of Health v. Florigrown, LLC*, 317 So. 3d 1101, 1110 (Fla. 2021)).

ARGUMENT

I. Plaintiffs are substantially likely to succeed on the merits of their claims that the 2026 Plan violates both Tier I and Tier II of the Florida Constitution.

Plaintiffs are substantially likely to show the 2026 Plan violates the Florida Constitution’s prohibition of partisan intent in redistricting, as well as the Florida Constitution’s mandate that “districts shall be compact” and shall “where feasible, utilize existing political and geographical boundaries.” Fla. Const. art. III, § 20(a)–(b). And as Plaintiffs show, this Court is obligated to apply those provisions to the 2026 Plan.

A. The 2026 Plan was drawn with intent to favor the Republican Party and disfavor the Democratic Party (Count I).

The 2026 Plan, both plan-wide and at the district level, unequivocally violates the Florida Constitution’s requirement that “[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party.” Fla. Const. art. III, § 20(a). The Florida Constitution’s “prohibition on improper partisan intent in redistricting applies . . . ‘both the apportionment plan as a whole and to each district individually’ and does not ‘require a showing of malevolent or evil purpose.’” *Apportionment VII*, 172 So. 3d at 375 (quoting *Apportionment I*, 83 So. 3d at 617). In contrast to “equal protection political gerrymandering claims” previously brought under the federal Constitution, which ask when partisan intent “has gone too far,” under the Florida Constitution, “there is no acceptable level of improper [partisan] intent.” *Apportionment I*, 83 So. 3d at 617 (quoting *Vieth v. Jubelirer*, 541 U.S. 267, 296 (2004)).

A partisan intent claim under the Florida Constitution may be shown with either direct or circumstantial evidence of intent. *See Apportionment I*, 83 So. 3d at 617. Direct evidence, found in the statements and communications of those “responsible for drafting districting plans,”

Apportionment VII, 172 So. 3d at 388–89, is “rare.” *Harkenrider v. Hochul*, 204 A.D.3d 1366, 1373, *aff’d as modified*, 197 N.E.3d 437 (N.Y. 2022). As the Florida Supreme Court recognized, in a challenge to a plan’s partisan intent, “circumstantial evidence is often essential” “and indeed may be the only type of evidence available.” *Apportionment VII*, 172 So. 3d at 378.

This case, however, presents the Court with clean evidence of direct intent. And the circumstantial evidence only confirms what the map drawer and its supporters publicly expressed—the 2026 Plan is an avowed, unequivocal, extreme partisan gerrymander.

1. Direct Evidence of Partisan Intent

Before the Legislature, the 2026 Plan’s professed map drawer, Jason Poreda, admitted that he did not consider himself bound by the Fair Districts Amendment in drawing the 2026 Plan and consequently used partisan data to draw the 2026 Plan. *See supra* Background IV. Such an admission would have been a bombshell to discover in a trove of emails after years of litigation; it should be no less shocking because the map drawer admitted it on the public record.

In prior redistricting cycles conducted under the Fair Districts Amendment, Florida’s map drawers have gone to great lengths to disclaim consideration of *any* partisan data. *See supra* Background II. There has been only one exception: to ensure compliance with Tier I’s protections for minority voters to confirm the district still performs for the minority group’s candidate of choice under new district lines. Indeed, the only time the Florida Supreme Court has excused “access to political data” in the map-drawing process was for that very purpose: to confirm compliance with Tier I’s race protections. *See Apportionment I*, 83 So. 3d at 619. Because Poreda affirmatively disclaimed any attempt to comply with Tier I’s race protections, *see supra* at Background IV, the use of partisan data in the 2026 Plan establishes direct evidence of partisan intent, and this Court need not go any further to conclude the 2026 Plan is unconstitutional.

But there is still more direct evidence of intent here. In the days before the special session,

the Governor’s team stated their partisan intentions directly, first when the Governor’s team re-tweeted that “Republicans’ plan should be to go for BROKE in Florida” and “add up to +5 REPUBLICAN seats to more than cancel out Virginia’s 10-D-1R [map],” *supra* at Background III, and shortly thereafter when the Governor’s Office released a blue and red shaded map to show just how many seats Republicans would win under the 2026 Plan, *supra* at Background IV. As one Florida Republican consultant told NBC, the Governor’s choice to do so was “wild”—“I don’t know how you can argue a red and blue map released from the governor’s office doesn’t show some form of partisan intent.” Ex. 40. All along the way, the architects of the 2026 Plan told us what their intent was, and they delivered.

2. Circumstantial Evidence of Partisan Intent

This case also has circumstantial evidence in spades. Circumstantial evidence of intent can include a wide variety of evidence: “the effects of the plan,” while not sufficient on its own, “may serve as [an] objective indicator[] of intent.” *Apportionment I*, 83 So. 3d at 617. Similarly, consideration of the “shape of district lines,” and particularly “[a] disregard for [Tier II] principles can serve as indicia of improper intent.” *Id.* at 617–18. Plaintiffs may also put forward alternate maps, which may serve as “relevant proof that the [plan] consist[s] of district configurations that are not explained other than by [partisan intent].” *Id.* at 611. Additionally, the “specific sequence of events leading up to the challenged decision also may shed some light on the decisionmaker’s purposes,” as do “[d]epartures from the normal procedural sequence [which] might afford evidence that improper purposes are playing a role,” *Apportionment VII*, 172 So. 3d at 388–89 (quoting *Village of Arlington Heights v. Metro Hous. Dev. Corp.*, 429 U.S. 252, 267 (1977)). Finally, evidence of “pretextual” explanations for a districting plan also serve as evidence as improper intent. *Apportionment I*, 83 So. 3d at 673. Although Plaintiffs need not submit circumstantial evidence across all of these categories, here, Plaintiffs have evidence for every one.

Effects of the 2026 Plan. Although “partisan imbalance” of a plan alone does not itself prove partisan intent, partisan “effect” still serves as an “objective indicator[] of intent.” *Apportionment I*, 83 So. 3d at 618. Here, the partisan bias in the 2026 Plan is extreme. Applying recent election results, the 2026 Plan is expected to elect 24 Republicans and only 4 Democrats, giving Democrats only 14% of the state’s congressional seats, even though Democrats receive a much larger statewide vote share. *See* Warshaw Rep. at 8.

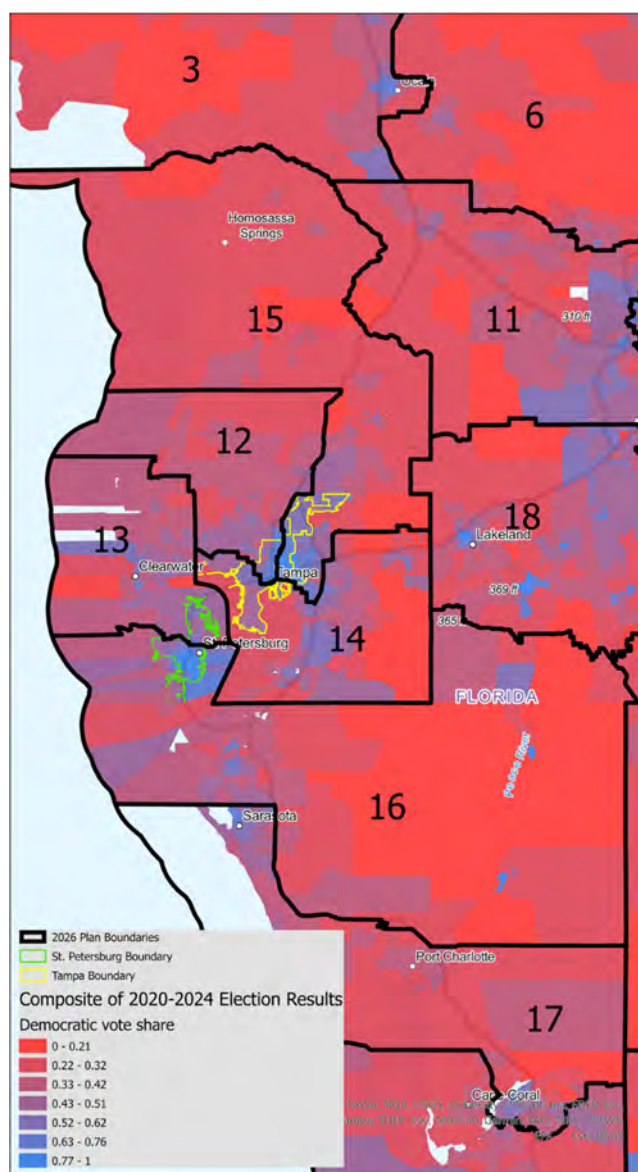
As Plaintiffs’ experts showed, the 2026 Plan creates this result by packing Democrats into CDs 10, 20, 23, and 24, and distributing Democrats efficiently across the remainder of the Plan’s 24 seats. *See* Rodden Rep. at 4, 9–10. In Tampa Bay, Democrats were extracted from CD 14 and pushed out to the surrounding districts and Republicans were moved in, *see id.* at 13, 18–19 & Tbl. 1, in Orlando, Democrats were packed into CD 10 and siphoned away from CD 9, *see id.* at 22, 26–27 & Tbl. 3, and in South Florida, Democrats were packed into CDs 20 and 24 and extracted from surrounding districts, *see id.* at 32–34 & Tbl. 5.

The partisan bias of the 2026 Plan is historically extreme. Traditional measures of partisan bias show that when applying recent election results, the 2026 Plan has a higher partisan bias than the 2012 Plan that the Florida Supreme Court struck down as a partisan gerrymander in 2015. *See* Warshaw Rep. at 8–9 & Tbl. 2. Florida’s 2026 Plan is more extreme than 99% of all plans enacted nationwide over the past fifty years, and is the *single most extreme plan* among states with comparably sized congressional delegations. *See id.* at 8–9 & Tbl. 2. As other courts have held, these kind of partisan bias measures can evince partisan intent. *See League of Women Voters of Ohio v. Ohio Redistricting Comm’n*, 192 N.E.3d 379, 411–12 (Ohio 2022).

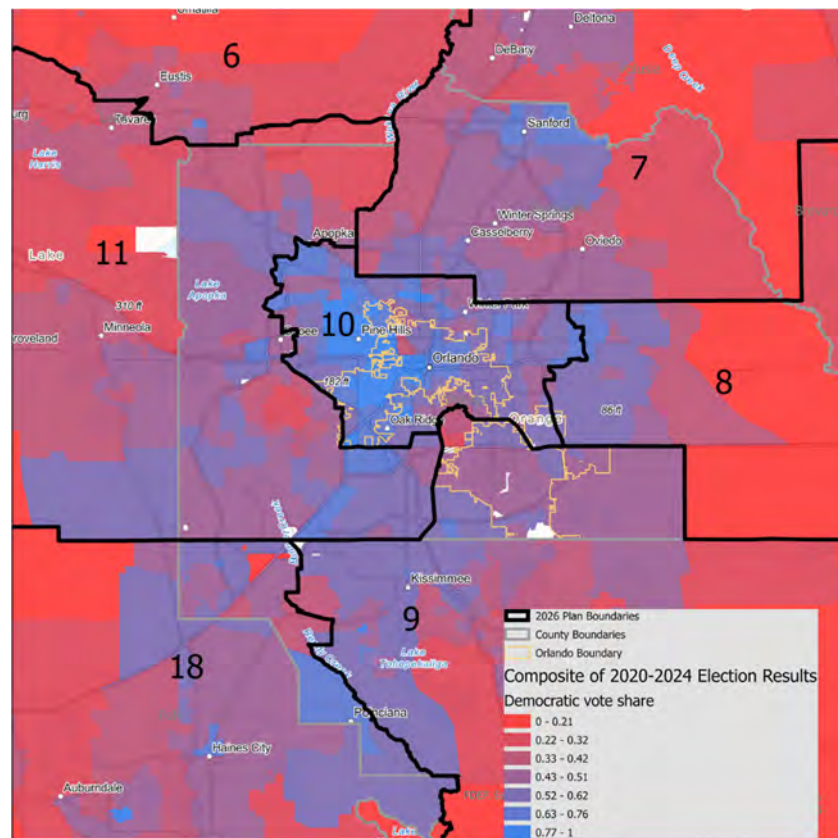
Shape of District Lines. The “shape of district lines,” in conjunction with “the demographics of an area,” also serve as “objective indicators of intent.” *Apportionment I*, 83 So.

3d at 617. Here, the 2026 Plan's packing and cracking of Democratic voters, as shown in the images below, is so stark that even a political novice can understand the goal.

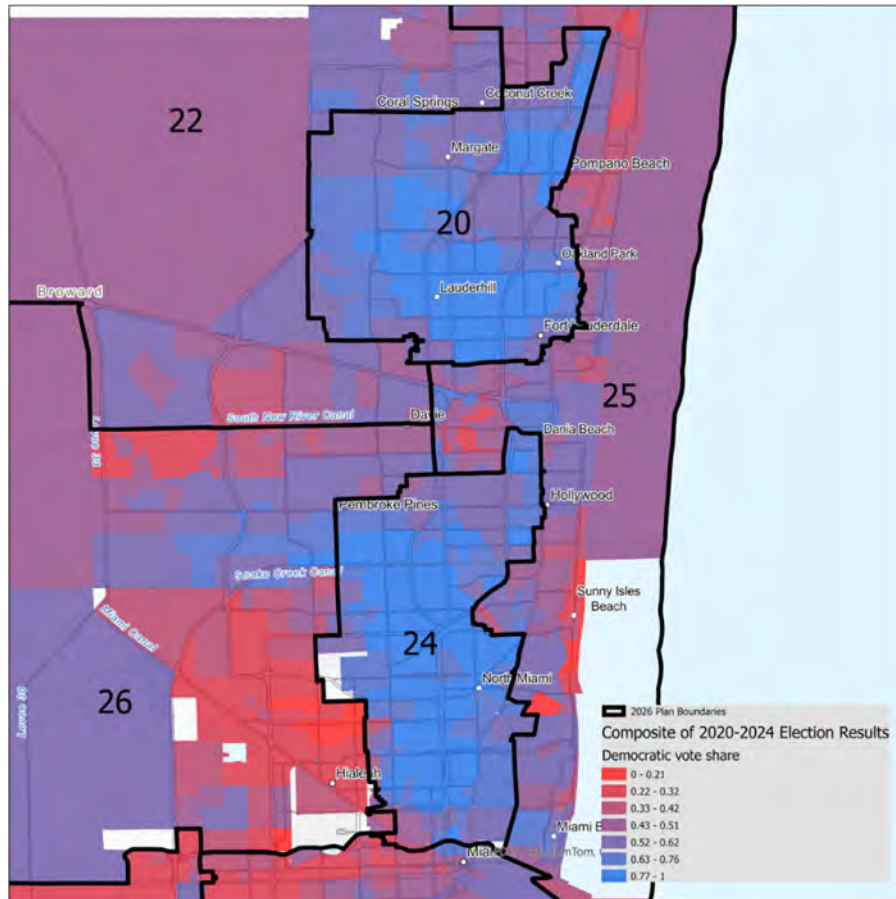
In Tampa Bay, the district lines are drawn to create a pinwheel out of the Democratic-leaning city of Tampa, dividing it into three segments, each reaching out to the rural periphery to overwhelm urban Democrats. *See* Rodden Rep. at 13, 17 & Fig. 7. And in the Democratic-leaning city of St. Petersburg, Democratic voters in Pinellas County's urban core are extracted and combined with rural parts of five other counties. *See id.*



In Central Florida, where it is not possible to eliminate all Democratic districts, the 2026 Plan packs Democrats in Orange County and efficiently distributes them into the remaining districts. *See id.* at 22, 24–25. Expert analysis of CD 9, which was flipped from a Democratic district to a Republican one, show a concerted effort to carve off heavily Democratic census blocks and move them into District 18, as well as to take in substantial new portions of Republican territory. *See id.* at 24–26 & Figs. 11–12.



Finally, in South Florida, the 2026 Plan’s packing and cracking is textbook, creating blue islands out of CDs 20 and 24, and surrounding them with new Republican districts CDs 25 and 22. *See id.* at 31–32 & Fig. 16. In particular, CD 25 meanders along the coast from Delray Beach in the north to the southern tip of Miami Beach, carving out Democratic neighborhoods and drawing in the most Republican coastal areas along the way. *See id.* at 31–33 & Figs. 16–17.



Disregard for Tier II Principles. Florida’s Tier II criteria, including its mandate to draw compact districts and to adhere to political and geographic boundaries, is meant to cabin improper partisan intent. *See Apportionment I*, 83 So. 3d at 632, 635, 638. Consequently, “the extent to which the Legislature complies with the sum of Florida’s traditional redistricting principles [under Tier II] serves as an objective indicator of [partisan intent].” *Id.* at 639.

As compared to the 2022 Plan, the 2026 Plan is less compact, splits more counties, splits nearly double the number of cities (from 16 to 30), and decreases adherence to political and geographic boundaries generally. *See* Rodden Rep. at 12; *see also infra* Argument I.B (demonstrating the 2026 Plan’s Tier II violations in more detail). And it does so most dramatically in the specific regions and districts whose partisanship has been altered the most. *See id.* at 1, 18 & Tbl. 1, 27 & Tbl. 3, 34 & Tbl. 5; *see also supra* Background V.A (detailing how the 2026 Plan’s

subordination of traditional redistricting criteria enables it to eliminate four Democratic districts).

Alternate Plans. Alternate maps may serve as “relevant proof that the [plan] consist[s] of district configurations that are not explained other than by [partisan intent].” *Apportionment I*, 83 So. 3d at 611. That proof may come by way of simulations, and courts have repeatedly relied on these kinds of simulation results, including particularly by Dr. Chen, to find evidence of partisan gerrymandering. *See Adams v. DeWine*, 195 N.E.3d 74, 87–89 (Ohio 2022) (crediting Dr. Chen’s simulation analysis in striking down map as partisan gerrymander); *League of Women Voters*, 178 A.3d at 817–20 (same); *see also Harkenrider*, 197 N.E.3d at 443 (accepting simulations as evincing impermissible partisan intent).

Here, that proof is stark: Dr. Chen produced 5,000 computer-simulated plans that are race-blind, partisan-blind, and comply with traditional redistricting criteria. *See Chen Rep.* ¶¶ 12–15. The 2026 Plan performs worse than *all* of them on compactness and on county splits, and is a statistical outlier on every partisan measure that Dr. Chen examines. *See generally id.; supra* Background V.B.

The simulations demonstrate that Florida’s political geography cannot explain the 2026 Plan’s extreme partisan results. *See Chen Rep.* ¶¶ 5, 14. Because the simulations are race-blind, a race-neutral plan does not explain the 2026 Plan’s extreme partisan results. *See id.* ¶¶ 5, 15. And because the simulations are designed to prioritize traditional redistricting criteria, any attempted compliance with Tier II criteria (which Poreda disavowed, in any event, *see supra* Background IV), does not explain the 2026 Plan’s extreme partisan results. *See id.* ¶¶ 5, 15.

Sequence of Events Leading to 2026 Plan. Next, the “specific sequence of events leading up to the challenged decision also may shed some light on the decisionmaker’s purposes.” *Apportionment VII*, 172 So. 3d at 388 (citation omitted). The sequence of events here speak for

themselves: The Governor announced his intention to redistrict Florida mere weeks after the President pressured Republicans to redistrict for partisan gain. *See supra* Background III. In the year that followed, national and state Republicans (including Florida state legislators) called on Florida to join the fray, many quite brazenly, openly speculating about how many Republican seats Florida could realistically add. *See id.* This included even the Governor’s own staff, who, as noted, retweeted arguments that Republicans should “go for BROKE in Florida” to “cancel out Virginia.” *See id.* The Governor’s Office then began the special session by releasing the 2026 Plan, color coded and all, to show 24 red Republican seats, and only 4 blue Democratic ones, as a media exclusive. *Supra* at Background IV. It is impossible to believe a partisan-neutral map came out of that process, and indeed it did not.

Departure from Normal Sequence. In evaluating intent, courts may also consider “[d]epartures from the normal procedural sequence.” *Apportionment VII*, 172 So. 3d at 389 (citation omitted). This redistricting process was unusual from the start: it was not required by the decennial Census but instead conducted voluntarily and mid-decade, a break from the traditional course of redistricting once per decade on a non-partisan, reapportioning basis. The map drawing process here was conducted entirely in secret, with no public hearings dedicated to congressional map development, no release of draft maps for public or legislator review, and no venue for the public to submit proposed plans or comments before the special session—a dramatic departure from prior redistricting cycles. *See supra* Background IV. And when the plan was finally released, the Governor’s team argued they were not actually constrained by the Fair Districts Amendment in drawing it. *See id.* That alone is a significant departure from the normal sequence. In the normal course, Florida lawmakers and mapmakers at least feign compliance with Florida law.

Pretextual Explanations. Finally, courts may also consider whether any explanations

appear to be pretextual in assessing intent. *Apportionment I*, 83 So. 3d at 673. There are two such pretextual explanations here. The first is the Governor’s explanation that Florida needed to redistrict to respond to population changes since 2020. *See supra* Background IV. But that explanation makes no sense: Both the 2022 Plan and the 2026 Plan use the 2020 Census to divide population; it is therefore not possible for the 2026 Plan to reflect population growth. *See* Ex. 12 at 22–23; Rodden Rep. at 11. Nor do the 2026 Plan’s changes to districts correlate at all with the areas that have actually seen the most population growth. *See* Rodden Rep. at 11–12 & Fig. 3.

The second pretextual explanation for the 2026 Plan is the need to have a race-neutral plan. *See supra* Background IV. But the professed aim of race-neutrality, even if genuine, would not require changes to any congressional districts in Tampa Bay or Central Florida. Neither of those regions had districts the State deemed protected in the 2022 Plan, and the Governor’s map drawer in 2022 proclaimed both regions were drawn without any consideration of race. *See supra* Background II. Although race was considered in the drawing of South Florida districts in the 2022 Plan, the 2026 Plan made virtually no changes to the Latino-protected districts that elect Republicans. *See supra* Background V.A. And the extreme partisan changes that it made to the rest of South Florida were not required to achieve a race-neutral plan. As Dr. Chen’s simulations showed, race neutrality does not yield these consequences. *See supra* Background V.B.

This entire mid-decade redistricting process made a mockery of the Fair Districts Amendment. Even if any one factor in isolation did not suffice to prove intent, when “viewed cumulatively,” they “demonstrate a clear pattern.” *Apportionment I*, 83 So. 3d at 654. Because “[a] finding of partisan intent . . . renders the Legislature’s redistricting plan constitutionally invalid,” *Apportionment VII*, 172 So. 3d at 375 (citation omitted), the Court must enjoin the 2026 Plan.

B. The 2026 Plan violates the Florida Constitution’s Tier II requirements (Counts III and IV).

The 2026 Plan also violates the Fair Districts Amendment’s Tier II requirements that “districts shall be compact” and “districts shall, where feasible, utilize existing political and geographical boundaries” “[u]nless compliance . . . conflicts with the [Tier I requirements] or with federal law.” Fla. Const. art. III, § 20. As explained above, *supra* Argument I.A, the 2026 Plan’s violations are not necessitated by any Tier I requirements; rather they are in service of Tier I violations themselves. These Tier II violations independently require invalidation of the 2026 Plan.

1. The 2026 Plan violates the constitutional compactness mandate.

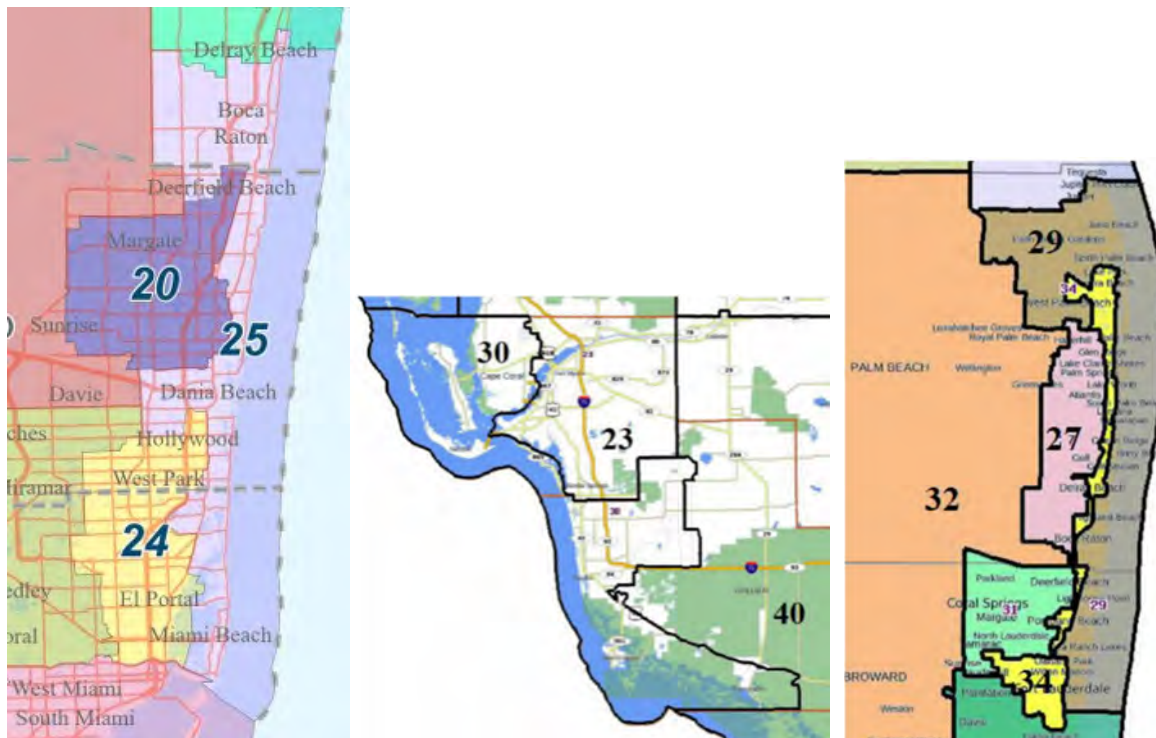
The 2026 Plan as a whole—and CDs 9, 15, 16, 22, and 25 specifically—violate the Florida Constitution’s compactness requirement. The constitutional compactness mandate “ensure[s] that districts are logically drawn and that bizarrely shaped districts are avoided.” *Apportionment I*, 83 So. 3d at 636. “Compactness can be evaluated both visually and by employing standard mathematical measurements.” *Id.*; *see also id.* at 634 (explaining that “[c]ompact districts should not have an unusual shape, a bizarre design, or an unnecessary appendage unless it is necessary to comply with some other requirement”).

As Dr. Chen’s simulations show, the 2026 Plan is substantially less compact than can be achieved in Florida, both statewide and in every region he examines. Chen Rep. ¶¶ 16–27 (plan-wide), 95–96, 100–102 (Tampa Bay), 107–108 (Orlando), 112–120 (South Florida). Moreover, the 2026 Plan is less compact than the 2022 Plan on multiple measures of compactness. *Compare* Ex. 10 at 16, *with* Ex. 23 at 5, 10; *see also* Rodden Rep. at 12. This lack of compactness cannot be explained as the product of the Fair Districts Amendment’s Tier I criteria, as the 2026 Plan’s map drawer was explicit that he did not consider himself bound by that criteria. *See* Ex. 12 at 23. It also cannot be explained by changes in Florida’s population, as the 2026 Plan used the same Census

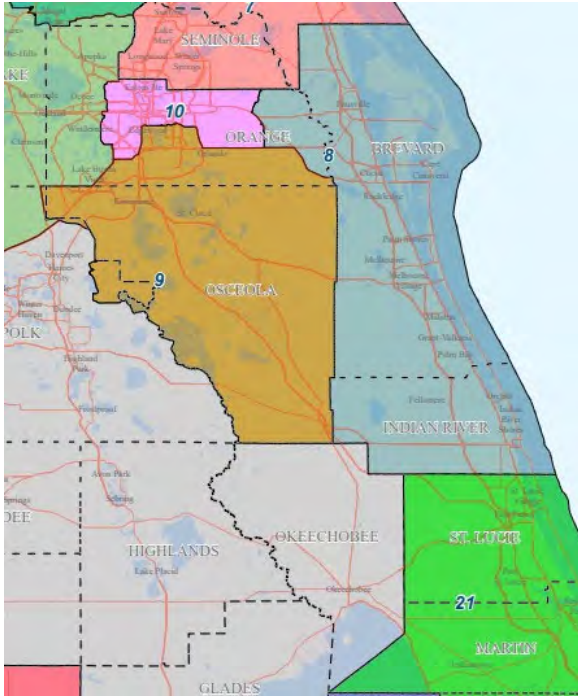
data as the 2022 Plan, and at any rate, the 2026 Plan’s changes bear no correlation to the areas of Florida with the greatest population change since the 2020 Census. Rodden Rep. at 11–12 & Fig.3. The 2026 Plan’s unnecessary reduction in statewide compactness thus violates the mandatory requirement that “districts shall be compact.”

The 2026 Plan’s CDs 9, 15, 16, 22, and 25 are also egregiously and unlawfully noncompact, as demonstrated by their visual appearance as well as compactness metrics. For example, CD 25 begins north of Boca Raton and snakes down Florida’s southeastern coast, occasionally meandering inland, until reaching Miami Beach. Rodden Rep. at 31. This elongated, uneven district unsurprisingly scores poorly on each of the compactness metrics and is substantially less compact on every mathematical compactness measure than even the 2022 Plan’s CD 20 that the Governor has criticized. *See* Ex. 10 at 16; Ex. 23 at 10; *see also* Rodden Rep. at 40. As Dr. Chen’s simulations show, *none* of the simulated plans drew a district that connected Boca Raton to Miami Beach, suggesting CD 25 is far less compact than it could be. Chen Rep. ¶¶ 113–116 & Fig. 27.

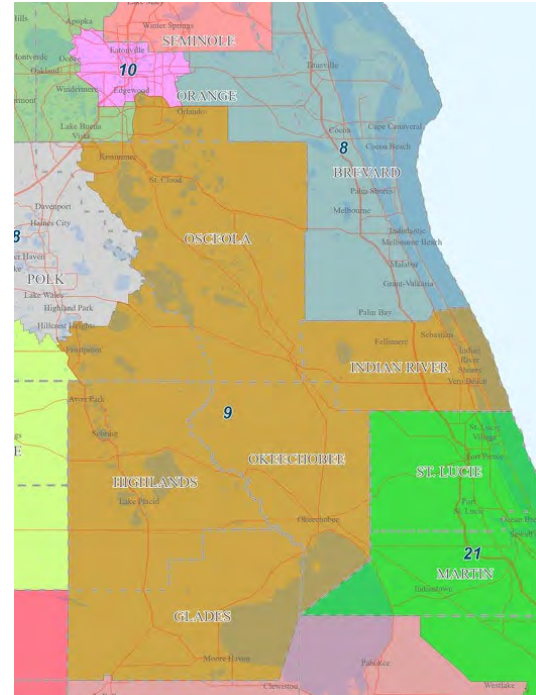
The 2026 Plan’s CD 25 has no predecessor in the 2022 Plan. Instead, the district bears a striking resemblance to prior decades’ districts that the Florida Supreme Court has held to violate the constitutional compactness requirement. Below is a comparison of the 2026 Plan’s CD 25 (depicted left), with one former State Senate district (District 30, depicted center) that the Florida Supreme Court described as an “upside-down alligator” and invalidated, *see Apportionment I*, 83 So. 3d at 672–73, and another (District 29, depicted right) that the Florida Supreme Court described as “a long and narrow coastal district” and invalidated, *see id.* at 675. *See* Ex. 15 at 9 (left image); *Apportionment I*, 83 So. 3d at 672 (center image), 674 (right image).



The 2026 Plan's CD 9 is similarly noncompact. It winds more than one hundred miles across central Florida, starting in Orange County and moving south to combine three entire counties and portions of four additional counties before reaching Glades County. Rodden Rep. at 22; *see also* Ex. 15. The 2026 Plan's CD 9 is visually less compact than the 2022 Plan's CD 9, as shown by the below comparison of CD 9 (shaded brown) between the 2022 and 2026 Plans. *See* Ex. 15; *see also* Rodden Rep. at 23, Fig. 9. The 2026 Plan's CD 9 performs worse than the 2022 Plan's CD 9 on each of the three mathematical compactness scores. Rodden Rep. at 29 & Tbl. 4. As Dr. Chen's simulations show, only 1.6% of simulated plans drew a similarly sprawling district that connected Orange County to Glades County, suggesting CD 9 is far less compact than it could be. *See* Chen Rep. ¶¶ 109–111 & Fig. 26.

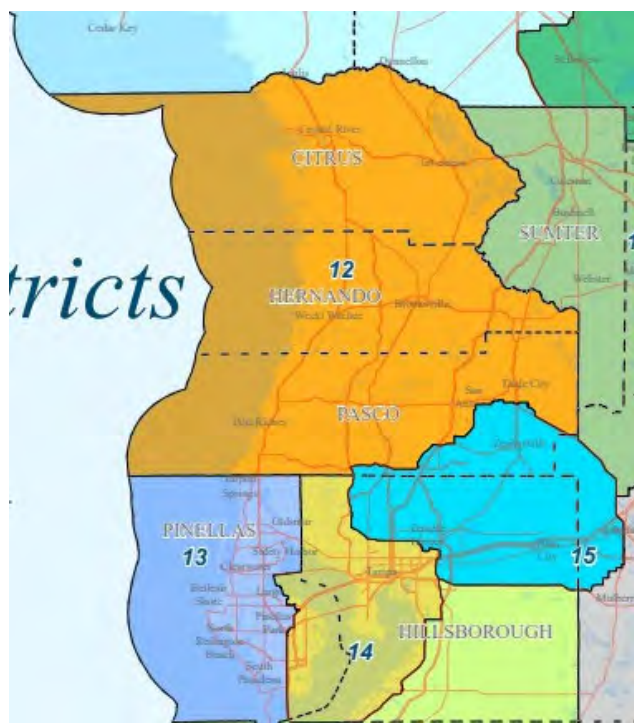


CD 9 (2022 Plan)



CD 9 (2026 Plan)

The 2026 Plan's CD 15 also performs worse on all three compactness scores as compared to its predecessor district in the 2022 Plan. Rodden Rep. at 20–21 & Tbl. 2. It also performs worse on all three metrics as compared to the 2022 Plan's CD 20, *see id.* at 40 (Southeast Florida). CD 15 was one of the most compact districts in Florida in the 2022 Plan, but is one of the least compact districts in the 2026 Plan. *Id.* at 20. This mathematical noncompactness is matched by visual noncompactness: whereas the 2022 Plan's CD 15 (below left, shaded teal) formed a small circle, the 2026 Plan's CD 15 (below right, shaded teal) takes about a third of Tampa and an eastern chunk of Pasco County before hooking dramatically northwest to Hernando and Citrus County. Ex. 15; *see also* Rodden Rep. at 14, Fig. 4. As Dr. Chen's simulations show, only 0.3% of simulated plans drew a district that connected Hillsborough to Citrus County, suggesting CD 15 is far less compact than it could be. *See* Chen Rep. ¶¶ 97–99 & Fig. 22.

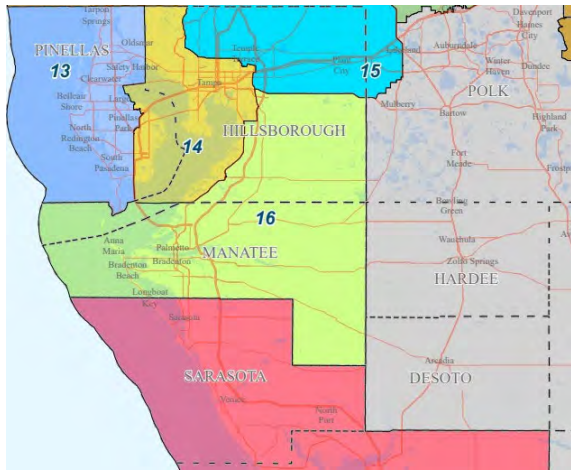


CD 15 (2022 Plan)

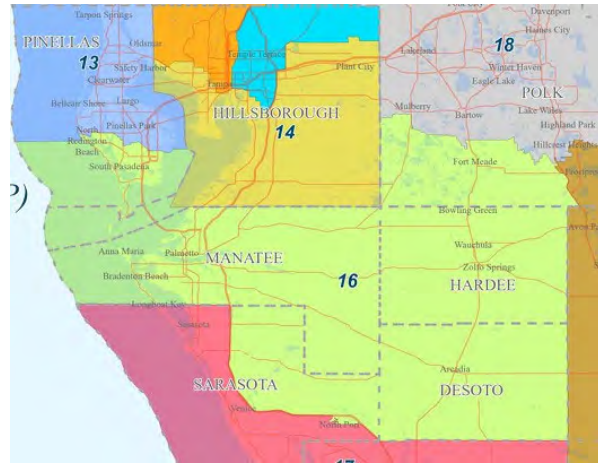


CD 15 (2026 Plan)

The 2026 Plan's CD 16 is also unconstitutionally noncompact. The district takes the southernmost portions of Pinellas County and spans across Tampa Bay all the way east to take the entirety of Manatee, DeSoto, and Hardee Counties, as well as a portion of Polk and Sarasota Counties. Ex. 15. The 2026 Plan's CD 16 is far less visually compact than the 2022 Plan's CD 16, which made no incursion into Pinellas County and stopped eastward at the Manatee County line, as shown by the below comparison of CD 16 (shaded yellow). *See id.* Reflecting its unusual shape, CD 16's Reock and Polsby-Popper compactness scores also dropped significantly from the 2022 Plan to the 2026 Plan. Rodden Rep. at 21, Tbl. 2. As Dr. Chen's simulations show, no plan in his 5,000 simulations drew a similarly sprawling district that connected Pinellas to DeSoto or Hardee Counties, and only 0.4% and 0.6% of his simulations paired Pinellas with Sarasota and Polk Counties, respectively, showing CD 16 is far less compact than it could be. *See* Chen Rep. ¶¶ 103–105 & Fig. 24.

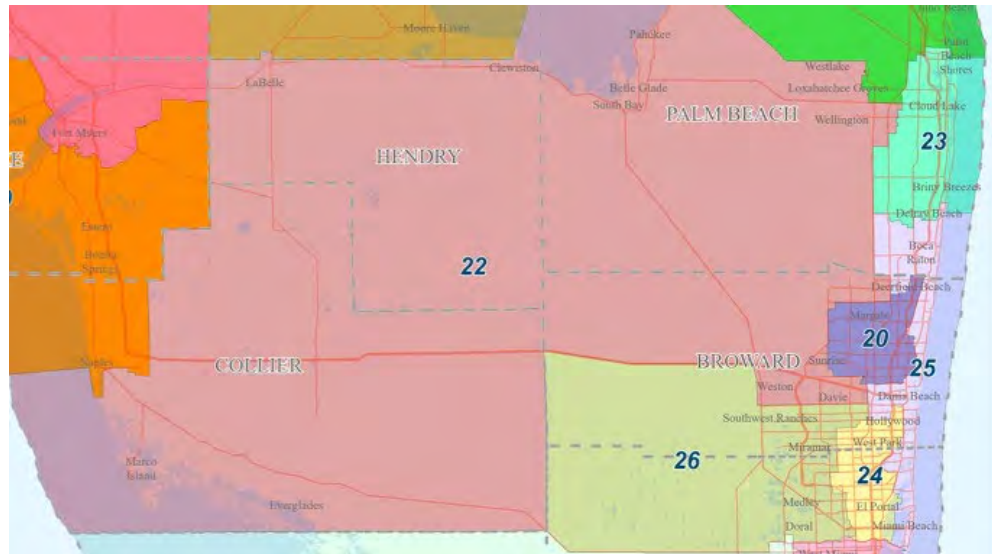


CD 16 (2022 Plan)



CD 16 (2026 Plan)

Finally, the 2026 Plan's CD 22 is a creature with no real predecessor in the 2022 Plan, pieced together by bridging together former CDs 18, 19, 20, 23, 25, and 26 to create an entirely new district stretching across southern Florida, from Marco Island in the west to Weston and Wellington in the east, as shown below. *See Ex. at 15; see also Rodden Rep. at 31 & Fig. 15.*



Each of these districts, and the 2026 Plan as a whole, violate the Florida Constitution's compactness requirement. This Court should find that Plaintiffs are likely to succeed in their challenge to the 2026 Plan on this independent ground.

2. The 2026 Plan violates the constitutional requirement to utilize existing political and geographic boundaries where feasible.

The 2026 Plan also violates the Florida Constitution’s requirement that “districts shall, where feasible, utilize existing political and geographical boundaries.” Fla. Const. art. III, § 20(b). The Florida Supreme Court considers “adherence to county and city boundaries as political boundaries, and rivers, railways, interstates and state roads as geographical boundaries.” *Apportionment I*, 83 So. 3d at 638. Like the compactness requirement, the requirement to adhere to political and geographical boundaries “is aimed at preventing improper intent.” *Id.*

In past redistricting cycles, the Florida Supreme Court has invalidated multiple districts for failure to comply with this provision. *See, e.g., id.* at 662–79; *Apportionment IV*, 172 So. 3d at 402. In doing so, the Court has considered the extent to which a district follows the types of boundaries described above and whether the district “splits counties, municipalities, and geographical features.” *Apportionment I*, 83 So. 3d at 656, 673.

The 2026 Plan’s CDs 9, 10, 12, 14, 15, 16, 20, 22, 23, 24, and 25 violate the constitutional requirement that districts utilize existing political and geographical boundaries where feasible. First, in the Tampa Bay region, CDs 12, 14, and 15 trisect the city of Tampa, strategically carving up the core of the city and combining the fragments with faraway areas. Rodden Rep. at 13–14 & Fig. 4. Tampa “can easily been kept in a single district” as it was prior to the 2022 Plan, but instead the 2026 Plan divides it “almost equally into thirds.” *Id.* at 21; *but see* Chen. Rep. ¶ 93 (showing nearly all simulated plans produce a single district containing over half of Tampa’s population). The same is true of St. Petersburg, which is sliced in two. Rodden Rep. at 21–22. Counties in Tampa Bay, too, including Hillsborough and Pasco, are divided far more than necessary. *Id.* at 21.

In addition, a substantial portion of the boundaries of CDs 12, 14, and 15 do not correspond to existing political or geographic boundaries, suggesting the mapmaker is picking and choosing

preferred boundaries. In fact, one-fifth of the boundaries of CDs 12 and 14 do not correspond with any existing political or geographic boundaries, Ex. 10 at 16, such that the districts perform significantly worse on this metric as compared to their predecessors in the 2022 Plan. Ex. 23 at 26.

In Central Florida, the 2026 Plan strategically splits the city of Orlando as well as Orange, Osceola, and Polk Counties. Rodden Rep. at 21–22, 24–26 & Figs. 11–12. The 2026 Plan splits Orlando between four different districts, even though its population could be contained in one congressional district. *Id.* at 28–29. The district lines “violate[] municipal boundaries in the Orlando Area more than is necessary.” *Id.* at 28. In fact, approximately one-third of CD 10’s boundaries do not correspond to existing political or geographic boundaries. Ex. 10 at 16.

And finally, in South Florida, CDs 20, 22, 23, 24, and 25 unnecessarily split numerous cities, including Coconut Creek, Coral Springs, Dania Beach, Davie, Deerfield Beach, Delray Beach, Fort Lauderdale, Hallandale Beach, Hollywood, Miramar, North Miami, North Miami Beach, Pembroke Pines, Plantation, Pompano Beach, Riviera Beach, Royal Palm Beach, Sunrise, and West Palm Beach. *See* Rodden Rep. at 36–39 & Figs. 19–21, 21 n.3; Ex. 10 at 18. The districts also unnecessarily split Broward County into five districts, Miami-Dade County into five districts, and Palm Beach County into four districts, all representing an increase from the splits of those counties in the 2022 Plan. Rodden Rep. at 35. A substantial portion of each district’s boundaries does not correspond to existing political or geographic boundaries, with nearly one-third of CD 20’s boundaries failing to correspond to existing political or geographic boundaries. Ex. 10 at 16.

These districts’ failures to utilize existing political and geographic boundaries cannot be explained by the need to comply with Tier I criteria or even with the Tier II compactness criteria, because the map drawer avowedly did not consider himself bound by those constitutional requirements. Ex. 12 at 23. Likewise, the 2026 Plan’s general failure to adhere to political and

geographic boundaries cannot be explained as the result of an effort to comply with other portions of the Fair Districts Amendment. The Legislature had no legal obligation to redistrict mid-decade, and in doing so chose to enact a plan with two more split counties and 14 more split cities—all split numerous times—than the 2022 Plan, and that adheres less closely to existing political and geographic boundaries than the 2022 Plan. *See* Ex. 10 at 17–18; Ex. 23 at 5, 24–26.

C. The Court has no basis to refuse to enforce the Florida Constitution’s redistricting mandates.

If this Court finds the 2026 Plan violates the Florida Constitution, it must enjoin the Plan. Although the Governor has argued the entire Fair Districts Amendment is unconstitutional (a convenient argument, given that the 2026 Plan does not comply with it), the Governor’s argument is meritless. As the Governor’s counsel conceded before the Legislature, the Governor’s theory succeeds only if the Amendment’s racial protections are wholly unconstitutional under the U.S. Constitution’s Equal Protection Clause, *and* the Amendment’s remaining provisions—including its prohibition on partisan gerrymandering and Tier II criteria—are non-severable. That argument fails at every step, and this Court need not resolve any difficult constitutional question to reject it.

For this Court to decline to enforce the Fair Districts Amendment’s intentional partisan gerrymandering and Tier II provisions, it would first have to hold the Amendment’s racial protections facially unconstitutional—a sweeping conclusion that *Louisiana v. Callais* provides no basis to reach. Although many predicted that *Callais* would invalidate Section 2 of the Voting Rights Act, *Callais* did not do that. Instead, *Callais* held, for the first time, that compliance with Section 2 of the Voting Rights Act remains a compelling state interest, so long as the requisite evidence of discriminatory intent is present. *Louisiana v. Callais*, No. 24–109, 2026 WL 1153054, at *13 (U.S. Apr. 29, 2026). *Callais* provides no legal basis to conclude the Amendment’s race provisions are suddenly unlawful or could not be applied lawfully, consistent with *Callais*.

Separately, the Governor’s non-severability argument fails under Florida’s established severability framework. As a threshold matter, the burden of proving non-severability rests squarely on Defendants. In *Ray v. Mortham*, the Florida Supreme Court expressly rejected the argument that those seeking to enforce an amendment must “prove” that voters would have adopted it without the unconstitutional provisions, as that would be “the antithesis of the purpose underlying severability—to preserve the constitutionality of enactments where it is possible to do so.” 742 So. 2d 1276, 1281 (Fla. 1999). The burden instead falls on the party arguing non-severability to demonstrate that the valid and invalid provisions are so inseparable that voters would not have adopted one without the other. *See id.* (“[W]e must afford no less 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.”). Defendants cannot meet that burden here.

Florida courts apply a four-prong test to determine whether an unconstitutional provision of a law—including a constitutional amendment—may be severed from the remainder. *Id.* That test provides that when part of a law is declared unconstitutional, the remainder will be permitted to stand if:

(1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the Legislature would have passed the one without the other and, (4) an act complete in itself remains after the invalid provisions are stricken.

Id. (quoting *Cramp v. Bd. of Pub. Instruction of Orange Cnty.*, 137 So. 2d 828, 830 (Fla. 1962)).

Each prong favors severability here.

Prong 1—Physical Separability. The Fair Districts Amendment’s racial protections, its prohibition on partisan gerrymandering, and its Tier II requirements appear as textually distinct

provisions within Article III, Section 20. The racial protections and partisan gerrymandering prohibition are separate clauses within subsection (a), joined by “and,” while the Tier II compactness and boundary requirements appear in an entirely separate subsection (b). Excising the racial protections would not disturb the textual integrity or structural coherence of the remaining provisions.

Prong 2—Independent Accomplishment of Purpose. The prohibition on partisan gerrymandering accomplishes its own objective—ensuring that congressional districts are not drawn to favor or disfavor a political party—entirely without reference to the racial protections. The same is true of the Tier II requirements: the mandate that districts be compact and utilize existing political and geographic boundaries serves the independent purpose of ensuring that maps respect territorial boundaries and are not contorted for any impermissible reason. Unlike *Emerson v. Hillsborough County*, 312 So. 3d 451, 461–62 (Fla. 2021), where the court found that a surtax and its distribution scheme formed an “interlocking plan” that was “functionally dependent,” the Amendment’s race provisions are not interlocking with the remaining provisions. Indeed, many other states have adopted constitutional or statutory prohibitions on partisan gerrymandering and compactness and boundary requirements without any corresponding racial protection, demonstrating that such provisions are fully capable of operating as standalone requirements, untethered to minority voting protections.²

Prong 3—Inseparability in Substance. Defendants cannot demonstrate that Florida voters would have declined to adopt the partisan gerrymandering prohibition or the Tier II requirements standing alone. In fact, just last year, in a federal lawsuit concerning Florida state legislative districts, the Secretary put forward an expert report (the “Adkins Report”) concluding that the

² *E.g.*, Ariz. Const. art. 4, pt. 2, § 1(14); Haw. Rev. Stat. § 25-2(b); Idaho Code § 72-1506; Mich. Const. art. IV, § 6(13); Mont. Code Ann. § 5-1-115(2); Wash. Rev. Code § 44.05.090.

prohibition on “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,” Ex. 46 at 3, and, “[w]hile 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.” *Id.* at 57.

As the Adkins Report shows, contemporary news coverage from the month leading up to the November 2010 election confirms that Florida voters understood the partisan gerrymandering prohibition as the Amendment’s defining and independent purpose, and understood the Tier II requirements as independently meaningful constraints on the Legislature’s redistricting power. In the weeks before the election, newspapers across the state published voter guides and editorial coverage of Amendments 5 and 6—the Fair Districts Amendments for state legislative and congressional districts. Many of those accounts described the Amendments in terms of the partisan gerrymandering prohibition and the compactness and boundary requirements alone, without any mention of the racial protections. The *Palm Beach Post*—in a front-page story on October 11, 2010, titled “Amendments’ goals: Curb tailor-made voting districts”—identified the anti-partisan gerrymandering language as the Amendments’ “crucial language,” explaining that the Amendments’ core purpose was to “make it much harder for political parties to tailor voting districts to their tastes.” Ex. 51. One week later, the *Palm Beach Post* published a pro/con feature on Amendments 5 and 6. Ex. 52. Under a heading titled “What it means,” the feature described the Amendments’ purpose in terms of partisan and incumbent protection: “A YES vote would require the legislature not to split communities and not to draw districts solely to favor an incumbent or a party.” *Id.* *Florida Today* similarly described the Amendments as measures that

“say it will stop gerrymandering by office holders, which keeps parties and incumbents in power.” Ex. 48. The *Tallahassee Democrat* described the Amendments as requiring the Legislature to draw political and congressional seats “without benefiting or harming any candidate or party.” Ex. 49. And the *Orlando Sentinel* told its readers the Amendments were about preventing legislators from “search[ing] for the kind of partisan voters who will keep them and their friends in office,” telling readers to vote yes “if you think voters should choose politicians, rather than the other way around.” Ex. 50. This contemporaneous news coverage is powerful evidence that Florida voters understood the prohibition on partisan intent in redistricting and the Tier II requirements as independently meaningful and would have adopted them standing alone, separate and apart from the racial protections. Even the 2026 Plan’s own Senate sponsor rejected the Governor’s non-severability argument during the special session, arguing the Fair Districts Amendment’s partisan gerrymandering prohibition “ought to be saved” regardless of what happens to the racial protections. Ex. 14 at 19.

Prong 4—Completeness of Remainder. Striking the racial protections while preserving the partisan gerrymandering prohibition, the Tier II compactness and boundary requirements, and the contiguity requirement leaves a complete, independently operative constitutional enactment fully capable of governing the Legislature’s redistricting conduct and providing meaningful standards for judicial enforcement.

All four prongs of the *Cramp* test thus favor severability. Whatever the constitutionality of the Amendment’s race protections—which this Court need not reach—the Amendment’s prohibition on partisan gerrymandering and its Tier II criteria stand on their own, remain fully in force, and are sufficient to invalidate the 2026 Plan.

II. Plaintiffs are entitled to a temporary injunction to maintain the status quo: the 2022 Plan.

This Court has clear authority to preserve the status quo by enjoining the 2026 Plan and reverting to the 2022 Plan pending a final determination on the merits. Such relief is further appropriate since Plaintiffs have satisfied the remaining criteria for a temporary injunction.

A. This Court has authority to preserve the status quo by ordering the State to conduct the 2026 elections using the 2022 Plan.

Plaintiffs do not ask this Court to devise an interim remedy or impose a new congressional map. They ask only that this Court do what Florida courts have long recognized as the proper function of temporary injunctive relief: preserve the status quo, the 2022 Plan. *See Planned Parenthood of Greater Orlando, Inc. v. MMB Props.*, 211 So. 3d 918, 924 (Fla. 2017). That relief is squarely within this Court’s authority under *Byrd v. Black Voters Matter Capacity Building Institute, Inc.*, 339 So. 3d 1070 (Fla. 1st DCA 2022).

In *Byrd*, the First District held that a temporary injunction “has but one purpose: to maintain the status quo.” *Id.* at 1073. *Byrd* made clear that preserving the status quo means more than simply freezing in place whatever the law happens to be at the moment a motion for a temporary injunction is filed—the status quo to be preserved is “the condition that existed before the subject matter at the center of the present controversy arose, i.e., before [the challenged law] became law.” *Id.* In *Byrd*, the court reversed a circuit court order imposing an entirely new, never-enacted congressional map as relief that exceeded that permissible scope. But Plaintiffs here ask for nothing of the kind. The 2022 Plan is not a judicially-created remedy—it is the existing, enacted, court-approved map that governed Florida’s congressional elections for two election cycles. It is also, notably, the map that Defendants themselves enacted and successfully defended in multiple courts over multiple years. *See supra* Background II. Having spent years urging Florida courts to uphold the 2022 Plan as a lawful and constitutional map, Defendants are in no position to argue

that restoring it as the operative map for the 2026 elections would be constitutionally impermissible.³

B. Plaintiffs satisfy the other temporary injunction criteria.

Plaintiffs satisfy the remaining temporary injunction factors. Absent an injunction, Plaintiffs will suffer irreparable harm for which there is no adequate remedy at law—elections conducted under an unconstitutional map cannot be unwound, and the burden imposed by a brand-new map on a compressed timeline falls on Florida’s election administrators and voters, not on Defendants. And the public interest plainly favors relief given that 62.9% of Florida voters passed the Fair Districts Amendment to prevent exactly this kind of partisan manipulation.

1. Plaintiffs have no adequate remedy at law.

Plaintiffs seek a temporary injunction prohibiting Defendants from enforcing the 2026 Plan and instead preserving the status quo—the 2022 Plan. No other remedy exists under Florida law to remedy the harm Plaintiffs will suffer if the 2026 elections proceed under an unconstitutional plan. Plaintiffs lack an adequate remedy at law where, as here, their injuries result from a violation of a fundamental constitutional right. *See, e.g., Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1263–64 (Fla. 2017) (“In light of finding that the [challenged law] is likely unconstitutional, there is no adequate legal remedy at law for the improper enforcement of the [law].”), *overruled on other grounds by Planned Parenthood of Sw. & Cent. Fla.*, 384 So. 3d 67; *see also League of Women Voters of Fla. v. Detzner*, 314 F. Supp. 3d 1205, 1224 (N.D. Fla. 2018) (granting temporary injunction in voting-related case because injury could not “be undone through monetary remedies”

³ In 2022, reverting to the prior decade’s map was constitutionally untenable because Florida had gained a congressional seat after the 2020 census, producing population deviations as large as 24 percent. No such obstacle exists here.

(quoting *Cunningham v. Adams*, 808 F.2d 815, 821 (11th Cir. 1987)); *Madera v. Detzner*, 325 F. Supp. 3d 1269, 1282 (N.D. Fla. 2018) (same).⁴

2. Plaintiffs and other Florida voters will suffer irreparable harm absent a temporary injunction.

Plaintiffs will suffer irreparable harm absent temporary injunctive relief. Plaintiffs have a constitutional right guaranteed to them by Article III, Section 20 to vote in congressional districts free of partisan intent. If the 2026 primary and general elections were conducted under the unlawful 2026 Plan, Plaintiffs’ constitutional rights would be irreparably injured. Florida “law recognizes that a continuing constitutional violation, in and of itself, constitutes irreparable harm.” *Bd. of Cnty. Comm’rs v. Home Builders Ass’n of W. Fla., Inc.*, 325 So. 3d 981, 985 (Fla. 1st DCA 2021). Harms to the constitutional right to vote are quintessentially irreparable. *See, e.g., League of Women Voters of Fla.*, 314 F. Supp. 3d at 1224; *Madera*, 325 F. Supp. 3d at 1282. That is because “once the election occurs, there can be no do-over and no redress” for voters whose rights were violated. *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *see also, e.g., Larios v. Cox*, 305 F. Supp. 2d 1335, 1343–44 (N.D. Ga. 2004) (per curiam) (three-judge court) (holding that stay of court’s order finding state legislative plans unconstitutional would result in “irreparable harm to the plaintiffs, and to all voters in Georgia who have had their votes unconstitutionally debased,” and that court had “a responsibility to ensure that future elections will not be conducted under unconstitutional plans”), *aff’d*, 542 U.S. 947 (2004).

⁴ In weighing whether an injury cannot be remedied at law and thus constitutes irreparable harm, the Florida Supreme Court has relied on precedent from federal courts. *See, e.g., Gainesville Woman Care*, 210 So. 3d at 1263–64 (noting that U.S. Supreme Court and lower federal courts “have presumed irreparable harm when certain fundamental rights are violated”).

3. Injunctive relief will serve the public interest.

The public interest requires an injunction preventing the use of the 2026 Plan in the 2026 congressional elections. As Florida courts have consistently found, “enjoining the enforcement of a law that encroaches on a fundamental constitutional right presumptively would serve the public interest.” *Green v. Alachua Cnty.*, 323 So. 3d 246, 254 (Fla. 1st DCA 2021) (citation modified); *see also League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155, 1167 (N.D. Fla. 2012) (The “vindication of constitutional rights . . . serve[s] the public interest almost by definition.”). The right to vote in congressional elections conducted under a lawful map is precisely such a fundamental constitutional right.

Moreover, this Court should not lose sight of what makes this case unusual, and what makes the need for preliminary relief particularly acute. The 2026 Plan was not enacted on the basis of a good-faith legal judgment that it complies with the Florida Constitution as written. It was enacted on an explicit bet that future courts will change the law. But the Governor’s legal theories about what future courts might do does not suspend the Fair Districts Amendment’s operation, relieve the Legislature of its obligation to comply with it, or authorize this Court to look the other way while elections are conducted under a map drawn in knowing violation of it. The public interest is served by enforcing the constitution as it exists today, not as the Governor hopes it might someday be rewritten. That is precisely what the voters who passed the Fair Districts Amendment asked the Florida judiciary to do. *See Apportionment I*, 83 So. 3d at 607 (“It is this Court’s duty, given to it by the citizens of Florida, to enforce adherence to the constitutional requirements and to declare a redistricting plan that does not comply with those standards constitutionally invalid.”).

Additionally, implementing the 2026 Plan before the 2026 primary would impose severe and unnecessary burdens on Florida’s election administrators and voters alike. Florida’s primary

is scheduled for August 18, 2026, and the current deadline to mail ballots to uniformed and overseas voters is effectively July 3 (due to the July 4 holiday)—fewer than nine weeks away. Ex. 5 ¶ 4. Before ballots can be sent, election administrators must process the new boundaries. Because the 2026 Plan’s district lines cut through residential neighborhoods and frequently deviate from major roads and existing political subdivision boundaries, implementation will be particularly burdensome and error-prone, and cause serious risks of voter confusion. *Id.* ¶¶ 6, 8–11, 14. Florida has been through this before: implementing the 2022 congressional plan ahead of that year’s August primary proved exceedingly difficult even with a somewhat longer runway than the timeline the Legislature and Governor have provided here. *Id.* ¶¶ 12–13. By contrast, retaining the 2022 Plan, which has been used in two prior election cycles, does not come with the same risk of implementation errors that implementing a new map on a compressed timeline inevitably produces. *Id.* ¶ 14. Indeed, on May 4, 2026, the day the Governor signed the bill enacting the 2026 Plan, all 67 Supervisors of Elections received instructions to “preserve” the 2022 Plan “in case the need to implement it becomes necessary.” Ex. 17.

Granting temporary relief in this matter is not only practicable—it is imperative. Plaintiffs do not ask this Court to implement a new congressional plan or resolve complex line-drawing questions on an expedited basis. They ask only that this Court preserve the status quo: the lawful, court-approved 2022 Plan that has governed Florida’s congressional elections for the past two election cycles.

CONCLUSION

Plaintiffs request that the Court temporarily enjoin implementation of the 2026 Plan. Plaintiffs further request that the Court expedite its consideration of this motion, including the scheduling of any hearings, to ensure that a necessary remedy is timely adopted and a lawful congressional plan is in place in Florida in time for the 2026 congressional elections.

Dated: May 6, 2026

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Quinn B. Ritter

Florida Bar No. 1018135

**KING, BLACKWELL, ZEHNDER &
WERMUTH, P.A.**

P.O. Box 1631

Orlando, Florida 32802

Telephone: (407) 422-2472

Facsimile: (407) 648-0161

fwermuth@kbzwlaw.com

qritter@kbzwlaw.com

Respectfully submitted,

Abha Khanna*

ELIAS LAW GROUP LLP

1700 Seventh Avenue, Suite 2100

Seattle, Washington 98101

Telephone: (206) 656-0177

Facsimile: (206) 656-0180

akhanna@elias.law

Christina Ford

Florida Bar No. 1011634

Harleen K. Gambhir*

Julie Zuckerbrod*

ELIAS LAW GROUP LLP

250 Massachusetts Ave NW, Suite 400

Washington, D.C. 20001

Phone: (202) 968-4490

Facsimile: (202) 968-4498

cford@elias.law

hgambhir@elias.law

jzuckerbrod@elias.law

Counsel for Plaintiffs

** Pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 6, 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 and counsel in the Service List below, including counsel for the Florida Senate and Florida House of Representatives by consent.

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111

Counsel for Plaintiffs

SERVICE LIST

Mohammed O. Jazil
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com

Counsel for Florida Secretary of State

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
ndordby@shutts.com

Counsel for Florida Senate

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Counsel for Florida House of Representatives