

SC2026-0857

In the Supreme Court of Florida

EQUAL GROUND EDUCATION FUND, INC., ET AL.,
Petitioners,

v.

SECRETARY, FLORIDA DEPARTMENT OF STATE, ET AL.,
Respondents.

L.T. Nos. 1D26-1539, 2026-CA-914

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

EQUAL GROUND EDUCATION FUND, *et al.*,

Plaintiffs,

Case No. 2026 CA 000914

v.

12 May 2026

CORY BYRD, *et al.*,

Defendants.

RESPONSE TO EXPERT REPORT OF JOWEI CHEN

D. STEPHEN VOSS

I. INTRODUCTION & QUALIFICATIONS

- A. I am a political scientist who earned his Ph.D. from Harvard University in 2000, with **political methodology** (i.e., quantitative analysis) as my focus field.
- B. I currently am employed with the University of Kentucky's Department of Political Science, where I am a **senior professor** at the Associate rank. I am part of my university department's rotation of methods instructors, having taught graduate methods most recently in Fall 2024. I fill two administrative positions for my department: Internship Director and Publicity Coordinator. I am one of my college's two Faculty Senators at the university level.

- C. This year, I received the Kentucky **Political Science Association** “distinguished political scientist” career achievement award, reportedly the youngest scholar ever to do so. I previously served as KPSA president and co-founded the association’s journal, the *Commonwealth Review of Political Science*. I also am an active member of the Southern Political Science Association and a regular participant in annual meetings of the Midwest Political Science Association.
- D. My dissertation explored **elections and voting behavior in the U.S. South**,¹ and I have published scholarly work in that topical area from 1996 through last year, including in peer-reviewed disciplinary journals.² Some of that work included analysis focused on redistricting, on voting in Florida, or on African-American voting rights.³ Prior to that, I worked as a political reporter for Gannett News, again primarily focused on legislative politics in the U.S. South.
- E. I am interviewed frequently by state, national, and international news organizations as a **non-partisan commentator**. I’ve served as faculty advisor for student groups across the political spectrum – including, currently, UK’s College Democrats. I also work as a political analyst for Spectrum News One, after a long stint as an analyst for ABC-36 (WTVQ). I am a recurring guest and periodic guest host on WVLK talk radio, and I have been a recurring columnist for a progressive outlet, the *Kentucky Lantern*.
- F. Although I do not pursue offers to engage in consulting work, I have served as a **consultant and expert witness** in a handful of redistricting and voting-rights cases, including a recent Florida case (named *Hodges v. Passidomo* 2024 at the time of my contribution). I’ve also been admitted as a quantitative-analysis expert in cases unconnected to elections and voting (e.g., for automobile risk analysis), and I have been hired as a data scientist by public & private entities for policy-making purposes, not just litigation.
- G. Attached to this expert report is my CV, which lists my publications and cases in which I provided expert testimony.

II. ASSIGNMENT & SCOPE OF WORK

- A. Counsel retained me to evaluate the report submitted by Dr. Jowei Chen. The timeline for this evaluation was brutal, especially given that most professionals with academic appointments are in the middle of finals week in early May:

May 5: Retained as an expert

May 6: Received Dr. Chen's expert report

May 8: Received Dr. Chen's code without supporting materials

May 11: Received Dr. Chen's support materials/data

May 12: Submitted written version of my response

- B. The timing and piecemeal disclosure of Dr. Chen's materials do not follow scientific best practices in a host of ways. The nature of this disclosure practically guaranteed that Chen's work would receive insufficient scrutiny:

1. The materials came with no "readme" file or other overview explaining what I was being provided,
2. Instead of being Chen's results, or even a "turnkey" verification package able to recreate Chen's results, what I initially started with were four files of computer code. That allowed me to assess the steps taken, but didn't contain any of the inputs required to use the code to evaluate the results or to judge the report's characterization of those results.
3. The code created numerous barriers to use.
 - Instead of solely employing the commonly used R package, half of the files were written in Java. Leaving aside that expertise in Java is much less common in the social sciences than R expertise, verifying Chen's work forces the analyst(s) to navigate two programming languages, swapping platforms halfway through the work.
 - One "best practice" when writing computer code is to include comments laying out what different portions of the code are doing.⁴ The four files I

received contained little more than jumbled computer syntax, requiring significant time to tease out step by step.

- Dr. Chen’s R code draws on software named rgdal, which stopped being maintained in 2023. The defunct package Dr. Chen uses cannot be installed using standard procedures. Instead, installing discontinued code requires working through the installation of a whole series of packages located in a variety of Internet locations. Getting those disparately sourced files to cooperate with the obsolete package hits a series of snags. The technical problems created in trying to install rgdal have been expressed regularly by other users.⁵ The package’s owners advised moving away from it as early as 2022 and listed a handful of “more modern packages” that Dr. Chen presumably could have used to produce verifiable/replicable work.⁶

4. Any serious scrutiny of Dr. Chen’s results, let alone Dr. Chen’s characterization of those results, had become very difficult by the time my team received the actual data that Dr. Chen fed into the code. This is not work that ought to be performed in a single week, due to the risk of errors, let alone overnight. But those materials did not allow turnkey verification even then, because the file structure of the support materials did not match the file structure assumed by the code.

C. Given the incredibly short timeline and the rushed provision of Dr. Chen’s data and code, which made the timeline even shorter, my primary assignment was to evaluate the report’s methodology and analysis for decisions that deviated from scientific best practices. Instead of proceeding through the steps I would recommend to assess Dr. Chen’s report, as would have been ideal for an adversarial legal process – because I could have documented the effect of Chen’s methodological choices – I mostly restrict myself to (1) describing what those steps might be and (2) explaining why I thought them necessary or desirable.

D. I should stress what I was not asked to do: I was not asked to

evaluate the 2026 enacted maps, in terms of their partisan or their racial implications or in terms of redistricting criteria prioritized by the state of Florida. My focus is entirely on Dr. Chen's report.

- E. In addition to Dr. Chen's code, I also employed a commonly used redistricting resource: Dave's Redistricting App (DRA). It can provide an analysis of the older Florida maps..
- F. As compensation for accepting this assignment, I was retained at a pay scale of \$450 per hour billed, with an additional \$50 for time spent under oath. I was assisted in this work by a part-time employee of my consulting partnership, an experienced R programmer and simulation expert named Dr. Corrine F. Elliott (Ph.D. in Statistics, UC Berkeley). Neither her compensation nor mine was dependent on the results of our analysis or on the conclusions in this report. Because I supervised and vetted Elliott's work, I take responsibility for everything presented here.

III. EVALUATION OF THE CHEN ANALYSIS

- A. Dr. Chen's report attempts to infer whether Florida's 2026 map was "drawn with the intent to favor or disfavor a political party." Dr. Chen does so not by trying to capture legislative intent directly, but instead by comparing the adopted map to maps simulated using a computer algorithm that cannot consider the racial or partisan distribution of voters directly.
- B. Dr. Chen knows that Florida's political geography favors the Republican Party. The simulations reportedly show that if the parties split the vote evenly, based on the current distribution of Democratic and Republican voters, Democrats generally receive fewer than half of the congressional seats. Assuming parity in vote support, "Democrats would win between 11 and 14 seats under most of the 5,000 simulated plans." But the report does not systematically isolate the effect of political geography from the effect of the newly adopted lines. At best, the comparison is between the enacted map and simulations that incorporate more than just geographic patterns.
- C. Rather than isolate the effects of political geography, Dr. Chen's simulated maps are not necessarily neutral, due to methodological decisions necessary to create them. Specifically, Dr. Chen makes

two choices that may or may not be consistent with Florida law, and that indirectly could skew the maps in a partisan direction. At a minimum, Dr. Chen's methods could cause the simulations to deviate systematically from what a legislature would produce.

- D. First, Dr. Chen's methodology reduces the need to "utilize existing political and geographical boundaries" to a single consideration: the preservation of counties. Dr. Chen does not indicate the extent to which county borders overlap with, or instead cut across, other boundaries that a legislature rightly might consider. Given more time, a proper analysis would evaluate Dr. Chen's simulations to determine the extent to which they are neglecting to follow geographical boundaries and other political boundaries.
- E. Second, Dr. Chen selectively uses the previous congressional map that Florida adopted as a baseline. Specifically, while Dr. Chen does not use the existing map as a baseline when judging compactness, and does not compare that map (or the simulated maps) to the enacted map in terms of boundary usage, Dr. Chen apparently imposes a hard constraint on the simulated maps so that they split no more counties – and split counties no more often – than the past map did. Dr. Chen does not discuss the extent to which the previous number of county splits might have been imposed by an obsolete interpretation of the amended VRA. Given more time, a proper analysis would determine the extent to which Dr. Chen's overwhelming emphasis on counties indirectly favors or disfavors a political party, causing the simulations to be unrepresentative.
- F. Dr. Chen imposes one constraint on the simulations that I suspect does tilt the simulations toward the Democratic Party, other things equal. Dr. Chen does not simply seek to split as few counties as possible. Dr. Chen also requires that, when a county does need to be split, it must be split as little as possible. "Even when splitting a county is necessary because the county's population is too large for one district, the algorithm avoids splitting the county into an excessive number of districts." I suspect that this rule favors the Democratic Party. Why? In general, it's more-populous counties – that is, counties that tilt toward the Democrats – that must be split due to population size. That splitting can occur in two ways. It can

be compressed within county borders as much as possible, as Dr. Chen wishes. Or, instead, outlying fragments of the county can be linked with the adjoining counties near them. The approach taken to splitting usually will favor one political party or the other, although the effect depends on the size of the city and the partisanship found in surrounding counties. Containing the districts within a single urban county can help the Democrats in a smaller city, preventing those Democratic votes from being diluted by surrounding suburban or rural areas. Spreading more districts outside the city can help Democrats when it's a larger urban area, allowing voters in the city core to dominate more of the surrounding territory. Given more time, a proper analysis would determine whether restricting multisplits in metro areas, while ostensibly neutral, actually is an indirect way of favoring the Democratic Party.

- G. To make matters worse, I am not certain that Dr. Chen does, in fact, “use the 2022 Plan as a maximum limit for the number of counties that the computer-simulated plans are permitted to split.” That is, I’m not sure Dr. Chen is correctly imposing on the simulations the same number of county splits and multisplits found in the previous Florida maps. Why? Dr. Chen does not actually present an analysis of the 2022 maps, instead simply asserting that the “2022 Plan splits these 17 counties a total of 31 times.” But my preliminary analysis of the 2022 Florida plan, conducted in Dave’s Redistricting App (DRA), only reported 29 multisplits. Given the time pressures, I am not confident of that preliminary result, and would not offer it as true. The only thing I can say is that Dr. Chen did not provide evidence for the count imposed on the simulations, and that I’d like better foundation for that imposition on the simulation algorithm. Given more time, a proper analysis would confirm the correct number of multisplits and, if Dr. Chen employed the wrong number, would determine the partisan implications of that error.
- H. Turning to Dr. Chen’s analysis of compactness, Dr. Chen writes that “the 2026 Plan is significantly less geographically compact than is reasonably possible.” I’m uncertain what that statement means, but it’s notable that Dr. Chen draws the inference by comparing the compactness of the 2026 maps to lab-grown simulations built ignoring some of Florida’s mapmaking rules.

The simulations do not show what is “reasonably possible”. I am not certain that the compactness of the 2026 maps differs dramatically from the previous congressional maps. Indeed, my preliminary DRA analysis suggests that the two maps have the same Reock compactness score, and aren’t necessarily much different when it comes to the Polsby-Popper compactness score. Meanwhile, some of Dr. Chen’s simulations have a worse Polsby-Popper score than the 2026 maps, which would seem to make the 2026 maps “reasonably possible.” Given more time, a proper analysis would compare the 2026 map to real-life Florida maps.

- I. Dr Chen sums three compactness scores. This makes no sense, given that the scores measure three different features of map compactness. Dr. Chen offers no theoretical reason why simple addition is the proper way to blend those three metrics, nor do I believe that it is the proper way. Furthermore, it is misleading, because Dr. Chen isn’t averaging those scores, but instead simply aggregating them, which makes differences look three times larger. Given sufficient time, a proper analysis would combine the compactness measure in a theoretically appropriate way.
- J. Dr. Chen does not discuss the proper precision when evaluating compactness measures. Is it appropriate to take them to two decimal places? To three decimal places? Instead, Dr. Chen shifts that around in the report. For Reock and Polsby-Popper, the discussion looks at two decimal places. For Convex Hull, inexplicably, the report takes the metric to three decimal places, necessary to argue that the 2026 maps (with a Convex Hull of .81) is outside the range of the simulated maps (with a minimum Convex Hull of .81). Shifting around statistical precision is a red flag.
- K. To estimate the partisanship of the 2026 map compared to the simulations, Dr. Chen uses a complicated inferential method: guessing the partisan makeup of Census blocks, despite voting not being reported for those geographical areas, and then aggregating those estimates up to the new districts. That can be a dicey procedure, a problem that has plagued my academic research in the past. Given sufficient time, a proper analysis would evaluate the soundness of how Dr. Chen estimated the partisanship of newly formed political areas.

- L. Dr. Chen uses the number of competitive districts to try to assess partisan bias. That's not a standard, or particularly reliable, way to judge the partisan tilt of legislative maps. Consider a place that's 50% Democratic and 50% Republican. In theory, it might be divided up so that half the districts are uncompetitive Democratic strongholds and the other half are uncompetitive Republican strongholds. Or, instead, it might be divided up so that all of the districts are evenly divided between Democratic and Republican voters. The first would have no competitive districts and the other would consist of nothing but competitive districts, yet neither system favors one party or the other. Dr. Chen's lengthy analysis of district competitiveness has at best an indirect relationship to questions of partisan bias.
- M. Dr. Chen does not provide diagnostics for the simulations that he has run. That's regrettable, because district simulations can exhibit a variety of pathologies that prevent them from being representative of what neutral mapmakers could have drawn. For example, simulated maps emerging from a restrictive set of rules may not differ much from each other, and instead of providing thousands of real variations in what's possible – such that it's suspicious when an enacted map lie outside of the simulation range, as Dr. Chen presupposes – what's actually suspicious is the narrowness of the range in simulations. Dr. Chen does not provide diagnostics establishing the representativeness of the simulations.
- N. In conclusion, because Dr. Chen estimates that 57.4% of Florida voters prefer Republicans, the simulations typically give Republicans a majority of the districts. A plurality of Dr. Chen's simulated maps gives the GOP 21 seats, compared to the 24 that Dr. Chen estimates the 2026 map is most likely to deliver. Some of Dr. Chen's simulations only give the Democrats five (5) seats, a difference of one congressional district. A difference of 1-3 seats is small enough that the methodological choices Dr. Chen made might account for it. I cannot say whether that's true. Given sufficient time, though, a proper analysis would attempt to determine whether Dr. Chen's simulations differ from the 2026 map due to measurement and methodological decisions rather than due to something more fundamental about the lines that Florida drew.

IV. Certification

The opinions expressed above are sworn, under penalty of perjury, to be true and based on the facts and criteria available to the expert witness as of the time of this report. This expert reserves the right to supplement this report as new information becomes available.

Signed this 12th day of May 2026

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¹

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³ For example, Lublin, David, and D. Stephen Voss. 2000. "Racial Redistricting and Realignment in Southern State Legislatures." *American Journal of Political Science* 44(October):792-810.

⁴ Admittedly, as I learned to my dismay when resuming consulting work a few years ago, failing to meet this "scientific best practice" is regrettably common in litigation. Not outlining the syntactical steps taken to produce results, and forcing opposing experts to translate everything you've done, appears to be a common form of non-cooperativeness from consultants.

⁵ <https://stackoverflow.com/questions/76868135/r-package-rgdal-can-not-be-installed>
<https://github.com/r-spatial/discuss/issues/39>
<https://stackoverflow.com/questions/12141422/error-gdal-config-not-found-while-installing-r-dependent-packages-whereas-gdal>

⁶ <https://r-spatial.org/r/2022/04/12/evolution.html>

VOSS RESPONSE TO CHEN (APPENDIX A)

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Voss, D. Stephen, Andrew Gelman, and Gary King. 1995. "Preelection Survey Methodology: Details 3 from Eight Polling Organizations, 1988 and 1992." *Public Opinion Quarterly* 59:98-132.

Other Professional Publications

Voss, D. Stephen. 2004. "Multicollinearity." In Kimberly Kempf-Leonard (ed.), *The Encyclopedia of Social Measurement*. San Diego, CA: Academic Press. Revision in progress for 2026.

Voss, D. Stephen. 2004. "Aggregation." In Kimberly Kempf-Leonard (ed.), *The Encyclopedia of Social Measurement*. San Diego, CA: Academic Press. Revision in progress for 2026.

Voss, D. Stephen. 2025. "Less White than Ever? Using Ecological Inference to Probe the Trump Coalition's Diversity in Louisiana." *The Forum* (De Gruyter). Published online on April 18. <https://doi.org/10.1515/for-2025-2007>. This was an invited submission, so not peer-reviewed.

Voss, D. Stephen. 2023. "Assessment of Expert Witness Analysis & Reports for *Graham v. Adams* (2022)." Lexington, KY: doubleDenny Consulting. Report #dDC 003. Post-Litigation Version.

Voss, D. Stephen. 2020. "Curtailing Election Day Voting Opportunities: What Does the Research Literature Say?" Lexington, KY: doubleDenny Consulting. Report #dDC 002.

Voss, D. Stephen. 2018. "An Evaluation of Automatic Voter Registration & Fayette County Registration Rates." Lexington, KY: doubleDenny Consulting. Report #dDC 001.

Voss, D. Stephen. 2016. "The End of Kentucky's Dual Partisanship?" *P.S.: Political Science & Politics* 49(2): 234-235. This was an invited submission, so not peer-reviewed.

- Voss, D. Stephen.** 2016. "Will Superdelegates Pick the Democratic Nominee?" The *Washington Post* Monkey Cage blog (February 26). <https://www.washingtonpost.com/news/monkey-cage/wp/2016/02/26/will-superdelegates-pick-the-democratic-nominee-heres-everything-you-need-to-know>
- Kreis, Doug, Roy E. Sturgill, Jr., Brian K. Howell, Chris Van Dyke, and D. Steve **Voss**. 2014. *Inland Waterway Operational Model & Simulation along the Ohio River*. Lexington, KY: Kentucky Transportation Center. Research Report KTC -14-13/MTIC3-14-1F.
- Fiorina, Morris P., Paul E. Peterson, Bertram Johnson, D. Stephen **Voss**, and William G. Mayer. 2008. *America's New Democracy*. New York: Longman. Fourth edition. Coauthor of the three previous versions as well.
- Voss, D. Stephen.** 2005. "Review of *The New Electoral Politics of Race*, by Matthew J. Streb." *Journal of Politics* 67(Feb.): 301-302.
- Fine, Jeffrey A., and D. Stephen **Voss**. "Politics, Use of Polls In." In Kimberly Kempf-Leonard (ed.), *The Encyclopedia of Social Measurement*. San Diego, CA: Academic Press.
- Fine, Jeffrey A., and D. Stephen **Voss**. "Polling Companies, History of." In Kimberly Kempf-Leonard (ed.), *The Encyclopedia of Social Measurement*. San Diego, CA: Academic Press.
- Fiorina, Morris P., Paul E. Peterson, Bertram Johnson, and D. Stephen **Voss**. 2004. *The New American Democracy*. New York: Longman. Fourth edition.
- Voss, D. Stephen.** 2002. "King, Gary." In Glenn H. Utter and Charles Lockhart (eds.), *American Political Scientists: A Dictionary*. Westport, CT: Greenwood Press. Second edition. Pp. 206-209.
- Voss, D. Stephen.** 2002. "Review of *Elbridge Gerry's Salamander*, by Gary W. Cox and Jonathan N. Katz." *American Review of Politics* 23(Spring/Summer): 74-76.
- Soifer, Paul, Abraham Hoffman, and D. Stephen **Voss**. 2001. *CliffsQuickReview American Government*. Indianapolis, IN: Hungry Minds.
- Michie, Jonathan (ed.). 2001. *Reader's Guide to the Social Sciences*. Chicago and London: Fitzroy Dearborn. **Voss** authored entries on: Race and Politics; Civil Rights (US); Martin Luther King, Jr.; Congress; the New Deal; and Opinion Polls.
- Voss, D. Stephen.** 1999. "Racial Redistricting and the Quest for Legislative Diversity." *Extensions of Remarks: APSA Legislative Studies Section Newsletter*: 22(July):11-14.
- Voss, D. Stephen** and David Lublin. 1998. "Ecological Inference and the Comparative Method." *APSA-CP: Newsletter of the APSA Organized Section in Comparative Politics* 9(1):25-31.
- Shrum, Wesley, Carl L. Bankston III, and D. Stephen **Voss**. 1995. *Science, Technology, and Society in the Third World: An Annotated Bibliography*. Metuchen, NJ: Scarecrow Press

Selected Conference Involvement (excludes papers listed elsewhere)

- 2025 Presenter (with Tasnia Symoom), “The Dangers of Denim: Attitudes toward Southern Asian Women Who Wear Western Garb,” Kentucky Political Science Association. A rewrite is scheduled to be presented at the 2026 Southern Political Science Association meeting.
- 2025 Panelist, “Elections Roundtable,” Kentucky Political Science Association.
- 2025 Panel Chair & Discussion, Kentucky Political Science Association.
- 2025 Chair & Discussant, “Public Opinion about Immigration,” Midwest Political Science Association
- 2025 Discussant, “Shaping Immigration Attitudes,” Midwest Political Science Association
- 2024 Presenter, Kentucky Political Science Association, panel on Race, Gender, and Public Law. Paper titled, “The Siege Effect: Using Spatial Measures to Inform Group-Threat Research.” With Candice Y. Wallace.
- 2024 Discussant, Kentucky Political Science Association, “Partisanship, the Presidency, and COVID-19.”
- 2024 Panelist, Kentucky Political Science Association, “Election Roundtable.”
- 2023 Discussant, Midwest Political Science Association, “Energy, Infrastructure, and Resource Politics.”
- 2023 Panelist, Kentucky Political Science Association, “Election Roundtable.”
- 2022 Presenter, Kentucky Political Science Association, panel on “Foreign Policy and Political Behavior.” Paper titled, “How Can You Bring a Child into This? The Effect of Triggering Threat on Ukrainian Attitudes toward Fertility.” With Celeste Beasley and Rose McDermott.
- 2020 Panelist, Kentucky Political Science Association, “Kentucky Politics.”
- 2018 Poster Advisor, Midwest Political Science Association, “Elections, Campaigns, and Candidates” session (April 6)
- 2018 Discussant, Midwest Political Science Association, “Representation” session.
- 2018 Presenter, Kentucky Political Science Association. Paper titled, “Why Does Education Lead to Increased Tolerance for Migrants.” With Anne Klette. Also panelist for “Roundtable on Kentucky Politics.”
- 2018 Poster Advisor, Midwest Political Science Association. Sessions on “Political Communication II” and “Politics of Immigration.”

OTHER WORKS IN PROGRESS

McDermott, Rose, and D. Stephen Voss. N.d. “Attitudes toward Gender Equality: Australia and New Zealand.” Under revise & resubmit for *Political Science* (Taylor & Francis).

Beasley, Celeste, Rose McDermott, and D. Stephen Voss. N.d. “Benevolent Sexism and Constraints on the Social Role of Post-Soviet Women: The Case of the Ukraine.”

With Rose McDermott (untitled book project): Cross-national survey research on attitudes about violence toward women. Focuses especially on the role of religion in shaping those attitudes.

Clinger, James, Scott Lasley, Joshua Tucker, and D. Stephen Voss (eds.). N.d. *Kentucky Politics and Government*. Lexington: University of Kentucky Press. Second edition.

Voss, D. Stephen, Corrine F. Elliott, and Sherelle Roberts. Forthcoming. “Seeing Red in the Bluegrass: Voting Behavior in the First Quarter of the 21st Century [working title only].” In James Clinger, Scott Lasley, Joshua Tucker, and D. Stephen Voss (eds.), *Kentucky Politics and Government*. Lexington: University of Kentucky Press. Second edition.

RELATED WORK EXPERIENCE

POLITICAL ANALYST, SPECTRUM ONE NEWS 2023-present
Appearing both live & in recorded news segments for coverage of election-related events.

CONSULTANT AND EXPERT WITNESS, Holtzman Vogel 2024-2025
Worked on a Florida redistricting case, *Hodges v. Albritton* (originally *Hodges v. Passidomo*) analyzing reports from two witnesses, one by Matthew Barreto using ecological inference & a second by Cory McCartan, as well as a Louisiana case, *Nairne v. Landry*, conducting ecological inference. Also, a consulting expert in a second Florida case.

EXPERT WITNESS, Kightlinger & Gray 2025
Worked on a civil action, *Bopp v. True the Vote*, growing out of 2020 Pennsylvania voting-rights case in which I briefly served as a non-testifying expert, *Pirkle v. Wolf*. My role initially involved evaluating and criticizing a method for trying to measure voter fraud presented by employees of TTV. In the follow-up case, I was asked to review my criticism of TTV’s methodology (as well as the presentation of it) because it was relevant to the civil dispute.

CONSULTANT AND EXPERT WITNESS, Graves Garrett Greim 2024
For a federal redistricting lawsuit in Louisiana, *Callais v. Landry*. I analyzed reports from two witnesses, especially one by Cory McCartan that used simulated congressional districts. I replicated and extended McCartan’s simulations.

NON-TESTIFYING CONSULTING EXPERT, Consovoy McCarthy 2023
I was approached to be a consultant and expert witness for a Wisconsin redistricting case, *Clark v. Wisconsin Elections Commission*, but didn’t want to take on the work. We signed a retainer agreement just in case they needed me, but while I consulted with them a couple of times by phone, they didn’t use me beyond that, so I didn’t charge them.

CONSULTANT AND EXPERT WITNESS, Kentucky Attorney General’s office 2022
For a redistricting lawsuit, *Graham v. Adams*. I analyzed reports from Harvard professor Kosuke Imai and M.I.T. professor Devin Caughey for their fidelity capturing the dynamics of Kentucky elections. Involved replicating and extending both Imai’s districting simulations and Caughey’s efficiency gap calculations.

CONSULTANT AND DATA ANALYST, Chris Wiest, Attorney at Law, PLLC 2020
 For a voting-rights lawsuit, *Nemes v. Bensinger*. I produced a literature review outlining evidence on the effects of various election policies as well as a statistical analysis of Kentucky's 2020 primary-election voting rules to estimate the extent to which they were suppressing the vote.

CONSULTANT AND DATA ANALYST, Fayette County Clerk 2018
 Study of Kentucky registration and turnout data, with a focus on determining the likely impact of automatic voter registration.

CONSULTANT AND DATA ANALYST, Kentucky Transportation Center 2013

CONSULTANT AND DATA ANALYST, Zooknic, Inc. 2007-2013
 Specialist in matters related to Internet domain pricing and e-commerce activity:
 Analyst for APTLD: Asian Internet domain sellers (Fall, 2007)
 Analyst for CENTR, European Internet domain sellers (Summer 2008)
 Analyst for Verisign Market (2009)
 Analysis for CENTR, European Internet domain sellers (2012)

CONSULTANT AND DATA ANALYST in Voting-Rights Cases, for Kroger, Gardis, and Regas
Pirkle v. Wolf (Winter 2020-2021): non-testifying expert
Borst v. Peterson (Winter 2003): affidavit submitted; trial testimony given
Dillard v. Lawrence (Fall 2006): affidavit submitted

METHODOLOGICAL CONSULTANT in Auto Liability Cases, for Perlman Law Offices, Lexington, KY
 • *Vaughn v. DaimlerChrysler* (Spring 2004): affidavit submitted
 • *Weuchter v. GM* (Fall 2004): affidavit submitted
 • *Aldridge v. DaimlerChrysler* (Spring 2005): affidavit submitted
 • *Robins v. Wayne* (Fall 2006): affidavit submitted
 • *Harrison v. DaimlerChrysler* (Summer 2007): affidavit submitted

METHODOLOGICAL CONSULTANT in Auto Liability Cases, Coben & Associates (Scottsdale, AZ)
 • *Turner v. Suburu* (Fall 2004 - Spring 2005): affidavit and phone deposition
 • *Varelas v. GM* (Summer 2005): brief consultation only
 • *Hinkle v. Dorel* (Fall 2005 - Spring 2006): retained, listed as rebuttal witness
 • *Ricci v. Volvo* (Summer 2007): brief consultation only

ASSISTANT PROFESSOR OF POLITICAL SCIENCE, University of KY 1998-2004

TECHNICAL EDITOR, *Politics for Dummies* 2002

RESEARCH ASSISTANT FOR GARY KING. Job included: writing & editing 1992 edition of Judge-It manual, gathering data, replicating results (Budge & Hofferbert, Green & Krasno), producing graphs & charts (e.g. consulting work for Ohio redistricting case), indexing (*Designing Social Inquiry*). (1991-1995)

CONSULTANT AND DATA ANALYST for the Washington, D.C., law firm of Baker and Hostetler in
 New York state redistricting litigation, working under Gary King (Summer 1992).

RESEARCH ASSISTANT FOR DEREK BOK, Harvard President Emeritus. Job included: methodological consultant for a sweeping project predicting the failure of U.S. social policies. (1992-1998)

RESEARCH ASSISTANT FOR PAUL E. PETERSON. Job included: out-of-sample forecasting for *Welfare Magnets* model to produce chapter 5 of *The Price of Federalism*; producing charts and

graphs, preparing survey data for analysis. (1991- TBA)

EDITOR-IN-CHIEF of *Let's Go: USA*, 1992 edition, the year's top-selling travel guide for the entire United States. (Summer 1991).

LEGISLATIVE AIDE to Louisiana State Sen. Sydney Nelson, D-Shreveport. Job included: legal research, legislative tracking, public relations (Spr.-Sum. 1990).

HONORS AND AWARDS

David Hughes Memorial Award 2023
Recognizes “the outstanding paper presented at the 2023 Annual Meeting of the Kentucky Political Science Association.

A&S Summer Research Fellowship 2013

Student Activities Board Faculty Partner Award 2012

College of Arts & Sciences Outstanding (Social Sciences) Teacher Award 2007-2008
College-wide award granted to one faculty member each year that recognizes excellence and outstanding contribution in all aspects of teaching, not just classroom performance.

Pi Sigma Alpha Award for Excellence in Scholarly Writing 2006
Award given to the best paper presented at the annual meeting of the Southern Political Science Association. Received with Jeff Fine and Mac Avery.

Great Teacher Award 2003
University award granted to six faculty members annually by the UK Alumni Association.

National Science Foundation Grant, “The Federal Elections Project” 2001-2002
Grant totaling \$140,000 used to collect the 2000 federal election precinct level results and match them with demographic data from the 2000 U.S. Census. Voss portion: \$50,607

Faculty Summer Research Grant 1999, 2001
Grant awarded to outstanding faculty to allow tenure-track assistant professors without summer support to launch programs or finish a project involving their research or creative activities. Voss portion \$5,000.

Lights of Liberty Award, Advocates for Self-Government 2001
Recognition for public service that advanced liberty in the United States.

Mellon Dissertation Completion Fellowship, Harvard University Spr. 1995-Fall 1996
Grant given to outstanding students toward defrayment of living costs during the pursuit of a degree.

Mellon Dissertation Research Fellowship, Harvard University Summer, 1994
Grant given to outstanding students toward defrayment of living costs during the pursuit of a degree.

Paul Solis Top Scholar Award, Louisiana State University 1990
Kappa Tau Alpha Top Scholar Award, Louisiana State University 1990

THESIS ADVISING AND MENTORING

Primary Adviser or Mentor

Kirkwood, Chris (Ph.D., still in program)
Al Amin, MD (Ph.D., still in program)
Symoom, Tasnia (Ph.D., 2025)
Taylor, Travis M. (Teaching Post-Doc, 2022-2023)
Kaiser, Steven J., Jr. (Ph.D., 2020)
Ledford, Chris (Ph.D., 2019)
East, Jack (Ph.D., 2014)

Advisory Committee

Crumrine, Chris (Ph.D., still in program)
Gantner, John (Ph.D., still in program)
Brewer, Caedmon (Ph.D., still in program)
Taylor, Travis (Ph.D., 2020)
Schoellhammer, Ralph (Ph.D., 2020)
Enjaian, Brian – Psychology (Ph.D., 2019)
Wei, Wenchi – Public Policy & Administration (Ph.D., 2019)
Poe, John (Ph.D., 2017)
Mihai Paraschiv – Economics (Ph.D., 2016)
Martin, Andrew (Ph.D., 2015)
Wallace, Candice – Geography (Ph.D., 2015)
Ouyang, Yu (Ph.D., 2015)
Morgan, Michael (Ph.D., 2014)
Ke, Yanyu (Ph.D., 2014)
Mattei, Nick – Computer Science (Ph.D., 2012)
Sharma, Ramesh (Ph.D., 2012)
Weinberg, Erik – History (Ph.D., 2012)
Peshkopia, Ridvan (Ph.D., 2011)
Kehrberg, Jason (Ph.D., 2011)
Jeong, Hanbeom (Ph.D., 2010)
Martin, Tom (Ph.D., 2008)
Bailey, Mandi Bates (Ph.D., 2007)
Fine, Jeffrey A. (Ph.D., 2006)
Bond, Maurey (M.A., 2006)
Prince, David (Ph.D., 2005)

Avery, J. Mac (Ph.D. 2004)
Eom, Kihong (Ph.D., 2003)

Also helped advise some students who eventually left their program: Donald Darmsteadt (primary advisor), Corey Chaise Camp, Samantha Ferrell, Jim Glenn, John Hajner, Cyrus Karimian, Hossein Motamedi, Daniel Partin, Chris White, Sean Chick (History), Matt Hall (History), Stephen Pickering (History), Will Stone (History)

Select Undergraduate Advising

Basinic, Dalia (Honors, 2025)
Tanner, Grace (NCUR, 2025)
Everett, Mackenzie (Honors, co-advisor, 2025)
Sligh, Regan (Chellgren Research, 2025)

PROFESSIONAL AFFILIATIONS

Kentucky Political Science Association

KPSA President (2012-2013)
Executive Board member (2011-2014)
Editorial Board member, *Commonwealth Review of Political Science* (until present)
Co-editor, *Commonwealth Review of Political Science* (first two volumes)

I also, off and on, have been a member of the following:

American Political Science Association

Midwest Political Science Association

Southern Political Science Association

UNIVERSITY AND DISCIPLINARY SERVICE

Administrator, University of Kentucky Department of Political Science

2024-present Internship Director (also 2014-15, 2010-11, 2005)
2015-present Publicity Director (also 1999-2002)
2012-2014 Associate Chair
2005-2013 Director of Undergraduate Studies (sabbatical 2007-2008, hiatus 2010-2011)
2004-2005 Co-Director of Undergraduate Studies
2003-2004 Assistant Director of Undergraduate Studies

University/Faculty Senate

2025-present Faculty Senator (one of two representing the College of Arts & Sciences)
2024-2025 Provisional Faculty Senator (sole representative of College of Arts & Sciences)
2005-2007 University Senate (social science rep for the College of Arts & Sciences)

Arts & Sciences Educational Policy Committee

2025 Acting member
2009-2011 Member
2006-2007 Chair
2004-2006 Member (2004 - 2007, 2009-2011)
2003-2004 Member, Area B Curriculum Committee

Faculty Advisor for campus groups

- Phi Alpha Delta pre-law fraternity (2004-2008, 2025-present)
- UK College Democrats (2022-present)
- UK College Republicans (2024-present)
- Pi Sigma Alpha poli sci honorary (2005-2007, 2008-2010, 2011-2012)
- UK Moderates
- UK-NAACP (2001)
- UK Liberty Club (Fall 2000)

WildCats at the Capitol, Steering Committee member (2024-2025)

Student Affairs/Success Task Force (to rewrite UK's Admin Regs related to students)
Member, 2024

Search Committee for Associate Dean of Agriculture & V.P. of Land-Grant Extension
Member, 2024

Department of Political Science Faculty Merit Evaluation Review Committee

Member, 2024-2025
Member, 2022-2023
Member, 2010-2011
Member, 2008-2009
Member, 1999-2000

College of Arts & Sciences, Political Science Acting Chair Search Committee

Chair, Spring 2023

Appeals Board Member, University of Kentucky (2018-2020)

Scholarship Committees

- T. Marshall Hahn, Jr., Graduate Fellowship Selection Committee (2005, 2009-2010, 2025)
- Schwarte, Gorman, and Jewell awards committees (2019)
- Trunzo Scholars Program (2015-2017)
- Arts & Sciences Scholarship Committee (2004-2008)
- Interdisciplinary Program (IDP) Committee, American Studies Rep. (2005-2006)

Online Colloquium Coordinator, UK Political Science Department 2020-2021

Department of Political Science Search Committee Member

Judicial Politics position, Fall, 2008
American Institutions, Fall 2006
Judicial Politics, Fall, 2006
International Relations, Fall, 2006
Chair Search Fall, 2006
American Politics senior search, Fall, 2001

Department of Political Science Field Committee – I’ve been on these so many times that I decided to remove the year-by-year listings. I’m been appointed to the exam committee in Political Methodology, American Politics, Policy Studies (chairing in 2020), and Political Behavior.

American Studies Committee

- Acting Director (2005-2006)
- Steering Committee Member (2003-2007)

UK President’s Commission on Diversity

- Member (2003 - 2006)
- Chair, Campus Environment Subcommittee (2004 - 2005)

General Education U.S. Citizenship Vetting Committee

- Chair, 2009-2010

Award Committees and Judge Panels

- UK Homecoming judge (2012)
- Singletary Service and Leadership Award Committee (2003-2006)
- Oswald Undergraduate Research Award Committee (2003)
- UK Homecoming Queen competition interviewer (2002)
- UK Homecoming King competition interviewer (2001)

Section Head

Southern Political Science Association meeting, 2009
Southern Political Science Association meeting, 2006

V.O. Key Book Award Committee

Chair, 2002
Member, 2001

Peer-Reviewed Articles for (among others):

- *American Political Science Review*
- *American Journal of Political Science*
- *Journal of Politics*
- *Political Analysis*
- *Sociological Methods and Research*
- *American Politics Quarterly/Research*
- *American Review of Politics*

- *Comparative Politics*
- *Electoral Studies*
- *International Politics*
- *Political Behavior*
- *Politics and Polity*
- *Political Research Quarterly*
- *Social Forces*
- *State Politics and Policy Quarterly*

INVITED TALKS & UNPAID PUBLIC APPEARANCES

Due to my focus on elections and voting behavior, and my long residence in Kentucky, I engage in extensive **media outreach** on behalf of UK. The result has been years of local, national, and international media appearances spanning TV, radio, and print journalism, a list much too long to provide here. I can list a few recurring gigs, though:

POLITICAL ANALYST, WVLK 590AM 92.9FM 2022-present
Weekly 45-minute appearance on the Larry Glover Live show to discuss a wide-ranging variety of topics related to politics, government, policy, and society (unpaid post).

POLITICAL ANALYST, CINCINNATI EDITION 2023-2025
Recurring appearances on public radio program to discuss topics related to politics and elections. Included appearances on 11 March 2025.

POLITICAL ANALYST, KENTUCKY EDUCATIONAL TELEVISION 2023-2025
Recurring appearances on public television station to discuss topics related to politics and elections. Included appearances on 22 November 2024.

POLITICAL ANALYST, BEHIND THE BLUE (UK PUBLIC AFFAIRS PODCAST) 2014 (?) - 2024
I've recorded regular podcasts with UK public relations during election season. Appearances on 4 November 2014, 17 May 2016, 19 October 2016, 18 January 2017, 31 October 2018, 30 October 2020, 21 April 2022, 27 October 2022, 18 November 2022 9 November 2023, 29 October 2024.

POLITICAL ANALYST, WRFL ? - 2024
Appearing in studio for coverage of elections and election-related events (unpaid post). Includes appearances on 6 November 2024.

POLITICAL ANALYST, WTVQ ABC-36 2013-2023
Appearing in studio for coverage of elections and election-related events (unpaid post).

OPINION COLUMNIST, THE KENTUCKY LANTERN (NEWS FROM THE STATES) 2023-2024
Biweekly column on politics, elections, and policy. See <https://kentuckylantern.com/author/d-stephen-voss/>

GUEST COLUMNIST, LEXINGTON HERALD-LEADER 2023
Columns on Kentucky politics and elections (unpaid post).

POLITICAL ANALYST, WKYT 2020-2021
Recurring guest on The Breakdown, a deep dive into the political topics of the day (unpaid post).

POLITICAL ANALYST, LEX-18 2019
Appeared in studio for coverage of Kentucky statewide elections (unpaid post).

Select Other Invited Appearances

- 2025 Keynote Address, Indiana Political Science Association
- 2024 Presenter, Berkeley Immigration Workshop
- 2023 Presenter, Berkeley Immigration Workshop
- 2021 Co-presenter, annual meeting of WomanStats (virtual, Texas A&M)
- 2021 Co-presenter, Gender & Political Violence Workshop (virtual, Cornell University)
- 2020 New Leaders Council of Kentucky (18 April)
- 2019 Moderator, “Gun Control,” with John Lott, UK Student Activities Board (29 Jan.)
- 2018 Bluegrass Activist Alliance: “What Went Wrong in the 6th District and Where Do Progressives Go from Here.” (18 Nov.)
- 2018 Japanese Embassy delegation, “Kentucky’s 6th Congressional District Race.” (Oct. 25)
- 2018 UK College of Arts & Sciences Dean’s Circle, “Undergraduate Research.” (Oct. 19)
- 2018 UK College of Arts & Sciences Ambassadors, “The Undergraduate Political Science Degree at UK.” (Oct. 1)
- 2018 Bellarmine University, “Voting Rights and Election Reforms.” (Sept. 17)
- 2018 Henry Clay Congress (May 17)
- 2018 New Leaders Council of Kentucky (April 21)
- 2018 UK College of Law Federalist Society, “Partisan Gerrymandering”
- 2018 Harvard University Center for Public Leadership, “Kentucky’s Culture, Challenges, and Opportunities.”
- 2018 UK Lewis Honors College, “American Social-Welfare Policy” (Aug. 22)
- 2017 Henry Clay Congress, “Polarization and Distrust in American Politics” (June 13)
- 2008 Moderator, election debate between the UK College Democrats & College Republicans (28 October)
- 2008 Moderator, election debate between the UK College Democrats & College Republicans (26 September)
- 2007 Moderator, policy debate between the UK College Democrats & College Republicans (Spring)
- 2006 Moderator, Mayoral Candidate Debate sponsored by UK Student Government Association (Fall)
- 2006 Moderator, SGA Presidential Candidate Debate, sponsored by UK’s G-PAC (Spring)
- 2005 Moderator, screening of Steven Greenstreet’s “This Divided State” (18 April)
- 2005 Moderator, SGA Presidential Candidate Debate, sponsored by UK’s G-PAC (Spring)
- 2004 Discussant, screening of “School of the Americas, School of Assassins,” sponsored by Amnesty International of UK (4 November)
- 2004 Moderator, election debate between the UK College Democrats & College Republicans (Fall)

Moderator (selected examples)

- Discussant, screening of Michael Moore’s “Fahrenheit 9/11” sponsored by the Cats’ Den (18 Oct. 2004)

- University-Affiliated Conferences and Symposia
- Presenter, “Probabilities in the Courtroom: How Expert Witnesses (Mis)Use Risk Analysis,” Judith Goldsmith’s UK colloquium on the psychology of probabilities (Fall 2008)
- Panelist, Diversity Dialogue (23 January 2007)
- Participant, General Education Process Planning Workshop (August 2006)
- Moderator and Discussant, “History of Race Relations in 1940s US,” Fifteenth Annual Bluegrass Symposium (7-8 April 2006)
- Panelist, Diversity Dialogue, “Uses, Misuses, and Abuses: Race, Ethnicity, Diversity, and Related Concepts” (30 March 2004)
- Panelist, “Education Beyond *Brown*: Future Perspectives,” UK President’s Commission on Diversity and African American Studies and Research Program (26 March 2004)
- Videographer, “Affirmative Action Forum: How Brown vs. Board of Education Affected You,” sponsored by UK-NAACP and UK President’s Commission on Diversity (18 Nov. 2003)
- Panelist, campus NAACP forum, “Affirmative Action: Under Siege and Under Fire” (26 Feb. 2003)
- Chair and Discussant, National Council on Undergraduate Research (2001)
- Presenter, How to Express & Explain Your Results,” Quantitative Methods Committee in the Social and Behavioral Sciences (7 Dec. 2000)
- Panelist, Gaines Center forum on the 2000 elections (2000)

Guest Speaker (selected examples, service to Univ. of Kentucky only)

- UK College of Arts & Sciences speaker series (17 Oct 2024)
- Ford Lecture panelist, UK Martin School (8 Oct 2024)
- Bourbon County High School Candidate Forum (6 Oct 2014)
- #TrendingTopics Debate: Immigration (2014)
- See Tomorrow speaker series, “UK’s Partnership with the Commonwealth (9 Sept 2014)
- American University of Tirana, on online instruction (2012)
- American University of Tirana, on the presidential election (2012)
- Bellarmine University, Constitution Day address (2012)
- UK College of Arts & Sciences podcast on the presidential election (Sept 2012)
- UKC 180 course on elections taught by A&S Dean Kornbluh & Prof. Kathy Kern (2012)
- Student Activities Board Trending Topics Obamacare Debate (2012)
- National Assn. of Women Business Owners, Lexington Chapter (21 Oct 2008)
- Fayette County Chapter of UK Alumni Association (2004)
- Clark County Chapter (23 Sept 2004)
- Sorority Rush, “Surviving UK Academics” (2002)
- Guest Speaker, Lexington Catholic High School, National Honor Society Induction Ceremony (20 Feb. 2002)
- Lexington Catholic English class (2001, 2002)
- Bryan Station H.S. political science class (11 Sept. 2001)
- Emerging Leader Institute Presenter (Fall 2005, Spring 2005, Fall 2004)

COMPUTER SOFTWARE

Microsoft Office (i.e., Excel, Word, Powerpoint, Outlook), STATA, R, GAUSS, Camtasia, etc.

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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 capac-
ity as Florida Secretary of State,
the FLORIDA SENATE, and the
FLORIDA HOUSE OF REPRE-
SENTATIVES,**

Defendants.

Case No. 2026 CA 000914

EXPERT REPORT OF SEAN P. TRENDE, Ph.D.

1 Introduction

My name is Sean P. Trende. I am over 18 years of age and I hold a Ph.D. in Political Science. I have been retained by Plaintiffs in the above-captioned matter. I have been asked to perform certain calculations related to the expert reports filed by plaintiffs in the above-captioned matter. I am being compensated at a rate of \$450/hr for writing this report and \$500/hr for any testimony I may give. My compensation is in no way dependent upon the conclusions I reach. All opinions are offered to a reasonable degree of scientific certainty.

2 Qualifications

2.1 Professional Experience

I serve as Senior Elections Analyst for Real Clear Politics. I joined Real Clear Politics in January of 2009 and assumed a fulltime position in March of 2010. Real Clear Politics is a company of approximately 50 employees, with its main offices in Washington D.C. It produces one of the most heavily trafficked political websites in the world, which serves as a one-stop shop for political analysis from all sides of the political spectrum and is recognized as a pioneer in the field of poll aggregation. Real Clear Politics produces original content, including both data analysis and traditional reporting.

My main responsibilities with Real Clear Politics consist of tracking, analyzing, and writing about elections. I collaborate in rating the competitiveness of Presidential, Senate, House, and gubernatorial races. As a part of carrying out these responsibilities, I have studied and written extensively about demographic trends in the country, exit poll data at the state and federal level, public opinion polling, and voter turnout and voting behavior. In particular, understanding the way that districts are drawn and how geography and demographics interact is crucial to predicting United States House of Representatives races, so much of my time is dedicated to that task.

I am currently a Visiting Scholar at the American Enterprise Institute, where my

publications focus on the demographic and coalitional aspects of American Politics.

I am also a Lecturer at The Ohio State University. My course load is detailed in my C.V., attached as Exhibit 1.

2.2 Publications and Speaking Engagements

I am the author of the 2012 book *The Lost Majority: Why the Future of Government is up For Grabs and Who Will Take It*. In this book, I explore realignment theory. It argues that realignments are a poor concept that should be abandoned. As part of this analysis, I conducted a thorough analysis of demographic and political trends beginning in the 1920s and continuing through modern times, noting the fluidity and fragility of the coalitions built by the major political parties and their candidates.

I also co-authored the 2014 *Almanac of American Politics*. The *Almanac* is considered the foundational text for understanding congressional districts and the representatives of those districts, as well as the dynamics in play behind the elections. My focus was researching the history of and writing descriptions for many of the 2012 districts, including tracing the history of how and why they were drawn the way that they were drawn. Because the 2014 *Almanac* covers the 2012 elections, analyzing how redistricting was done was crucial to my work. I have also authored a chapter in Dr. Larry Sabato's post-election compendium after every election dating back to 2012.

I have spoken on these subjects before audiences from across the political spectrum, including at the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution. In 2012, I was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps. I was selected by the United States Embassy in Sweden to discuss the 2016 elections to a series of audiences there and was selected by the United States Embassy in Spain to fulfill a similar mission in 2018. I was invited to present by the United States Embassy in Italy, but was unable to do so because of my teaching schedule.

2.3 Education

I received my Ph.D. in political science at The Ohio State University in 2023. I passed comprehensive examinations in both Methodology and American Politics. My dissertation applied historical and spatial statistical approaches to analyzing American political institutions, including (1) an analysis of Supreme Court voting patterns from 1900 to 1945; (2) methodological development in the use of integrated nested LaPlace approximations (INLA) to incorporate spatial statistics into election analysis; and (3) simulation-based evaluation of “communities of interest” in redistricting. In pursuit of this degree, I also earned a Master’s Degree in Applied Statistics. My coursework for my Ph.D. and M.A.S. included, among other things, classes on G.I.S., spatial statistics, issues in contemporary redistricting, machine learning, non-parametric hypothesis tests and probability theory. I also earned a B.A. from Yale University in history and political science in 1995, a Juris Doctor from Duke University in 2001, and a Master’s Degree in political science from Duke University in 2001.

In the winter of 2018, I taught American Politics and the Mass Media at Ohio Wesleyan University. I taught Introduction to American Politics at The Ohio State University for three semesters from Fall of 2018 to Fall of 2019, and again in Fall of 2021. In the Spring semesters of 2020, 2021, 2022, and 2023, I taught Political Participation and Voting Behavior at The Ohio State University. This course spent several weeks covering all facets of redistricting: how maps are drawn, debates over what constitutes a fair map, measures of redistricting quality, and similar topics. It also covers the Voting Rights Act and racial gerrymandering claims. I also taught survey methodology in Fall of 2022 and Spring of 2024. In Spring of 2025, I taught Introduction to the Policy Process. In Spring of 2026, I taught American Government Culture and Behavior.

2.4 Prior Expert Engagements

A full copy of all cases in which I have testified or been deposed is included on my C.V., attached as Exhibit 1. In 2021, I served as one of two special masters appointed by

the Supreme Court of Virginia to redraw the districts that will elect the Commonwealth’s representatives to the House of Delegates, state Senate, and U.S. Congress in the following decade. The Supreme Court of Virginia accepted those maps, which were praised by observers from across the political spectrum. *See, e.g., New Voting Maps, and a New Day, for Virginia*, The Washington Post (Jan. 2, 2022), *available at* <https://www.washingtonpost.com/opinions/2022/01/02/virginia-redistricting-voting-maps-gerrymander>; Henry Olsen, *Maryland Shows How to do Redistricting Wrong. Virginia Shows How to Do it Right*, The Washington Post (Dec. 9, 2021), *available at* <https://www.washingtonpost.com/opinions/2021/12/09/maryland-virginia-redistricting>; Richard Pildes, *Has VA Created a New Model for a Reasonably Non-Partisan Redistricting Process*, Election Law Blog (Dec. 9, 2021), *available at* <https://electionlawblog.org/?p=126216>.

In 2019, I was appointed as the court’s expert by the Supreme Court of Belize. In that case I was asked to identify international standards of democracy as they relate to malapportionment claims, to determine whether Belize’s electoral divisions (similar to our congressional districts) conformed with those standards, and to draw alternative maps that would remedy any existing malapportionment.

I served as a Voting Rights Act expert to counsel for the Arizona Independent Redistricting Commission in 2021 and 2022.

3 Analysis

3.1 The Partisan Fairness Metrics on Which Dr. Warshaw Relies are Flawed.

3.1.1 The GEOMetric is fatally flawed and should not be used.

Dr. Warshaw references a metric called the “GEOMetric.” To my knowledge, this has never been utilized before in litigation. It appears to be both theoretically and operationally flawed, and should not be adopted here, especially with such a short time

period for review. There are three reasons.

First, while Dr. Warshaw is technically correct that the technique “uses both geographic information about a districting plan as well as district-level election data,” it does not follow that GEOmetric does so in a useful manner. My understanding of the basic GEOmetric algorithm runs as follows: Pick a political party (here, Democrats). Order the state’s districts (here, 1 to 28). Pick a district (we’ll call it “A”). If Democrats are favored to win District A, go to the next district. If they aren’t favored, then look at the districts that are adjacent to District A. If you can move a sufficient vote *share* from neighboring districts into District A, such that Democrats would be competitive in District A without flipping the partisan values of the neighboring districts, do so. So, for example, if District A gives Democrats 46% of the vote, and it is abutted by three districts where they get 61%, 62%, and 46% of the vote, respectively, transfer 1.3%, 1.5%, and 1.2% of the vote, respectively to District A. District A would then be 50% Democratic, while the neighbors would be 59.7%, 44.8%, and 60.5% Democratic. Then move to the next district. Repeat this until all districts have been examined and total the number of districts that flip.

This appears to be unhelpful. First, by transferring vote *shares* in a one-way swap to one district, that district becomes malapportioned. If the district isn’t revisited (for example, if Florida’s First District were re-estimated from its only neighbor) it would remain malapportioned at the end. Perhaps Democrats would pick up seats, but the map would be illegal. The more serious problem is this: “[w]hile the GEO metric does take both geographic and election outcome data into account, it does not look at the actual locations of voters to see if the vote share swaps incorporated in calculating the GEO metric are physically possible.” Marion Campisi, Thomas Ratliff, Stephanie Somersille & Ellen Veomett, *Geography and Election Outcome Metric: An Introduction*, 21 Election L.J. 216 (2022).

So, for example, District 17 borders District 9 in central Florida, but its Democratic voters are almost entirely located in Pinellas County, far away on the Gulf Coast.

GEOmetric will consider those voters in District 17 available to balance District 9, even though it may be impossible to move those voters (or voters reflecting the assumed vote share) over without badly distorting the district.

Indeed, the metric does not appear to control, on my reading, for any of the principles that might constrain parties in the real world. Contiguity, compactness, county/municipal splits, the Voting Rights Act, core retention – none of these are a part of the GEOmetric calculations. In other words, what GEOmetric gives you is the number of hypothetical districts that might be constructed if there were no rules regarding redistricting other than partisan fairness.

This isn't a theoretical concern. Take Massachusetts. GEOmetric claims that Republicans are entitled to three additional seats there. The problem is that it is likely impossible to draw three Republican seats in Massachusetts. It's possible to draw one, and if one ignores most considerations beyond contiguity and partisanship, it's possible to draw two. I don't believe it is possible to draw three Republican districts in practice. At the very least, the GEOmetric approach doesn't check to see if it is possible.

Second, and relatedly, Dr. Warshaw is correct when he says that the metric has been validated by a second set of authors. But this overstates the significance of these findings. The authors who validated it simply confirmed that it correlated with other election measures; they didn't explore any of the limitations above.

Finally, although the metric does correctly flag some maps as gerrymanders, as Dr. Warshaw correctly points out, it misses on others. For example, it flags Massachusetts as a more severe gerrymander than almost every other map, although it isn't clear that a significantly fairer map can be drawn. It flags Michigan as a gerrymander, even though that was drawn by an independent redistricting commission. The Court-drawn map in Pennsylvania shows substantial bias toward Democrats, as do the commission-drawn maps in California and Washington.

On the other side of the ledger, the metric suggests that the commission-drawn map in Arizona favors Republicans, as does the map in Virginia, which I can confirm

was drawn politics-blind. Interestingly, the metric suggests that Utah is not a Republican gerrymander, despite the fact that Dr. Warshaw testified recently that it was a gerrymander.

3.1.2 The efficiency gap is flawed.

The other metrics Dr. Warshaw suggests are likewise flawed. First, consider the efficiency gap. The efficiency gap is likely the most famous metric. It was a potential measure discussed by a 3-judge panel that struck down a map as a partisan gerrymander for the first time in decades, and formed the basis of a challenge that went to the Supreme Court of the United States before being rejected. *Gill v. Whitford*, 585 U.S. 48 (2018). It is probably the most widely utilized metric in litigation, in part because it is the only metric that, to my knowledge, has developed suggested (though still arbitrary) cutoffs for “how much gerrymandering is too much.”¹ It was first described by Dr. Eric McGhee, *Measuring Partisan Bias in Single-Member District Electoral Systems*, 30 Leg. Stud. Q. 55 (2014) and later developed into a legal standard in conjunction with Stephanopoulos. *Partisan Gerrymandering and the Efficiency Gap*, 82 U. Chi. L.Rev. 831 (2015).

The efficiency gap is centered on the concept of “wasted votes.” McGhee defines wasted votes as either votes cast by a losing party in a district, or votes cast by a victorious party in excess of those needed to achieve the 50% + 1 threshold in a district. The idea—which scholars have criticized—is that a gerrymandering party would like to create a map where it maximizes the efficiency of its votes by capturing as many districts as possible by one vote, while its opponents waste as many votes as possible by coming within one vote of capturing the district. In such a scenario the party would capture 100% of the representation of a district with the bare minimum number of possible votes; its votes would be distributed extremely efficiently. By summing the wasted votes for each party over districts and taking the difference between the two (and then scaling them by the total number of votes cast), the efficiency gap gives a sense of which party

¹We shouldn’t overstate this. The fact that cutoffs of 0.07, 0.075, 0.08 and 0.125 have been suggested in different forums illustrates that these attempts really just push the question of “how much is too much” back a step, and don’t ultimately have an objective grounding.

wastes the most votes on a map, and to what extent.

But before embarking on an exploration of the efficiency gap’s flaws, I should be clear: I have disliked and avoided using the efficiency gap since I first encountered it in the *Gill v. Whitford* litigation. This is not a newly found dislike for a measure. The efficiency gap proceeds from the intuition that a mapmaker wishes to minimize his or her preferred party’s wasted votes by either forcing his opponents into an overwhelmingly uncompetitive district or by spreading them out over many districts. This has been criticized by political scientists who note that this is a redefinition from the common usage of wasted votes and that the author of the efficiency gap, Dr. Eric McGhee, has conceded that adjustments to the concept of wasted votes may be needed. See Krasno et al., n.5; McGhee, E. (2016). *Measuring Efficient Partisan Bias*. Presented at Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 7-10. Indeed, the definition of wasted votes in the efficiency gap “dubious” and determined that the test is “ineffective.” Robin E. Best et al., *Considering the Prospects for Establishing a Packing Gerrymandering Standard*, 17 Election L.J. 1, 2 (2018).

Regardless, there is at the very least a lack of agreement on the concept of excess votes. Jonathan N. Katz, Gary King & Elizabeth Rosenblatt, *Theoretical Foundations and Empirical Evaluations of Partisan Fairness in District-Based Democracies*, 114 Am. Pol. Sci. Rev. 164 (2020). (“The efficiency gap redefines the classic definition of ‘wasted votes’ of all votes cast for losing candidates (Campbell 1996) by adding those for winning candidates above the 50%-plus-one-vote threshold. The article then claims that partisan symmetry is satisfied when these wasted votes are equally divided between the parties. We show this claim is incorrect”).

This is also one of those times where theory intersects poorly with reality. According to the efficiency gap, a map in a state with four districts, where one party has 50.1% of the vote in three districts and 35% in another district (efficiency gap of .2485, assuming 1000 votes in all four districts) is a superior gerrymander to one where they have 55.1% of the vote in three districts and 20% of the vote in a third (efficiency gap of .1735). This

is nonsense in the real world, as the first map would have extremely fragile results for the winning party that could collapse with a slight change in political coalitions, candidate issues, or public environment.

Moreover, the efficiency gap has consistently failed to live up to its initial promises. When the efficiency gap was first proposed, for example, it suggested “[u]nder circumstances that are very common in U.S. elections, it is unnecessary to sum the wasted votes in each individual district—a process that can be somewhat cumbersome. Instead, if we assume that all districts are equal in population (which is constitutionally required), and that there are only two parties (which is typical in single-member district systems), then the computation reduces through simple algebra to something quite straightforward $\text{Efficiency Gap} = \text{Seat Margin} - (2 \times \text{Vote Margin})$.” Stephanopoulos and McGhee, at 17.

The algebra was not straightforward. It was later discovered that the proof of this equivalence only held true when turnout was equivalent across districts, which of course is almost never the case. Eric McGhee, *Measuring Efficiency in Redistricting*, 16 *Election L.J.* 417 (2017). Dr. Warshaw attempts to “save” the simpler format as a “turnout-adjusted” efficiency gap; regardless of one’s view of the merits of this, the existence of two sometimes-competing versions of the efficiency gap is not encouraging.

Even more distressing, the efficiency gap was represented as being closely related to partisan symmetry and creating symmetry with an efficiency gap of zero. See Complaint, *Gill v. Whitford*, Case No. 15-CV-421-bbc, available at https://vhdshf2oms2wcnsvk7sdv3so.blob.core.windows.net/thearp-media/documents/Complaint_7.8.15.pdf. However, as has recently been demonstrated (after the attempt to utilize the metric as part of a federal constitutional standard failed), this assertion was also false as were a number of other claims made about the usefulness of the efficiency gap. See Katz, King and Rosenblatt at 114 (“Stephanopoulos and McGhee (2015) introduce the efficiency gap and claim it is “a new measure of partisan [a] symmetry” (quote repeated on pages 831, 834, 838, 849, and 899). We prove that this claim is false, and also convey the intuition

and productive uses of the measure.”) (“The article then claims that partisan symmetry is satisfied when these wasted votes are equally divided between the parties. We show this claim is incorrect.”) (“The claim that “a party can win more than half the seats with half the votes only by exacerbating the efficiency gap in its favor” (p. 856) is also untrue.”). Even beyond these problems, the fragility of the efficiency gap led to a need to add an additional layer of complex analysis. Some have tried “perturbing” vote shares – that is assuming a uniform swing in election results and exploring the potential outcomes as vote shares are moved in various directions, adding yet another layer of complexity and assumptions to the test. In short, there is a good reason that all of plaintiffs’ citations to court cases are from the 2010s.

Then there is the question of whether the “baseline” efficiency gap for a state should be zero. If random districts were drawn throughout the United States, according to Dr. Chen, we wouldn’t necessarily end up with symmetric maps. As he explained with 2014, the problem for Democrats “is that they have overwhelming majorities not only in dense, poor urban centers, but also in isolated, far-flung college towns, historical mining areas and 19th-century manufacturing towns that are surrounded and ultimately overwhelmed by rural Republicans.” See Jowei Chen and Jonathan Rodden, “Don’t Blame the Maps,” *New York Times* (Jan. 24, 2014). Dr. Chen’s simulations attempt to address this, but note that they use a different set of elections than Dr. Warshaw.

The efficiency gap should theoretically tell us something about gerrymandering on its own terms. If we have multiple instances of fairly drawn maps that show large efficiency gaps, or known gerrymanders with small ones, it calls into question whether the efficiency gap is as intimately tied to gerrymandering as Dr. Warshaw suggests. This concept of construct validity lies at the heart of the efficiency gap. A map maker who gerrymanders is probably not trying to get vote totals as close to 50%+1 as possible; there’s a good chance they want some “padding.” For example, the Texas gerrymander draws most of the Republican seats at 60% Republican. Theoretically, that wastes a lot of votes, but practically that insulates incumbents from bad Republican years.

Consider the GEO metric estimates of the efficiency gaps for the 2022 maps. <https://www.the-geometric.com/congressional-plans-table>. Arizona, a commission-drawn map has a large efficiency gap. Kentucky, whose state Supreme Court ruled the map was not an extreme gerrymander, has a large efficiency gap. New York, whose 22D-4R map was struck down as a gerrymander has a small efficiency gap. Michigan, a commission-drawn map, is on the cusp of what we might call a large efficiency gap. In short, the efficiency gap misclassifies substantial numbers of plans.

Finally, the efficiency gap is not a stable measure of a gerrymander. That is to say, whether something is or is not a gerrymander in a given year does not sufficiently help us predict whether it will be a gerrymander in a future year. This is the conclusion of a recent peer-reviewed article that I co-authored. See Barber, et al., *The Aggrandized Partisan Gerrymander*, _ Election Law Journal _ (2026).

3.1.3 Declination

Declination is an odd measure. Although it is often proposed in litigation, it's rarely the metric that courts rely upon, perhaps because it is difficult to understand, let alone explain. But consider the states with the largest declination scores: Tennessee, South Carolina, Alabama, Louisiana and Missouri. The problem isn't that these are not gerrymanders in reality—they probably are. The problem is that in 2022, these states were subject to the Voting Rights Act. It is therefore unsurprising that they would have heavily Democratic districts within them, as Black voters are, as a group, heavily Democratic. That alone can produce the “spike” that brings about a large declination score. Once again, the commission-drawn map in Arizona has a large declination score, larger, in fact, than the 22-4 New York map. The bipartisan Minnesota map has a substantial declination score. Michigan's commission-drawn map once again has a sizeable declination score. So in addition to being infrequently used, the declination metric misclassifies a number of maps.

3.1.4 None of these metrics answer the question “how much gerrymandering is too much”

One problem with partisan fairness measures in general is that they don’t translate cleanly to a manageable limitation on gerrymandering. With one-person-one-vote cases, it was plausible to draw a map with zero population deviation. Here, a “zero efficiency gap” map could prove difficult, if not impossible, to draw.

If “zero” is not a particularly realistic threshold, then where should the threshold lie. Notably, Dr. Warshaw doesn’t provide one. As far as I know, the efficiency gap is the only measure with suggested thresholds, although there have been multiple ones. But the fact that there are suggested thresholds doesn’t mean that there are good ones. The numbers are derived from an estimate of at what point a plan would waste a set number of seats. But this doesn’t really answer the question of “why is this too much.” It isn’t a clean mapping either, it’s just an estimate. At the end of the day, the common flaw with all of these approaches is that they are interesting descriptive statistics, but they don’t lend themselves easily to scientific conclusions regarding what is and isn’t a gerrymander.

3.1.5 The correlation between metrics is a bug, not a feature

These scores are frequently correlated with each other. For example, the GEOMETRIC measure is validated against declination and the efficiency gap. But if they are correlated, what is the point of including them all? What a high correlation means is that knowing something about metric A tells you quite a bit about the values of metrics B and C. The bottom line, though is that it’s unsurprising that a map that appears to have a high efficiency gap also has a high declination or a high GEOMETRIC score. That’s what correlated measures do.

3.1.6 Other partisan fairness measures are not considered

Finally, we should note that there are multiple partisan fairness metrics that have been proposed over the years. Some of them are employed by Dr. Warshaw at various times. One interesting measure is mean-median. The mean-median gap is a standard

measure of gerrymandering. It is regularly employed in partisan gerrymandering cases, including by Dr. Warshaw. While it is most often used in state legislatures and competitive states, that has not constrained Dr. Warshaw from considering it in the past. For example, in New Mexico, a state that is roughly as competitive as Florida, with a much smaller delegation, Dr. Warshaw reported out the mean-median score. See Warshaw New Mexico Report. (Ex. B). Likewise, in Florida, Dr. Warshaw recently reported the mean-median gap. See Warshaw Florida Report. (Ex. C).

Dr. Warshaw does calculate the mean-median gap in an Appendix; the score is 0.028. This is not a particularly large gap, although again, partisan fairness metrics do a poor job of helping us decide what is acceptable or unacceptable. It's well below the 0.08 threshold that one source to which Dr. Warshaw cites employs for mean-median. See Thomas Ratliff, Stephanie Somersille & Ellen Veomett, *Don't Trust a Single Gerrymandering Metric*, 4 La Matematica 764, 766 (2025). Perhaps more importantly it's similar to the 0.029 score he calculated for the 2022 map.

3.2 Response to the Rodden Report

It is impossible to respond to all of Dr. Rodden's points individually in the amount of time provided in this litigation. There are, however, some specific points that are important. Dr. Rodden's report proceeds in a straightforward manner for three "clusters" of districts: Tampa, Orlando and Miami. Examining maps of the districts compared to partisanship of precincts and some histograms of partisanship, examining city splits where applicable, and examining compactness scores.

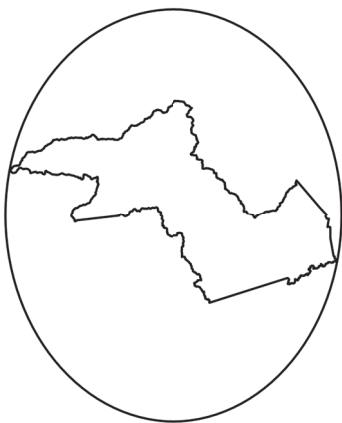
3.2.1 Compactness

First, it is important to understand exactly what the compactness measures Dr. Rodden references are and what they mean. The first metric is the Reock score. It is the first metric discussed here, but it was also among the first numeric measures of compactness developed. In lay terms, we might imagine the smallest circle that wholly encloses the district without cutting it, called the "minimum bounding circle." The Reock

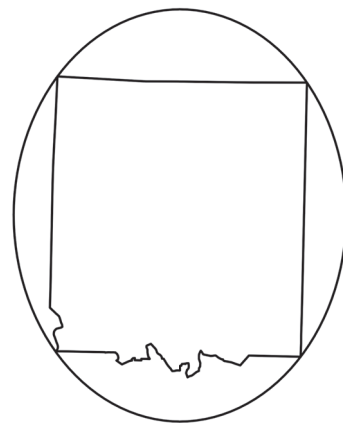
score is the percentage of that circle that the district would fill, expressed as a decimal. Were a district perfectly circular, it would fill 100% of that minimum bounding circle, and the Reock score would be 1. Were a district somehow a line segment, it would fill 0% of that district, and the Reock score would be 0.

In practical terms, Reock scores measure how distended a district is. Elongated districts tend to have low Reock scores, while districts with high Reock scores tend to be, for lack of a better word, “stocky.” To help illustrate this, compare the least compact district in the 2022 North Carolina State House Map (I select this because it was a map that passed muster in the face of a state constitutional gerrymandering challenge, so these maps shouldn’t reflect unusual or gerrymandered districts) according to Reock scores – District 119 (Reock 0.28) – with the most compact district according to Reock scores – District 91 (Reock Score 0.64). An official report containing the Reock and Polsby-Popper scores for these districts can be found at https://www.ncleg.gov/Files/GIS/Plans_Main/House_2022/SL%202022-4%20House%20-%20Compactness%20Report.pdf. Note that these scores can vary slightly depending upon the shapefile used, as well as upon the projection used.

Figure 1: Comparison of low Reock district (left) with high Reock district (right)



(a) N.C. House District 119



(b) N.C. House District 91

The district on the left (119) has a Reock score of 0.28, which means that it fills 28% of the circle that surrounds it. The district on the right (91) has a Reock score of 0.64, meaning that it fills 64% of the circle that surrounds it. One can readily see that the district on the right “fills” a higher percentage of its minimum bounding circle than the district on the left. This is what a Reock score measures; an opinion that relies upon a Reock score is relying upon the percentage of a particular circle that a district would fill.

Reock scores do have real limitations for redistricting purposes. One can imagine a circular district, which would have a Reock score of 1. Now imagine a map maker carves out a narrow, serpentine channel running into the center of the district. The district would still fill a large portion of the Minimum Bounding Circle, and thus would score well on the compactness score. Likewise, a district covered with small protrusions, like potato eyes, could nevertheless score well on Reock scores, even though such inlets and protrusions might signify a gerrymander or be identified by laypeople as not compact.

Polsby-Popper scores help to address this. In lay terms, imagine taking a circle and then “unfolding” it without breaking it, until it is shaped into a circle. That circle would have the same perimeter as the district. The Polsby-Popper score is the percentage of such a circle (i.e. a circle with the same perimeter as the district) that such a district would fill.

Practically speaking, a “smoother” district will have a higher Polsby-Popper score, while a district with many “arms and inlets” will have lower Polsby-Popper scores. Once again, a perfectly circular district would have no arms and inlets, so its area would be the same as that of a circle with the same perimeter; it would fill 100% of the circle and would receive a Polsby-Popper score of one. As more and more “bends” are added to the district, its perimeter will increase, and it will fill less and less of the circle with the same perimeter as the district.

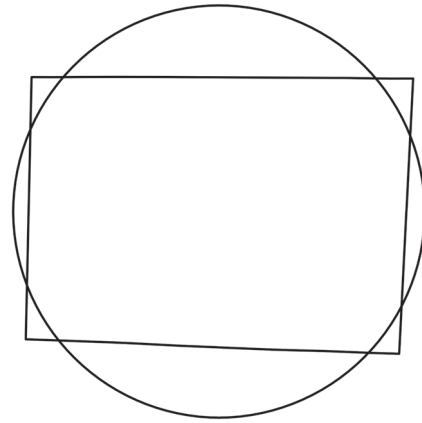
To help illustrate this, compare the least compact district using Polsby-Popper among the old North Carolina House maps with the most compact. District 117 (below

left) has a Polsby-Popper score of 0.20. District 65 (below right) has a Polsby-Popper score of 0.76. Thus, District 117 fills 20% of the circle with the same perimeter; this makes sense because it is fairly irregular. District 65, on the other hand, fills 76%, which again makes sense because it is a rectangle.

Figure 2: Comparison of low Polsby-Popper district (left) with high Polsby-Popper district (right)



(a) N.C. House District 119



(b) N.C. House District 91

This approach has limitations as well. Polsby-Popper scores can be sensitive to features that mapmakers are intended to follow. For example, river boundaries tend to meander, which can increase the perimeter of a district if they are followed. At the same time, mapmakers are often instructed to follow natural features, such as river boundaries. Thus, a mapmaker who forms a district boundary out of precincts drawn by straight lines and who avoids precincts that follow river boundaries would be rewarded with a higher Polsby-Popper score, even as he ignores natural geographic boundaries that might make more sense.

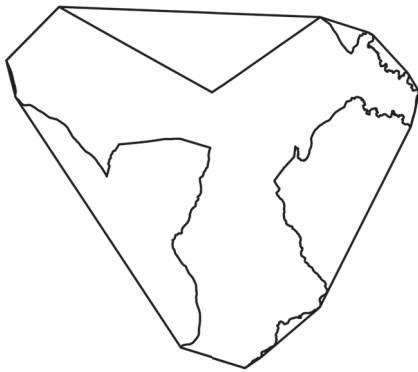
Likewise, some states have very regular edges – think Colorado – while other states have irregular coastlines – think Maine. Districts that respect those shorelines will have more “arms and inlets” and therefore higher perimeters simply by virtue of state

geography, and their Polsby-Popper scores will suffer. This can be somewhat avoided by including “water blocks.” Regardless, we might question how much to read into the fact that District 65 has such a high Polsby-Popper score, given that it is a mandatory district created at least in part because a rectangular county in North Carolina (Rockingham) happens to be able to support a single district.

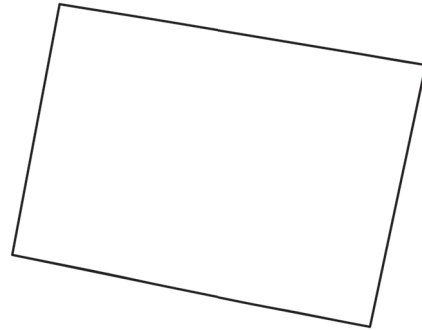
Finally, a researcher may wonder reasonably wonder “what is so great about circles?” Convex Hull scores seek to dispense with circles altogether and instead look at the area of a convex polygon that would enclose a district. A more straightforward way to think of this is to imagine a rubber band snapped around a district. The Convex Hull score would ask what percentage of that rubber band the district would fill.

We once again illustrate this by showing the least- and most-compact districts under the old North Carolina House map. The least is District 53 (left below), with a Convex Hull score of 0.569. The most compact is once again District 65 (right below), with a Convex Hull score of 0.9992.

Figure 3: Comparison of low Convex Hull district (left) with high Convex Hull district (right)



(a) N.C. House District 119



(b) N.C. House District 91

We can see how the more compact district fills a much larger percentage of the

shape “rubber-banded” around the district, when compared to the percentage of the less-compact district using Convex Hull.

As with all of these attempts to quantify the notion of “compactness,” the Convex Hull score has its plusses and minuses. As a plus, it is likely impossible to ever draw a perfectly circular district (although circular cities do exist throughout the South), but square counties, townships and precincts do exist (as seen in this example). It is therefore at least possible to draw a district with a Convex Hull score of 1 while adhering to traditional redistricting principles. At the same time, as is the case with Polsby-Popper scores, a badly distended district can score well on Convex Hull scores; imagine a largely rectangular district that spanned the entire Colorado/Wyoming border.

The point of this is straightforward: What these scores measure is not compactness as such, but rather some aspect of compactness that is estimated based on the percentage of a certain shape that is filled. From a social science perspective, there’s no clear-cut way to say whether a differential in Reock scores or Convex Hull is meaningful. Perhaps it matters that one district fills one percent more of a circle than another district. But that isn’t something that social science can answer; that’s a factual question that the Court will have to evaluate.

3.2.2 Packing vs. Cracking

The purpose of Dr. Rodden’s maps is to demonstrate the packing or cracking of Democratic voters. It’s unclear at what point we are supposed to determine Democrats are either (a) packed or (b) cracked. Perhaps read in conjunction with other reports this could be useful, but as noted above at least one of those reports is badly flawed. But regardless, what Dr. Rodden seems to want is for Democrats in Tampa to be packed, and for Democrats in Miami to be cracked. Without some type of metric in place, which Dr. Rodden does not appear to provide, to determine when we are supposed to crack Democrats versus when we’re supposed to pack Democrats, it is an unmanageable suggestion.

3.2.3 Other arguments

- Dr. Rodden’s Report implies that cities are required (or at least should) be kept whole, carefully tracking municipal splits. But the Florida Constitution does not appear to state that cities must be kept whole. Rather, it requires districts to “utilize political and geographic boundaries” and thereby puts them on equal footing. His report also ignores the fact the cities in Florida are often non-compact and even non-contiguous, the effect of which would require further factual development.
- When discussing the configurations in different MSAs, or regions of the state, Dr. Rodden reviews the political performance of the 2015 plan, which was drawn with one fewer district and uses population figures from 2010. This is not, therefore, an actual alternate configuration, and it tells us little (if anything) about the map.
- Dr. Rodden’s report faults the 2026 plan for splitting CDPs. However, it isn’t clear that CDPs are something Florida redistricting law respects or requires consideration of.
- The report contains several images that purportedly color code districts based on composite election results. It doesn’t appear that the three experts are in agreement as to which composite should be used. Regardless, the color break scheme appears strange. The middle, most purple color scheme ranges from 43%-51%. It is odd that the middle break is not evenly distributed on either side of 50% and means that a precinct in which Democrats outperform Republicans 51% vs 49% would get shaded purple rather than blue. Moreover, the spacing appears strange, with the differences between breaks being: 0.21, 0.10, 0.09, 0.08, 0.10, 0.13, and 0.23. Note that one can justify centering a vote scale on presidential vote shares, give the longstanding tendency of Republican and Democratic presidential votes to average zero: A neutral year should produce a more-or-less tied election. There’s no such guarantee for states that would justify centering a composite of state-level votes. It also appears that water precincts, which have no voters, are colored red. It is

difficult to see from the maps, but Figure 6, for example, appears that way.

- The report suggests that certain cities or counties could have been kept whole based on their 2020 population numbers. But that assertion fails to account for the geography and constraints imposed by other districts.
- Some of the core retention comparisons are inaccurate. For example, “new” District 23 is reported as having 0% of “old” District 23’s population. This is because district numbering changed. “New” District 23 gets 80% of its population from “old” District 22, which is what the better comparison is.
- Figures 19-21 of the report display only the cities in the region that are split. Displaying all of the cities in the area would illustrate the complexity of following municipal boundaries to keep them whole. Redistricting is an exercise in balancing many factors, and when there are dozens of oddly shaped municipalities to consider, small shifts in the number of splits may occur.

I declare under penalty of perjury under the laws of the State of Ohio that the foregoing is true and correct to the best of my knowledge and belief. Executed on May 13, 2026 in Delaware, Ohio.

Sean P. Trende

Sean P. Trende

4 Exhibit 1 – Sean Trende C.V.

SEAN P. TRENDE

1146 Elderberry Loop

Delaware, OH 43015

strende@realclearpolitics.com

EDUCATION

Ph.D., The Ohio State University, Political Science, 2023. Dissertation titled *Application of Spatial Analysis to Contemporary Problems in Political Science*, September 2023.

M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

PROFESSIONAL EXPERIENCE

Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

Associate, Hunton & Williams, LLP, Richmond, Virginia, 2005-09.

Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10.

Senior Elections Analyst, RealClearPolitics, 2010-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS AND BOOK CHAPTERS

Larry J. Sabato, ed., *The Red Ripple*, Ch. 15 (2023).

Larry J. Sabato, ed., *A Return to Normalcy?: The 2020 Election that (Almost) Broke America* Ch. 13 (2021).

Larry J. Sabato, ed., *The Blue Wave*, Ch. 14 (2019).

Larry J. Sabato, ed., *Trumped: The 2016 Election that Broke all the Rules* (2017).

Larry J. Sabato, ed., *The Surge: 2014's Big GOP Win and What It Means for the Next Presidential Election*, Ch. 12 (2015).

Larry J. Sabato, ed., *Barack Obama and the New America*, Ch. 12 (2013).

Barone, Kraushaar, McCutcheon & Trende, *The Almanac of American Politics* 2014 (2013).

The Lost Majority: Why the Future of Government is up for Grabs – And Who Will Take It (2012).

PREVIOUS EXPERT TESTIMONY AND/OR DEPOSITIONS

Dickson v. Rucho, No. 11-CVS-16896 (N.C. Super. Ct., Wake County) (racial gerrymandering).

Covington v. North Carolina, No. 1:15-CV-00399 (M.D.N.C.) (racial gerrymandering).

NAACP v. McCrory, No. 1:13CV658 (M.D.N.C.) (early voting).

NAACP v. Husted, No. 2:14-cv-404 (S.D. Ohio) (early voting).

Ohio Democratic Party v. Husted, Case 15-cv-01802 (S.D. Ohio) (early voting).

Lee v. Virginia Bd. of Elections, No. 3:15-cv-357 (E.D. Va.) (early voting).

Feldman v. Arizona, No. CV-16-1065-PHX-DLR (D. Ariz.) (absentee voting).

A. Philip Randolph Institute v. Smith, No. 1:18-cv-00357-TSB (S.D. Ohio) (political gerrymandering).

Whitford v. Nichol, No. 15-cv-421-bbc (W.D. Wisc.) (political gerrymandering).

Common Cause v. Rucho, No. 1:16-CV-1026-WO-JEP (M.D.N.C.) (political gerrymandering).

Mecinas v. Hobbs, No. CV-19-05547-PHX-DJH (D. Ariz.) (ballot order effect).

Fair Fight Action v. Raffensperger, No. 1:18-cv-05391-SCJ (N.D. Ga.) (statistical analysis).

Pascua Yaqui Tribe v. Rodriguez, No. 4:20-CV-00432-TUC-JAS (D. Ariz.) (early voting).

Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al, No. 2021-1210 (Ohio) (political gerrymandering).

NCLCV v. Hall, No. 21-CVS-15426 (N.C. Sup. Ct.) (political gerrymandering).

Szeliga v. Lamone, Case No. C-02-CV-21-001816 (Md. Cir. Ct.) (political gerrymandering).

In the Matter of 2022 Legislative Districting of the State, Misc. No. 25 (Md. Ct. App.) (political gerrymandering)

Montana Democratic Party v. Jacobsen, DV-56-2021-451 (Mont. Dist. Ct.) (early voting; ballot collection).

Carter v. Chapman, No. 464 M.D. 2021 (Pa.) (map drawing; amicus).

NAACP v. McMaster, No. 3:21-cv-03302 (D.S.C.) (racial gerrymandering).

Alexander v. NAACP, Case No. 3:21-cv-03302-MBS-TJH-RMG (D.S.C.) (racial gerrymandering).

Graham v. Adams, No. 22-CI-00047 (Ky. Cir. Ct.) (political gerrymandering).

Harkenrider v. Hochul, No. E2022-0116CV (N.Y. Sup. Ct.) (political gerrymandering).

LULAC v. Abbott, Case No. 3:21-cv-00259 (W.D. Tex.) (racial/political gerrymandering/VRA).

Moore et al., v. Lee, et al., (Tenn. 20th Dist.) (state constitutional compliance).

Milligan v. Allen, Case No. 2:21-cv-01530-AMM (N.D. Ala.) (VRA).

Nairne v. Ardoin, NO. 22-178-SDD-SDJ (M.D. La.) (VRA).

Robinson v. Ardoin, NO. 22-211-SDD-SDJ (M.D. La.) (VRA).

Republican Party v. Oliver, No. D-506-CV-2022-00041 (N.M. Cir. Ct. (Lea County)) (political gerrymandering).

Palmer v. Hobbs, Case No. 3:22-CV-5035-RSL (W.D. Wash) (VRA; remedial phase only).

Clarke v. Evers, No. 2023AP001399-OA (Wisc.) (Political gerrymandering; remedial phase only).

Stone v. Allen, No. 2:21-cv-1531-AMM (N.D. Ala.) (VRA).

Milligan v. Allen, No. 2:21-cv-01530-AMM (S.D. Ala.) (VRA).

Agee et al. v. Benson, et al., (W.D. Mich.) (racial gerrymandering/VRA).

Faatz, et al. v. Ashcroft, et al., (Cir. Ct. Mo.) (state constitutional compliance).

Coca, et al. v. City of Dodge City, et al., Case No. 6:22-cv-01274-EFM-RES (D. Kan.) (VRA).

Pierce v. NC State Board of Elections, Case No. 4:23-cv-193 (E.D.N.C.) (VRA).

Williams v. Hall, Civil Action No. 23 CV 1057 (M.D.N.C.) (VRA, Racial Gerrymandering).

Hodges v. Passidomo, Case No. 8:24-cv-879-CEH-TPB-ALB (M.D. Fla.) (Racial Gerrymandering).

Cubanos Pa’Lante v. Florida House of Representatives, Case No. 24-cv-21983-JB (S.D. Fla.) (Racial Gerrymandering).

Coads v. Nassau County, Index No. 611872/2023 (N.Y. Sup. Ct., Nassau County) (political gerrymandering, racial gerrymandering, NYVRA).

Harris v. DeSoto County, Civil No. 3:24-CV-00289-GHD-RP (N.D. Miss.) (VRA).

League of Women Voters v. Utah State Legislature, Case No. 22090712 (Utah Dist. Ct.) (Partisan Gerrymandering).

Watauga County Voting Rights Task Force v. Board of Elections, Case No. 3:24-CV-00289-GHD-RP (W.D.N.C.) (Larios Claim).

Williams v. Board, Index No. 164002/2025 (N.Y. Sup. Case) (State VRA).

Tangipa v. Newsom, 2:25-cv-10616-JLS-WLH-KKL (C.D. Cal.) (Racial Gerrymandering).

VOTE! v. City of Dayton Beach, Case No: 6:25-cv-1980-PGB-RMN (C.D. Fla.) (Racial Gerrymandering).

Williams v. Bd. of Elections, Case No: 164002/2025 6 (Manhattan S. Ct.) (State VRA).

Wise v. State, Case No: 2516-CV29597 (Circuit Court of Jackson County, Missouri).

COURT APPOINTMENTS

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission (2020)

Appointed Special Master by the Supreme Court of Virginia to redraw maps for the Virginia House of Delegates, the Senate of Virginia, and for Virginia’s delegation to the United States Congress for the 2022 election cycle.

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, Likely Outcomes of 2012 American Elections.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

Introduction to the Policy Process, Spring 2025.

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumns 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Springs 2020, 2021, 2022, 2023.

Survey Methodology, Fall 2022, Spring 2024.

PUBLICATIONS

James G. Gimpel, Andrew Reeves, & Sean Trende, “Reconsidering Bellwether Locations in U.S. Presidential Elections,” *Pres. Stud. Q.* (2022).

Michael Barber, Andrew J. Taylor, & Sean Trende, “Unaggrandizing the Partisan Gerrymander,” *Elect. L.J.* (2026).

REAL CLEAR POLITICS COLUMNS

Full archives at http://www.realclearpolitics.com/authors/sean_trende/

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

EQUAL GROUND EDUCATION FUND, INC.,
et al.,

Plaintiffs,

v.

Case No. 2026-CA-000914

CORD BYRD, in his official capacity as
Florida Secretary of State, *et al.*,

Defendants.

DECLARATION OF MARIA MATTHEWS

I, Maria Matthews, consistent with section 92.525, Florida Statutes (2026), hereby state:

1. I am over 18 years of age, am competent to testify, and declare the following facts based on my own personal knowledge.

2. I have served as the Director of the Division of Elections of the Department of State since January 2013. As Director my role includes providing statewide coordination, supervision, and direction of elections in Florida.

3. In my current role, I routinely interact with Florida's 67 Supervisors of Elections, the Florida Legislature, political parties, other interested organizations, and individual voters. I am also familiar with Florida's Election Code, the legislative process, and the implementation of re-districting plans after the Florida Legislature sets the districts through duly enacted legislation.

4. In Florida, the Department of State works with the Supervisors of Elections to administer elections. Supervisors are ultimately responsible for preparing and running the election in their respective counties, i.e., the pre-election testing and use of state-approved voting systems, assignment of voters to districts and precincts, preparation of ballots, recruiting and training staff

including pollworkers, conducting in-person voting during early voting period and on Election Day, and vote-by-mail including processing requests and delivery, and tabulating and canvassing results for reporting to the Department of State, in addition to a myriad of reporting requirements before, during, and after the elections.

5. On Tuesday, **August 18, 2026**, Florida is scheduled to hold its 2026 statewide primary election. For this election to proceed, election officials must have adequate time to prepare for and meet various election-related deadlines.

6. In particular, Florida election officials must have adequate time to prepare and mail ballots to members of the absent stateside and overseas armed services and their dependents, and civilian citizens residing overseas. Under the federal Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), vote-by-mail ballots that include elections for federal office must be transmitted no later than 45 days before a primary election. *See* 52 U.S.C. § 20302(a)(8)(A). The deadline to transmit vote-by-mail ballots pursuant to UOCAVA is therefore Saturday, **July 4, 2026**. This 45-day delivery requirement is also codified in our state law for absent uniformed services voters and to each overseas voter who has requested a vote-by-mail ballot. *See* § 101.62(3)(a), Florida Statutes (2026).

7. Ballots must be coded and tested using state-approved machinery prior to being sent to printers and subsequent proofing in advance of the July 4, 2026, UOCAVA deadline for transmittal of vote-by-mail ballots. Based on my experience as the Director of the Division of Elections, and my work with Supervisors of Elections throughout the State, this process, which requires attention to detail to ensure accuracy, takes ten to eleven days depending on outside vendors (like printing services), staff availability, and staff experience. Notably, 13 of the 67 county

Supervisors of Elections' Offices have new Supervisors of Elections who were just elected in 2024 and will be responsible for conducting their first regularly scheduled election cycle.

8. Ballots cannot be created and coded into election software before candidates for office are determined. By statute, the Florida Department of State accepts qualifying materials for congressional candidates beginning Monday, **May 25, 2026**. § 99.061(8), Fla. Stat. (2026). Put another way, Monday, May 25, 2026, represents the date when specific candidates will attach their names to the congressional districts in which they are running for election.

9. The names of all duly qualified candidates for election must be certified to Supervisors of Elections within seven days after the closing date for qualifying. § 99.061(6), Fla. Stat. (2026). The official qualifying period in Florida for candidates for Congress, State Senator, and State Representative, among other candidates, is set to begin on Monday, **June 8, 2026**, and to close on Friday, **June 12, 2026**. § 99.061(9), Fla. Stat. (2026). Thus, the list of qualified candidates must be certified by Friday, **June 19, 2026** (within seven days of June 12, 2026). Historically, based on past practice, and mindful of the tight deadlines under the Florida Election Code, the Florida Department of State certifies names the very next day after the qualifying period, meaning Saturday, **June 13, 2026**.

10. In my role, I have also worked with election officials throughout Florida on implementing changes to election laws, including the implementation of new redistricting plans. As detailed in **Exhibit A**, the Florida Supervisors of Elections Association's letter to the Florida Legislature dated April 20, 2026, the work that needs to be done is generally the same but is subject to local variation due to budgets, the availability and expertise of staff, and the number of voters.

11. In general, redistricting requires election officials to match voters to their congressional districts. This requires coding the new boundaries into mapping software and updating the

districts assigned to each voter's file. Voting precincts must also be aligned with the districts. Ballots cannot be created until voters are properly assigned to their districts and the universe of ballot styles is known, which may be hundreds of ballot styles for some counties.

12. After the Florida Department of State certifies candidates for office, the Supervisors of Elections must also create, proof, print, and test ballots for the upcoming election.

13. Given the work that lies ahead for the primary election on Tuesday, August 18, 2026, the deadline by which my office needs to have a definitive answer on the maps being used is Monday, **May 25, 2026**. This is the starting date for when qualifying paperwork must be accepted. This date also provides election officials time to do the tasks that must be done.

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

Executed this 12th day of May, 2026.

/s/ Maria Matthews

Maria Matthews

Director of the Division of Elections, Florida
Department of State

EXHIBIT A



April 20, 2026

Honorable Daniel Perez
Speaker, Florida House of Representatives
402 South Monroe Street
Tallahassee, Florida 32399

The Honorable Ben Albritton
President, Florida Senate
402 South Monroe Street
Tallahassee, Florida 32399

RECEIVED
2026 APR 23 P 5:30
OFFICE OF THE
SENATE PRESIDENT

Dear Speaker Perez and President Albritton:

As the Legislature considers congressional redistricting during the April Special Session, we write to share the election administration perspective on what implementation involves once a new map is enacted. It is not our intention to weigh in on whether redistricting should occur, but feel it is our duty to provide you with information on the timing, workload, and cost considerations that fall upon our offices and to county commissions once the Legislature acts so that the 2026 Election Cycle can be successfully administered for Florida voters.

Once a new congressional map is enacted, a cascade of downstream work is triggered at the county level. Article IX, Section 4(a) of the Florida Constitution and Section 124.01, Florida Statutes, which require contiguous, substantially equal-population districts redrawn after every decennial census. Precinct boundaries are set by the county Supervisor of Elections, which must be approved by the Board of County Commissioners pursuant to Section 101.001, Florida Statutes, and must nest cleanly within every overlying district, including federal, state, and county.

The following specific work steps are triggered by a new congressional map being adopted, including:

- **Geography and data build** – Upon receipt of final legislative shapefiles, each of the 67 Supervisors of Elections must ingest the new boundaries into the county's GIS and voter registration management system, reconcile them against existing street-level geography, and resolve any splits created where the new congressional lines cut through existing precincts.
- **Precinct redraw** – Any precinct that is split by a new district line must be divided so that every voter within a precinct receives an identical ballot style. In larger counties, this routinely means adjusting dozens of precincts. Guiding principles include keeping voters at their current polling place where possible, keeping neighborhoods intact, and preventing precincts from growing so large they create Election Day congestion.
- **Board of County Commissioners approval** – Under Section 101.001, Florida Statutes, all precinct boundary changes must be submitted to and approved by the Board of County Commissioners at a properly noticed public meeting. BCCs typically meet on fixed schedules and in many counties, the

agenda-deadline and advertising requirements mean a minimum of three to four weeks from submission to approval. If a BCC requests changes or defers the item, that timeline extends even further.

- **Ballot Style construction and proofing** – every unique combination of overlying districts produces a distinct ballot style. A Mid-decade congressional redraw layered on top of existing state House, state Senate, county, school board, and municipal districts can produce multiple ballot styles significantly. Each style must be built, proofed, logic-and-accuracy tested, and certified before printing.
- **Voter reassignment and notice** – Section 98.065, Florida Statutes, and longstanding Division of Elections guidance require that every affected voter receive an updated Voter Information Card reflecting new districts, precinct, and polling location.
- **Polling place and early voting site review** – New district lines can render previously suitable polling locations non-compliant with Section 101.71, F.S., which requires polling places to be located within the precinct where practicable. Contracts with churches, community centers, and schools may need to be renegotiated or replaced.
- **Poll worker recruitment, training, and materials** – Every precinct-level change cascades into updated poll worker assignments, retraining on new ballot styles and precinct geography, and reprinting of precinct registers, signage, and supplies.
- **Candidate qualifying support** – Supervisors of Elections serve as the qualifying officer for county and special district candidates and support the Division of Elections for state and federal candidates. Candidates and the public need certainty about which district an address falls in before the qualifying period opens. Under the Secretary's current directive, the second qualifying period (June 8-12, 2026) will include U.S. House candidates as well as state legislative and county candidates. This compresses the window in which districts must be finalized, loaded, and publicly verifiable.
- **Public-facing tools** – District lookup tools, interactive maps, precinct finders, and sample-ballot generators on county websites must all be updated and tested before voters begin asking where they vote.

Under normal decennial practice, Florida counties have had roughly four to six months between final maps and the first election using those maps. For example, in the 2022 Election Cycle, final congressional maps were signed April 22, 2022, for an August 23, 2022 Primary and this timeline was widely considered to be tight. For 2026, the second qualifying period opens June 8, with the primary on August 18 and vote-by-mail transmissions to overseas and military voters required 45 days prior to that under UOCAVA, ballots must be finalized, printed, and programmed by late June. That leaves an extremely narrow window between enactment of any new map and the point at which ballots must be locked. Any litigation, gubernatorial veto, or legislative revision extends that risk materially.

Costs vary significantly by county size and dependent on scope of changes, but the principal cost drivers are consistent statewide, which include printing and mailing new Voter Information Cards to every active registered voter including postage that can alone cost hundreds of thousands of dollars in mid- or large-sized counties; GIS and voter registration system reconfiguration, often requiring vendor support; additional ballot styles, which increase ballot-on-demand programming, proofing, and printing costs; expanded public education and outreach; and staff overtime to properly implement in a condensed implementation window.

The principal risks to a clean 2026 Election Cycle are late finalization of maps pushing ballot programming past the UOCAVA deadline; litigation that changes lines after ballots are already in production; voter confusion from late-notice precinct or polling place changes; and candidate qualifying occurring against a map that is not yet final or is subject to judicial revision.

To the extent that the Legislature finds it useful, the following would assist with reducing the risks associated with the timing of this mid-decade redistricting, including:

- The earliest possible finalization of any new map;
- Early sharing of draft shapefiles with Supervisors of Elections for geography validation before enactment;
- Clear statutory or directive guidance on qualifying period timing tied to map-finalization milestones; and
- A mechanism for counties to seek supplemental funding for implementation costs not included in the adopted Fiscal Year 2025-26 General Appropriations Act.

We are grateful for your consideration and stand ready to provide any additional detail, county-level data, or technical assistance that would be helpful to the Legislature as it considers these policy decisions. FSE is available at your convenience to walk through any portion of this in greater detail.

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

CITY OF DESTIN, *et al.*,

Plaintiffs,

v.

The Honorable J. Alex Kelly, Secretary of
Commerce, State of Florida, *et al.*,

Defendants,

Case No. 2025 CA 1876

1000 Friends of Florida, Inc., a Florida not
for Profit Corporation, *et al.*,

Plaintiffs,

v.

The Honorable J. Alex Kelly, Secretary of
Commerce, State of Florida, *et al.*,

Defendants.

Florida Home Builders Association, *et al.*,

Intervenor-Defendants

Case No. 2025 CA 1952

**ORDER DENYING THE PUBLIC PLAINTIFFS' EXPEDITED MOTION FOR
PRELIMINARY INJUNCTION**

THIS MATTER is before the Court on the Public Plaintiffs' Expedited Motion for Preliminary Injunction and Incorporated Memorandum of Law filed on November 7, 2025. The Court has reviewed the motion, the Parties' briefs, and other pertinent portions of the record. The Court also considered the arguments of counsel at a hearing on this matter on December 19, 2025. For the reasons stated on the record at the hearing and below, it is hereby:

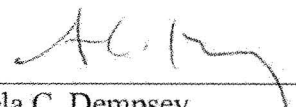
ORDERED AND ADJUDGED that the Public Plaintiffs' Motion is **DENIED**. The Court finds that the Public Plaintiffs have not established that they are entitled to the extraordinary relief

of a preliminary injunction. See Holland M. Ware Charitable Found. v. Tamez Pine Straw LLC, 343 So. 3d 1285, 1289 (Fla. 1st DCA 2022) (“Four essential elements must be proved to obtain this extraordinary relief: (1) a substantial likelihood of success on the merits, (2) a lack of an adequate remedy at law, (3) the likelihood of irreparable harm absent the entry of an injunction, and (4) that injunctive relief will serve the public interest.”) (internal citations omitted).

As set out in the record, the Court finds that the Plaintiffs have failed to meet their burden, including with respect to demonstrating an irreparable injury. The complained-of harm is merely conjecture, “doubtful, eventual or contingent,” and, therefore, insufficient. Cf. State, Dep’t of Health v. Bayfront HMA Med. Ctr., LLC, 236 So. 3d 466, 475 (Fla. 1st DCA 2018) (“‘Irreparable injury will never be found where the injury complained of is ‘doubtful, eventual or contingent.’”) (quoting Jacksonville Elec. Auth. v. Beemik Builders & Constructors, Inc., 487 So. 2d 372, 373 (Fla. 1st DCA 1986)); see also Biscayne Park, LLC v. Wal-Mart Stores E., LP, 34 So. 3d 24, 26 (Fla. 3d DCA 2010) (“Because the alleged injury is speculative, we conclude that it is insufficient to meet the irreparable injury standard.”).

Finally, the Court also finds that Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc., 339 So. 3d 1070 (Fla. 1st DCA 2022), precludes the issuance of the requested preliminary injunction here. “There is no mention in chapter 86 of a temporary injunction being available to provide a provisional remedy based on a preliminary adjudication of rights by the circuit court.” Byrd, 339 So. 3d at 1077.

DONE AND ORDERED in Tallahassee, Florida, on December 29, 2025.



Angela C. Dempsey
Circuit Judge

Copies Furnished to:
All Counsel of Record



RON DESANTIS
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-717-9418

April 27, 2026

The Honorable Don Gaetz
Chair, Ethics & Elections Committee
Florida Senate
404 South Monroe St.
Tallahassee, FL 32399

The Honorable Mike Redondo
Chair, Select Committee on Congressional Redistricting
Florida House of Representatives
402 South Monroe St.
Tallahassee, FL 32399

Dear President Gaetz and Representative Redondo:

The Executive Office of the Governor (EOG) submits the attached map of proposed congressional districts and urges the Florida Legislature to adopt it during the special session that is scheduled to commence on April 28.

The people of Florida have been deprived of appropriate representation in the U.S. House of Representatives. Despite substantial population growth since the 2010 census, which catapulted Florida to the third most populous state in the nation, Florida gained only one additional seat in the House after the 2020 census. However, a post-census survey conducted by the U.S. Census Bureau demonstrated that Florida was shortchanged by more than 760,000 people.¹ This undercount cost Florida at least one additional House seat.

Florida's representation in the U.S. House has also been distorted by considerations of race. Passed in 2010, the Fair Districts Amendments (FDA) to the Florida Constitution require the Legislature to account for race when drawing congressional districts. Specifically, section 20(a) provides that "districts shall not be drawn [(1)] with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process[,] or [(2)] to diminish their ability to elect representatives of their choice." Art. III, § 20(a), Fla. Const. These race-based requirements, moreover, supersede the traditional redistricting criteria in section 20(b), such as the requirement to maintain compactness and to utilize existing political and geographical boundaries, whenever there is a conflict. *See* Art. III, § 20(b), Fla. Const. (providing that the traditional redistricting criteria in subsection (b) are mandatory "[u]nless compliance with [those standards] conflicts with the standards in subsection (a) or with federal law"). This requires the use of race in redistricting—something that the U.S. Supreme Court has signaled is unconstitutional.

¹ U.S. Census Bureau, *2020 Census Undercount and Overcount Rates by State, Post-Enumeration Survey* (May 19, 2022), <https://perma.cc/YA7F-JXK7>.

In 2022, after the 2020 census, the FDA's race-based requirements caused the Legislature to enact two versions of Congressional District 5. The primary version packed the black population of Duval County into one district. Even though the black voting age population was diminished relative to the benchmark district, the Legislature nevertheless believed that the black population was large enough that black voters could still elect candidates of their choice. The alternative version, which would take effect if a court blocked the primary version, essentially maintained the racially gerrymandered configuration of the benchmark district, which had been described as having the shape of a "barbell" and "stretched over two hundred miles across the Florida/Georgia border to encompass the black populations in Duval County in the east and Leon and Gadsden Counties in the west." *Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec'y, Fla. Dep't of State*, 415 So. 3d 180, 188 (Fla. 2025). The Legislature drew both versions to comply with the FDA, but because racial considerations predominated with respect to both, which could not satisfy strict scrutiny, the Governor vetoed both maps on the ground that they violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The Legislature eventually enacted, and the Governor signed, the current congressional map with a race-neutral version of Congressional District 5.

The existing map is the result of a compromise between the Legislature and the Governor. Parts were drawn by EOG, and parts were drawn by legislative staff. The southeastern part came from the Legislature. Congressional District 20 in the southeast has an odd shape with two claws that track the black population. The claws are arguably a telltale sign of racial predominance. They were used to create a majority-minority district to comply with Section 2 of the Voting Rights Act. Other districts in the region do not have the odd appendages but, the legislative record shows, were drawn with the Hispanic voting age population in mind to comply with the race-based requirements of the FDA.

The use of race in redistricting should never happen. Any decision taken "because of" race triggers (and should trigger) the strictest of federal constitutional scrutiny. *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979); see also *Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181, 214-18 (2023). The U.S. Supreme Court, however, has attempted in vain to distinguish between the race-conscious drawing of districts and the drawing of districts where race predominates. While only the latter triggers strict scrutiny under current precedent, *Cooper v. Harris*, 581 U.S. 285, 291-92 (2017), the line is nevertheless blurry. That is because the line is intellectually dishonest. As Justice Scalia put it, "when a legislature intentionally creates a majority-minority district, race is necessarily its predominant motivation and strict scrutiny is therefore triggered." *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 517 (2006) (Scalia, J., concurring in judgment in part and dissenting in part). Whether race is the predominant reason for drawing a district or just one among other reasons should make no constitutional difference. Properly understood, the Fourteenth Amendment forbids the government from divvying up the citizenry based in whole or in part upon race.

The Supreme Court is poised to affirm this basic non-discrimination principle in *Louisiana v. Callais*. This case has an unusual procedural posture that portends a significant decision. It was first argued on March 24, 2025. See Supreme Court Docket, Case No. 24-109. It was re-listed for a second argument on June 27, 2025. *Id.* And it was re-argued on October 15, 2025. *Id.* Past cases re-argued before the Supreme Court include *Brown v. Board of Education*, 347 U.S. 483 (1954) (segregation); *Roe v. Wade*, 410 U.S. 113 (1973) (abortion); and *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010) (campaign finance). The re-listing and re-argument of *Callais* suggests that it will be a landmark decision just as the others were.

The proposed congressional map that EOG now submits does not take race into consideration at all. Race was neither a predominant factor nor one of many factors. And because race was never considered, the map also makes no attempt to adhere to the race-based requirements of the FDA. Because those provisions require consideration of race in the drawing of congressional districts, they cannot satisfy strict scrutiny and are unconstitutional under the Fourteenth Amendment. For one thing, they lack a pre-enactment record that would justify a race-based remedy for a race-based wrong. There's also no temporal limit to these provisions. And plainly, they were not adopted under Congress's enforcement powers pursuant to Section 2 of the Fifteenth Amendment to the U.S. Constitution. *See generally Black Voters Matter Capacity Bldg. Inst., Inc.*, 415 So. 3d at 196-97 (recognizing those differences).

The race-based requirements of the FDA also cannot be severed from the other requirements of the FDA. The FDA was sold to the voters as a package. There was no severability provision included in the FDA when it was presented to the voters. And because one part is unconstitutional, there's little reason to think that voters would have approved the remaining parts by themselves. As Florida's Chief Justice commented during the oral argument in *Black Voters Matter*: "If it ever were to come to the point that we thought that the non-diminishment essentially doesn't work here, would the whole FDA have to go because it seems like this was part of a kind of package deal?" Oral Argument at 1:17:15, <https://wfsu.org/gavel2gavel/viewcase.php?eid=2894>. That led to the following rhetorical question: "How do we neuter half of [the FDA] and then leave the other part intact?" *Id.*

The proposed map redraws on race-neutral terms districts in southeast Florida that were affected by the FDA's race-based requirements. Changes in this region result in changes elsewhere in the map. In addition, since the 2020 census, Florida's population has continued to grow at a breakneck pace, adding almost 2 million more residents as of July 1, 2025—an 8.9% increase.² The most population growth appears to have occurred in the outlying areas surrounding Tampa and Orlando and north of Palm Beach County up the eastern coast.³ While still based on 2020 census data, the proposed map nevertheless attempts to account for these dramatic population changes by reconfiguring districts around the areas of high growth.

On behalf of EOG, I urge you to approve the attached congressional map.

Sincerely,



David Axelman
General Counsel

² U.S. Census Bureau, Quick Facts, Florida, <https://www.census.gov/quickfacts/fact/table/FL/PST045225#PST045225>.

³ U.S. Census Bureau, *Sunshine State Home to Metro Areas Among Top 10 U.S. Population Gainers from 2022 to 2023* (March 14, 2024), <https://www.census.gov/library/stories/2024/03/florida-and-fast-growing-metros.html>; *see also* Office of Economic & Demographic Research, *April 1, 2025 Estimate of Counties and Municipalities*, <https://edr.state.fl.us/Content/population-demographics/data/index-floridaproducts.cfm>.

The Florida Senate
COMMITTEE VOTE RECORD

Committee: Rules
Meeting Date: Tuesday, April 28, 2026
Time: 2:00—6:00 p.m.
Place: 110 Senate Building
Bill #: SB 8-D
Final Action: Favorable

Tab #: 5
Sponsor: Gaetz
Subject: Establishing the Congressional Districts of the State

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Avila						
	X	Berman						
X		Boyd						
	X	Bradley						
X		Brodeur						
X		Burgess						
X		Burton						
	X	Davis						
X		DiCeglie						
X		Gaetz						
	X	Garcia						
	X	Grall						
X		Harrell						
X		Hooper						
X		Martin						
	X	Osgood						
	X	Pizzo						
X		Rodriguez						
	X	Rouson						
X		Simon						
		Trumbull						
X		Wright						
	X	Jones, VICE CHAIR						
X		Passidomo, CHAIR						
14	9							
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
 UNF=Unfavorable
 -R=Reconsidered

RCS=Replaced by Committee Substitute
 RE=Replaced by Engrossed Amendment
 RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
 VA=Vote After Roll Call
 VC=Vote Change After Roll Call

WD=Withdrawn
 OO=Out of Order
 AV=Abstain from Voting

Sequence: 2
Session Day: 2
Calendar Page: 2

The Florida Senate
2026D Special Session

Date: 04/29/2026
Time: 10:24 AM

SB 8-D
Motion to temporarily postpone
Second Reading

Yeas - 12

Nays - 23

Not Voting - 5

Presiding - Brodeur

Y Arrington-25
N Avila-39
Y Berman-26
Y Bernard-24
N Boyd-20
Y Bracy Davis-15
N Bradley-6
N Brodeur-10
N Burgess-23
N Burton-12
N Calatayud-38
Y Davis-5
N DiCeglie-18
N Gaetz-1

Garcia-36
N Grall-29
EX Gruters-22
N Harrell-31
N Hooper-21
Y Jones-34
EX Leek-7
N Martin-33
N Massullo-11
N Mayfield-19
N McClain-9
Y Nathan-14
Y Osgood-32
N Passidomo-28

Pizzo-37
Y Polsky-30
Rodriguez-40
Y Rouson-16
Y Sharief-35
N Simon-3
Y Smith-17
N Truenow-13
N Trumbull-2
N Wright-8
N Yarborough-4
N President Albritton-27

Y=Yea

N=Nay

EX=Excused

AV=Abstain



CERTIFICATION OF AUTHENTICITY

April 30, 2026

Client: Michelle DePass

Audio File Transcribed by GMR Transcription Services, Inc.:

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316988 Senate Committee on Rules

To Whom It May Concern:

I, Beth Worthy, President at GMR Transcription, do hereby certify under the penalty of perjury, under the laws of the state of California, that:

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Executed April 30, 2026.

Sincerely,

Beth Worthy
President

Email: Beth@gmrtranscription.com

Phone: (714) 202-9653

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Chair Passidomo: Good afternoon. Committee on Rules will now come to order. Cindy, please call the roll.

Cindy: Chair Passidomo?

Chair Passidomo: Here.

Cindy: Vice Chair Jones?

Senator Jones: Here.

Cindy: Senator Avila? Senator Berman?

Senator Berman: Here.

Cindy: Senator Boyd?

Senator Boyd: Here.

Cindy: Senator Bradley?

Senator Bradley: Here.

Cindy: Senator Brodeur?

Senator Brodeur: Here.

Cindy: Senator Burgess?

Senator Burgess: Here.

Cindy: Senator Burton?

Senator Burton: Here.

Cindy: Senator Davis?

Senator Davis: Here.

Chair Passidomo, Cindy, Vice Chair Jones, Senator Berman, Senator Boyd, Senator Bradley, Senator Brodeur, Senator Burgess, Senator Burton, Senator Davis, Senator DiCeglie, Senator Gaetz, Senator Garcia, Senator Grall, Senator Harrell, Senator Hooper, Senator Martin, Senator Osgood, Senator Pizzo, Senator Rodriguez, Senator Rouson, Senator Simon, Senator Trumbull, Senator Wright, Jason Parada, Moe Gisiel, J. Ruiz-Evans, Quinn Diaz, Aureliko Nolotrauri, Kara Gross, Rev. Russell Meyer, Amy Keith, Jordan Cipietro, Karen Woodall, Katherine Belina, Ash, Colton Taylor, Harrison, Mike Sells, Larry Downs, Leslie Gruble, Jason Thornton, Samantha Catus, Colleen Cann, Brian Higgins, Cheryl Bell, Cyn Doyle, Shannon Keever, Zida Smith, Lola Smith, Lisa Lloyd, L. Reed-Lewis, Beverly Cassius, Deborah Courtney, Catherine Ashby, T. Guzman-Pagan, Asia Diaz, Chloe Scott, Matthew Grucholski, Rob Woods, Robert Blumen

Cindy: Senator DiCeglie?

Senator DiCeglie: Here.

Cindy: Senator Gaetz?

Senator Gaetz: Here.

Cindy: Senator Garcia?

Senator Garcia: Here.

Cindy: Senator Grall?

Senator Grall: Here.

Cindy: Senator Harrell?

Senator Harrell: Here.

Cindy: Senator Hooper?

Senator Hooper: Here.

Cindy: Senator Martin?

Senator Martin: Here.

Cindy: Senator Osgood?

Senator Osgood: Here.

Cindy: Senator Pizzo?

Senator Pizzo: Here.

Cindy: Senator Rodriguez?

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Senator Rodriguez: Here.

Cindy: Senator Rouson?

Senator Rouson: Here.

Cindy: Senator Simon?

Senator Simon: Here.

Cindy: Senator Trumbull?

Senator Trumbull: Here.

Cindy: Senator Wright?

Senator Wright: Here.

Cindy: Quorum present.

Chair Passidomo: Thank you. Please silence all electronic devices. Senate Bill 6D Medical Freedom is temporarily postponed, as you all know. Anyone wishing to speak before the committee, please fill out an appearance form. And we thought we were going to have a line set up, but I think we still need to do that for the speakers when we come to it. So, here's what we're going to do. Fill out an appearance form, hold on to it until a member of the Sergeant's Office collects a copy when you get in line to speak. And that's going to happen later on in the proceedings.

Should you select to waive your speaking time, go ahead and give your form to the Sergeant's Office and I will read your position into the record. I think it's probably going to be a long day, so if anyone needs an accommodation, please see the Sergeant's Office for assistance. We're going to take up Tab 4, the presentation on the congressional reapportionment by the Governor's Office. Once the presentation concludes, members, please direct all questions regarding the map to our presenters. Any questions that senators

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should have should be asked to the presenters and not when we're on the bill, unless you have a question specifically for Senator Gaetz, and then we'll have time for that when we take up the bill.

So, gentlemen, you're up. Did you have lunch? Did you have a chance to go to the restroom? Are you all set? So, we're going to start with, so, Jason **Parada**, you're going to go first and then Moe **Gisiel** is going to come in.

Jason Parada: Actually, could we switch and have Moe go first, if that's all right, Madam Chair?

Chair Passidomo: Sure. Mr. Gisiel, you are recognized.

Moe Gisiel: Thank you, Madam Chair, Vice Chair, members of the committee. I appreciate the opportunity to speak with you here today. My remarks will be limited to the executive branch's legal position on redistricting. I have never drawn a redistricting plan. I don't intend to draw a redistricting plan, and so I leave it to Mr. Parada to address any factual questions, particularly factual questions about the plan that you'll be seeing here today. To begin, I note that there is nothing in the federal or state constitutions that prohibits mid-cycle congressional redistricting.

The governor's stated reasons for redrawing the congressional plan now are twofold. 1.) It's to account for the greater population growth between 2020 and 2025 in these suburban and exurban communities throughout the state. And 2.) it's to ensure that the state has a race-neutral congressional plan. As you know, between decennial censuses, the American Community Survey and the State's Office of Economic and Demographic Research puts out high-quality estimates of growth at the county level. This data, however, is not broken down into the granular detail you need at the census block level to draw a congressional map.

So, it's perfectly fine to account for the county-level data, but then draw a map using the decennial data to comply with the federal constitution's one-person, one-vote standard. The Supreme Court's

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blithely opinion in *Lulac v. Perry* from 2006 and its decision in *Georgia v. Ashcroft* from 2003 allow for this. Next is the use of race in redistricting. This is an evolving area of the law. We've had several important cases decided at both the federal and state level since Article III, Section 20A was added to the Florida Constitution after the 2010 election.

And as you've likely heard, the US Supreme Court is poised to address the issue again in a case called *Louisiana v. Calais*. The level set and to discuss basic equal protection principles outside of redistricting, cases concerning the 14th Amendment's Equal Protection Clause say that some distinctions are just so odious, so suspect, that they need to pass the strictest of scrutiny to stand. Race is the paradigmatic example of such an odious suspect classification. So, in simple terms, if you're making distinctions based on race, the constitutional bar that you have to meet is really, really high. It's almost insurmountable.

So, you can never clear that bar, nor should you, if you try to pass a law that segregates kids in schools based on race or if you pass anti-miscegenation laws. In redistricting, however, we try to take race into account in the legislative process. We try to be race conscious without having race predominate. There are problems with that. It's a difficult line to draw. It's also a line that's inconsistent with equal protection principles. The governor's position then on the issue is this. Race should not be used at all when drawing districts. We should instead adhere to those basic background equal protection principles that say race has no role in the process.

Again, there's three benefits to this approach. 1.) It's consistent with the overwhelming weight of the equal protection case law. We're not discriminating based on race. 2.) It avoids questions like what level of race consciousness is enough, what level of race consciousness is too much. Those are difficult questions and it avoids those questions. 3.) It puts us in a position to where we are going to best comply with the *Calais* decision when it comes out. Now, I'd also like to talk about the Voting Rights Act and Article

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3, Section 20A of the Florida Constitution. These are Florida's analogs to the Voting Rights Act.

At the most fundamental level, if compliance with the Voting Rights Act or the Florida Constitution requires that you violate the equal protection clause, the equal protection clause trumps. It's a superior law. The US Constitution says it's the supreme law of the land. And when it comes to the VRA in particular, the Supreme Court has assumed without deciding, assumed without deciding for decades, that complying with that statute is a compelling interest that justifies being race conscious in the redistricting process.

That's in part because the Voting Rights Act, when it was enacted in the '60s, was enacted with a robust legislative record detailing a history of race-based discrimination that needed a race-based solution. It was also enacted by Congress consistent with Congress's exclusive powers under Section 2 of the 15th Amendment to the US Constitution. Only Congress gets to implement that amendment, not the states. Now, Calais is going to deal with the tension that's inherent in trying to have a race-based solution that is inconsistent with the broader themes of the Equal Protection Clause under the 14th Amendment, this notion of race consciousness and race predominance.

Calais also has an unusual procedural history. It was relisted and re-argued. Other cases that have been relisted and re-argued include *Brown v. Board of Education*, *Roe v. Wade*, *Citizens United*. These are big seminal cases. So, there's every expectation that Calais will be a seminal case, too. I'd like to turn now to the Florida Constitution in Article 3, Section 28. When it was added to the Florida Constitution, it was added through a citizen initiative process. There was no legislative record, unlike the Voting Rights Act.

Also, as I pointed out, Section 2 of the 15th Amendment is giving exclusive power to Congress, not the states. Remember, these were the Reconstruction Amendments. They were taking power away from the states, arguably. And so, the states don't have the power

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under Section 2 of the 15th Amendment to do the things that Congress does. And the Florida Supreme Court recently recognized in the Black Voters Matters case that trying to comply with the Florida analog, the Florida race-based provisions in Article 3, Section 20, is not a compelling interest for the US Supreme Court. That brings us to the inevitable conclusion of that logical chain.

If you can't point to the Florida Constitution as the basis to use race, then what effect, if any, should the race-based provisions in Article 3, Section 20A have? And the governor's position is this. They should have no effect. Every time you try to comply with Article 3, Section 20A, you're forced to look at racial data, assess whether sorting people on the basis of race is feasible, and whether this race-based sorting results in the kind of performance you want in a particular region or a particular race. That entire exercise, it's the governor's position, is inconsistent with the Equal Protection Clause of the 14th Amendment.

Again, the Equal Protection Clause being the supreme law of the land, as the US Constitution puts it in the Supremacy Clause. Because race-based provisions in Article 3, Section 20 are inconsistent with federal law, the next question becomes, well, what about the rest of Article 3, Section 20 that has other things in it? The executive branch's position on this is this. The rest of Article 3, Section 20 can't be saved. It is inseverable from the other provisions. Why? Article 3, Section 20 was sold to the voters in 2010 as a package.

It was reviewed by the Florida Supreme Court to assess whether or not the various components of that package were directly connected to one another, which is the test required under Article 11, Section 3, the Citizen Initiative part of the Florida Constitution. And to quote the Florida Supreme Court from 2009, "All of these provisions were component parts or aspects of a single dominant plan or scheme." Next, when presented to the voters in 2010, Article 3, Section 20 did not have a severability clause. It did not say that if one part of this is found to be unconstitutional, the

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remainder stands.

Contrast that with the term limits provision that was added by the voters in the '90s. This was a provision that said there should be term limits for members of Congress and there should be term limits for members of the legislature. Now, the part about members of Congress was struck down because it violated the qualifications clause of the US Constitution. The remainder still stood on the books. Why? Because there was a severability clause and it could work together. That brings me to my final point about severability. You all have gone through the redistricting process.

You know that it's a tiered standard. It's a tiered architecture. These provisions were presented to the voters as a tier. They were conceived of as a tier. They were approved of as a tier. And once you start taking out a tier from this architecture, the structure falls. It is not severable. And because it's not severable, it does not apply and it should not apply. In some Senators, the issues on the table are weighty, but the governor's position has the benefit of being consistent, simple, and likely right. I'll stop there. I'm happy to answer legal questions at the end of the presentation, Madam President.

With your permission, I'd like to ask Mr. Parada to present the map.

Chair Passidomo: Sure, that's fine. I think that makes sense because since we'll hear the whole presentation and members start writing down your questions and then we can go back and forth between Mr. Gisiel and Mr. Parada. So you're recognized, Mr. Parada, for your presentation of the map.

Jason Parada: Thank you. Thank you, Chair, Vice Chair, and the rest of this committee, thank you for having me today. My name is Jason Parada. I am currently employed with the Office of Policy and Budget in the Executive Office of the Governor. I have been drawing redistricting maps since about, well, in the 2012 redistricting cycle, joining the Legislative Committee staff in late

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2010. So, it has been about 15 or 16 years of me dealing with redistricting in one way or another. I was on staff in both 2012 and in 2022 doing the regular redistricting process.

I was also involved during litigation that happened after the 2012 process and after the 2022 process. Most recently having to testify in the Southern District of Florida just this past January in the **Kipiano's** case where some House districts and a congressional district were at issue. So, I have had extensive experience with redistricting, and I'm happy to present this map to you. Before I go into the plan, I know a lot of you have had some experience with redistricting. I recognize a lot of you from when you were in the House, but real quick just to make sure we're all on the same page, there's a few terms and a few numbers.

I just want to make sure we're all aware of as we go forward. First, the US Census Bureau is the agency and the federal government that apportions the 435 House districts to the respective 50 states. In 2021, Florida received that apportionment count of 28, which was one more than previously awarded to Florida after the 2010 census. Our population, Florida's total population on the 2020 census was 21,538,187. You divide that number by 28, and you get the ideal population of a congressional district, which is 769,221 exactly.

Unlike in state legislative redistricting where the standard of equality is that the districts be substantially equal, where courts have interpreted that you get a little bit of latitude with that, typically at most about plus or minus five percent or a ten percent margin. With congressional redistricting, the standard is that they have to be as nearly equal as possible, which has been interpreted over the years since the '60s to mean exact population equality. That means every district has to hit that exact ideal population to the single person. In Florida, after the 2020 census, that means 27 of our 28 districts will have 769,221 people exactly.

There will be one district that will have one fewer person than that. And you can see here the difference between 2010 and the 2020

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census and how much our population changed, which was just over 2.7 million people gaining one seat. And you can see the difference that happens with the math and the ideal population of our districts as it changed throughout the decade.

We know, as Mr. Gisiel pointed out, we know from the Legislative Office of Economic and Demographic Research, through the use of the American Community Survey, which is a rolling sample provided by the US Census Bureau, where they sample one to three percent of the US population every year and come up with population estimates for every state in the Union. EDR worked with the University of Florida and came up with some very accurate population estimates for Florida. We know that we have gained approximately about nine percent of our population.

We have gained, which translates to just over 1.8 million people, on top of what we already have had in 2020. Now, that number, 1.8 million, is after the last estimate, which was published in July of last year, which is after April. Every year, the American Community Survey is updated in April with the results released in July. So, this is almost a year old. So, only after five years after the previous census, Florida has already gained 1.8 million people, according to population estimates.

Now, with redistricting, because we have to redistrict down to the single person and with such exactness, we have to use the 2020 census block information and how they look, and that will be in the next point. So, the census blocks, that's the smallest unit of geography provided to us, when I say us, I mean every state, the for purposes of redistricting. You can see them. Here are some examples. Sometimes they are very regularly shaped. Sometimes they have zero people. Sometimes they have thousands of people.

Sometimes they are very irregularly shaped and sometimes, again, they have sometimes zero people, very few people. It varies greatly. Now, when we talk about drawing districts, which is a term that gets thrown around in redistricting, really, it's not drawing. We cannot put lines wherever we want. We have to use

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the census geography and the associated demographic information that is with each individual census block and build a district that way. It's almost like building a puzzle more than it is drawing a district, but drawing is kind of the term we use for that.

But these are the challenges that we have. Sometimes you might want to put a line for a district in a particular place, but you do not have the census geography available to do so. We are locked into the geography that is provided to Florida. Here in Florida, we have 390,066 census blocks that all need to be accounted for, whether they have zero population or 10,000 people or somewhere in between or some other number. So, the map that we are presenting here today is, real quick, as a practical matter, when I refer to the benchmark map, I am referring to the currently enacted congressional map, just so there's no confusion.

This is the proposed map that I'm presenting here today. The benchmark map, when I refer to that, is the one that's currently enacted. The mathematical compactness scores, kind of on average for this map, are consistent with that of the benchmark map. The REOC score, which is a mathematical measure, which compares the area of districts to that of a circle, the smallest circle that can fit around the district. The average score for the 28 districts in this map is 0.46, which is consistent with the benchmark map.

Same with the Polsby-Popper score, which measures the area of a circle of the same perimeter that is of the districts in the map, and that average is 0.81, which is, again, consistent with the benchmark map. And the last mathematical compactness score that courts use all around the country is the Convex Whole score. That compares it to the smallest polygon shape, think of a rubber band going around the district, and the area of that polygon compared to the area of the district, also consistent with the benchmark.

The score for that is 0.41 on average. In addition, the legislature's map drawing tool, which you all used in the last redistricting, has a boundary analysis tool, which measures how much the boundary of the districts follow sometimes the major geographical features or

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political boundaries that we have loaded in the system. So, think roadways, major roadways, think waterways, think county lines, municipal lines, and the percentage of the district boundaries that follow those lines. In this new map, on average, 85.7% of the boundaries follow those boundary lines.

In addition, this map keeps 48 of our 67 counties whole, and it keeps 382 of our 412 municipalities whole, which is approximately just over 93% of the municipalities in Florida are kept whole in one district or another. Now, let me walk you through the map kind of district by district, but first there are seven districts in this map that have not changed at all from the benchmark. That is District 1 through 7. There are 10 other districts, which are largely the same, if not almost exactly the same to what they are in the benchmark. So, there are really only 11 districts in this map that have considerable change compared to the benchmark map that we have currently in it.

The biggest change from this map to the benchmark map that we have is that I drew this map as in a race-neutral way, meaning I did not consider race at all. Also, tried to consider where those changing populations are based on EDR's estimate. We cannot assign them to census blocks or equalize population based on those estimates, but we can certainly know which counties are going faster than others, which counties are going faster than the state average or slower than the state average, and try to account for those in the orientations of the district so those populations can be accounted for in some way.

So, because I drew this map with race-neutral way, the biggest change you'll see is Congressional District 20, which is currently in Palm Beach and Broward County, which has arms that extend out into the more populated areas from the unpopulated areas of both of those counties in both Broward and Palm Beach County. That district is absent from this map because I drew it again in a race-neutral way. So, that's where I'm going to start because that's where the biggest change in the map was and kind of what governed a lot of the other changes throughout the map.

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So, the first district that I'm going to talk about is District 21, which is a district that you'll notice is very similar to the benchmark map. It contains all of St. Lucie County, all of Martin County, and then gets its remaining population from the northern part of Palm Beach County, as it does today. Its boundary within Palm Beach County is slightly different, though it has the exact same share of county population for the district. But in order to orient it a little bit differently, without the considerations of CD-20 coming in the Palm Beach County, we were able to change the boundary there for that district.

The next district that I drew is District 23, coming down here. Now, where possible, when I was drawing maps for the past 15 years, I tried to, where I can or where it's feasible, put an entire district within a large county, if it cannot be kept entirely whole within a district like some of the smaller counties can. This is my attempt and of doing that in Palm Beach County. So, District 23 starts where District 21 ends, around the Riviera Beach area. It follows on the eastern side, obviously the coast, all the way down.

And on the western side, I tried to find some easily recognizable boundaries to establish the western boundary of District 23 as it travels south through Palm Beach County. You can see the Florida Turnpike is one of those. You can see the municipal lines of Green Acres. That's where it kind of pops out a little bit. And so finally, settling at US 441 or State Route 7, straight down the whole way, right before you get into the less populated Everglades portion of Palm Beach County. And that goes south until you need to equalize population around the Delray Beach area. And as every district has to have that equal population, you can only go so far south.

And all of the census blocks and census block groups at different populations need to kind of adjust to do that. And that's why that's there. Next, what I did, and it's a little bit cut off on the page, but as we'll get to it later in the presentation, the remaining portion of Palm Beach County, at least in the most populated area, following that same 441 road all the way south to the Broward County line, is

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about 230,000 people, which includes the city of Boca Raton. I put that into a district as a placeholder knowing that it had to be connected somewhere else to get the remaining population for its district, but not knowing if I was going to go west or continue south or how that was going to look like.

But I knew that that had to be there and I liked that western boundary along US 441. So, I put that as a placeholder and moved to a different part of the map, which is the southern part of the map. Now, this happens a lot in redistricting. Sometimes people think of redistricting as some sort of sequential sequence. When you start with District 1, you just kind of continue on throughout the map where you start at the bottom and you work your way up. Really what happens, it's a very iterative process, and in order to not box yourself in to forcing yourself into certain decisions, you'll often jump around the map starting from the south, starting from the north, kind of working your way toward the middle.

And that's what I did here. So, I moved south to Monroe County, taking that District 28 now into Miami-Dade in an extremely similar way that it does in the benchmark map. There are certain districts like District 1 and 2 in the Panhandle that are boxed in on three sides. You can really only go one way, so the district kind of draws itself in the Panhandle. Similar to the southern part of the state, you have Monroe County that then needs to be attached to Miami-Dade County as it comes north, and there's really only one way to do that.

So, you come up, and the boundaries within the county are almost identical to how they are on the benchmark map because there really was no reason to change that district. District 27 in a similar way. It's a very compact district, maybe one of the most compact districts on the map. And we made a slight change to the western side of District 27 just to clean up how it equalizes population, but otherwise is identical to the current map. So next, working up from there.

With my experience with the Cubanos trial this past January, I

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know that the fact that the city of Miami was divided into three different districts because there was a district that came on top of District 27, which in the enacted map is District 26, that went under District 24, that was done to equalize some of the racial aspects of that district, but, of course, we're drawing race-neutrally here. So, I tried to split Miami, if I could, with District 24 just twice. Now, by doing so, that pulled the current District 24 away from the coast because that area of Miami is very densely populated. It's a lot of people.

So, when you add that to District 24, in order to, hopefully, respect the municipal boundaries of the cities on the coast, that district got pulled more centrally into that part of northern Miami-Dade County. Then drew north, trying to respect as many municipal boundaries and major roads as I could, until I got to the Broward County line, and which still needed a little bit of additional population as it does now in the current map and went into Broward County in a way that I could to equalize population. District 26 now, in the current map, goes all the way to Collier County, in addition to attaching that similar portion of Miami-Dade County.

In this map, because we're drawing in a race-neutral way, I included all of the City of Hialeah and all of the remaining portion of Miami-Dade County, and instead of going west, went north to Broward County to create a very rectangular district that is very, very compact. It dips down at the top rather than going straight over, simply to avoid having to split the city of Weston. So, it dips down to the same road that goes all the way across, and you can see that T-intersection between the Red District, the District 25 that I'll talk about shortly, and District 26, that's the Florida Turnpike.

So, all three districts use that same boundary within Broward County, a very easily recognizable boundary. So, from there, I actually moved up to District 20. Going back to the same principle that I had talked about previously, where, if possible, when I draw, I try to include a district entirely within a large county, if I can.

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And because District 27 is entirely within Dade, District 23 is now entirely within Palm Beach, I tried to do that same thing here in Broward County. So, District 20 is now entirely within Broward County, respecting as many cities as I could in that area.

It's a very dense area of smaller municipalities in northern Broward County, and I included as many of them as I could to keep as many whole as I could. Also, using as many good boundaries, for example, there's a railway that forms kind of the eastern boundary of the northern part of District 20, and from that. And that district came together very, very quickly. It's a very densely populated area, but by doing so, that left the area in southern Palm Beach County that I talked about before, about 230,000 people, without a district.

And then, there was an area between District 20 and District 24, and that area in Miami-Dade along the coast that had District 24 in it in the benchmark, that now didn't have a district. So, I, as a map drawer, had a choice. I could connect those areas to other districts, multiple districts, potentially creating multiple districts that had either fingers or arms or L-shaped districts that went down. Instead of doing that, because I'm drawing in a race-neutral way, and because I'm trying new ideas in a map under a different context, I decided to connect all those areas together.

And it created a coastal district that connected Dade, Broward, and Palm Beach County along the coast all together, using as good of boundaries as I could on the eastern side to match the coastal eastern boundary. So, again, it's US 441 on the western side in Palm Beach County, and then both on the north and south side, on top of District 20, District 25 uses the Florida Turnpike as its boundary for either side, unless it borders with District 20 and District 24, which is generally municipal lines or other major roadways in those areas, except for where I have to equalize population.

From there, there was areas of Broward and Palm Beach County that were left without a district. Now, this is where I can talk about

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the Everglades because this is an area of the state in southern part of the state that's, for a map drawer, difficult to draw because you have a lot of very high populated area to the east along the coast and a lot of area in the middle that sometimes has absolutely no population at all or is very sparsely populated. And it has to go into a district somewhere. So, do you try to split it up and put it into multiple districts, or do you put it all together?

Well, in this case, taking that area in West Palm Beach and West Broward, and attaching it with entirely all of Hendry County, and then going south of Collier County to fill out the remaining population for the district made the most sense in this map, rather than trying to connect multiple districts even further away than they were to account for that low populated area. Within Collier County, it uses most of Collier County, except for when it has to achieve equal population, but I was able to use Collier Boulevard down south until I had to go east, and the little knob at the end is actually the municipal boundaries for the city of Naples.

So, I was able to keep Naples whole, which ends up in District 19, just north of it. District 19 may look different than in the active map, but it is actually very, very similar to the currently enacted map, which does a very similar thing but in a slightly different way. It achieves its entire district population by having Lee and Collier County connected. It does the same thing here. You can see that the divot on the top of District 19 is actually the municipal lines for Fort Myers, which is entirely within District 17, the red district just to the north. I managed to go around that and make sure that that city was kept intact.

It's a little tough to see, it's kind of cut off, but Fort Myers and the rest of Lee County are attached to all of Charlotte County, and then District 17 goes into Sarasota County. In the benchmark map is a very similar district, but it includes all of Sarasota County. In this case, because the population totals are a little bit different because we're coming at it with a different perspective, I had to find a boundary line within Sarasota County to divide that area up, and I was able to use I-75 throughout the entire length of the county until

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when I asked to equalize population.

From here, I actually move all the way north to the top part of the district in the Orlando area. Now, I was trying to mitigate change where I could throughout the map, but knowing that because of the population quality issue with congressional districts, when you move one district line and start moving an entire part of the state, it's inevitably going to affect other parts of the state more than you would think because congressional registering is a zero-sum game. So here, in trying to mitigate the change as much as I could, I took District 8, which currently is all of Indian River County and all of Brevard County and attached by about 2,800 people to Orange County.

Instead, here, I attached Brevard County, which we know is a county that has grown a little bit faster than the state average entirely on its own and attached it to Orange County. The difference there, Indian River is about 160,000 people, so instead of going into Orange County by only about 3,000 people, it goes into Orange County by 160,000 people leaving Indian River by itself to a district that I'll talk about next or later. Because District 8 came into Orange County more, it pushed District 10 further west. Now, it's basically the same. It has largely the same population that it had previously.

Its boundaries change, but it's also a district that is entirely within Orange County but is largely the same as in the benchmark map. Same with District 11. It has the same three counties as it did before, only this time it previously in the enacted benchmark map, it went into the northern part of Polk County. I was able to not do that, so this district just goes into Sumter, Lake, and Eastern Orange County. And by doing this orientation in Central Florida the way I did, I did not have to impact any districts to the north.

So, this is what kept Districts 1 through 7 the same, is by doing these changes here and kind of keeping those changes centralized as much as I could. So next, we've completed District 8, 10, and 11. There's a little portion of Orange County that needs a district,

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and currently, there's a district, District 9, that goes from Osceola County up into Orange County, and this district does the same. However, because of the different population totals and because they did something different with Brevard County, that left District 9 needing a lot more population than it had before. So, it attaches that part of Orange County and Osceola County with some of its southern or rural counties.

So, it attaches Okeechobee County with part of southern Polk County, Highlands County, and Glades County, in addition to Indian River County. So, in Indian River County, instead of being attached to one other bigger county in Brevard, it is now attached to some other smaller rural counties, so it has a greater voice than it had previously in the District it was in before. You can also see now, Polk County, one of the fastest-growing states we know from EDR's data, has a district almost entirely in and of itself. It does cross the county boundary into Osceola just a little bit.

Previously, District 9 crossed that same border, but from the other way, and that's because there's a lot of communities there that live along the border that cross over all the time. So, keeping them together, I felt like was a good choice in this particular map. Also, the geography along that border, keeping the county whole can look very jagged, so I attempted to mitigate that where I could. So, District 18 is a very compact district almost entirely within Polk County. Also within Polk County, every municipality is kept whole. There are two other districts that have to eat up or take up population in the southern part, District 9 and another district I'll talk about here in a sec.

So, District 16 next. I already talked about all the districts that surround it for the most part. So, it really kind of developed itself. It has three entire whole counties. It attaches Manatee with DeSoto and Hardy County, and then has the remaining portion of southern Polk County in addition to that portion of Sarasota County that didn't make it into District 17, again, using I-75 throughout the entirety of that border, except where you need to the [inaudible] [00:37:28]. I then had a choice. Take that district into southern

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Hillsborough County and complete its population.

I needed about 250,000 more people in order to achieve the ideal population of a district. Or go into Pinellas County, which you can do via the Skyway Bridge through Tampa Bay to get to southern St. Pete. Now, I made the choice to go into St. Pete for two reasons. 1.) In an attempt to give Hillsborough County a district entirely within it, which it currently does not have, and because we know that Pinellas County is actually one of the slowest growing counties compared to the population estimates that we have received from EDR.

So, knowing that it is a slower growing county and to give Hillsborough, which is a much faster growing county, a chance to have a district entirely within it, I chose to go and put the remaining portion of that district into southern St. Pete by about 250,000 people. From there, we go into the rest of Pinellas County, which currently has District 13 entirely within it. Now, unfortunately, the populations didn't quite work out. This district had to be pushed north into Pasco County just by about 60,000 people to equalize population.

But that's why that was made. But it's still a district that is largely and almost entirely within Pinellas County of the 769,000 people. Only about 60,000 of it is in Pasco County. Now, with District 14, as I said, to try to keep a district wholly within it, working from the south and going north, it keeps all of Plant City within the district until it gets over toward the water blocks that I mentioned before. They kind of get a little difficult to draw with on the western side of Hillsborough County but trying to use as many major roadways as I could to build a boundary and balance throughout there.

That left the rest of Pasco County, all of Citrus, all of Hernando, and the northern portion of Hillsborough County without a district. So, I knew I had enough population for two districts left, so I had a choice. I could try to do something as you see here, where I keep two counties whole and try to find a way to divide Pasco and the remaining population of Hillsborough County where the bulk of

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the population that was needed was, or I could have divided up the other counties and done something that may have been a little visually more pleasing, but in my redistricting experience, it's always better to keep counties whole when you can.

So, I chose to keep those two counties whole. And then, in the central part of Pasco County, it's sometimes difficult to find block lines to divide that down south. I chose to use I-75 for the majority of the division of Pasco County just because it's such a recognizable major road, and then falling down into Hillsborough County where I then continued using I-75, along with other major roadways, to try to divide them as vertically as I could with the roadways that I had available to me to do so and split that population up in the way to make two equal districts. So, that is the plan.

Chair Passidomo: Members, we're gonna ask questions of either Mr. Gisiel or Mr. Parada. Who wants to start? Senator Osgood, you're recognized.

Senator Osgood: Thank you, Madam Chair. My first question is a legal question. How are you today?

Moe Gisiel: I'm doing well, ma'am, how are you?

Senator Osgood: Good, and you gave your presentation swiftly, so how does this map comply with the Florida Fair District Amendment?

Chair Passidomo: And you can go back and forth until you can't.

Senator Osgood: Thank you.

Moe Gisiel: Thank you, Senator. As part of my legal presentation, the conclusion I got to was that in order to comply with the Equal Protection Clause, you do not need to comply with the Fair District Amendments. So, that's my legal position. Whether or not it actually complies or doesn't is a factual question, and I defer to Mr. Parada on that. But my legal position is you don't need to if you follow the logic of my analysis.

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Senator Osgood: I'll ask the same question to the other gentleman. How are you today, sir?

Jason Parada: Thank you, Madam Chair. I'm sorry, can you repeat the question?

Senator Osgood: How are you today?

Jason Parada: Good. The other question.

Senator Osgood: The question is, how does this map comply with the Florida Fair District Amendment?

Jason Parada: Well, as Mr. Gisiel just testified, it does not have to. I did not use race when drawing this map, so the racial provisions I didn't look at at all and did not do any functional analysis to do that, so I have no comment.

Senator Osgood: Madam Chair, thank you.

Chair Passidomo: Recognized.

Senator Osgood: What population data was used given that the last official census was 2020?

Jason Parada: As I stated earlier in my presentation, when you're doing redistricting, because you have to get to such population equality, we had to use the 2020 census data and the associated census blocks, the 390,066 census blocks, and the associated populations and demographic information that's within those census blocks provided to us by the Census Bureau.

Senator Osgood: So, no voter files or estimates were used?

Jason Parada: For what? I'm sorry, I don't quite understand.

Senator Osgood: For the population data.

Jason Parada: For the population data, so I did use the population estimate data

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that I referred to before as kind of a guide knowing which counties may have grown faster than others or maybe faster than the state average. But that is just I had to balance to the census data that was provided to me because every district has to have maintained that population equality that I talked about before. So, every district is using that population, but using a guide, knowing what counties may or may not be growing faster than others, I kind of tried to orient the districts to accommodate for that to the best of my ability, but they still had to be balanced to the 2020 census data.

Senator Osgood: Did you analyze any partisan performance of districts before finalizing the maps?

Jason Parada: So, not using race and not having to comply with the Fair Districts Amendments, the entire suite of redistricting criteria that are available to other states, I used here, including partisan data.

Senator Osgood: And I haven't asked anything about race. My final question is, were you the only participant as far as the maps drawn? Were there any consultants involved?

Jason Parada: I am the only one that drew the map. I'm the only one that moved any lines on the map and everything else. Any other internal conversations I've had with the EOG staff or our counsel, I'm going to keep between us.

Senator Osgood: Thank you.

Chair Passidomo: Senator Jones.

Senator Jones: Thank you so much, Madam Chair. Can I be recognized for a series?

Chair Passidomo: You are recognized to go back and forth.

Senator Jones: Thank you so much. Hey, Jason, good to see you again. I want to start off with is it Moe? How do I pronounce your name?

Moe Gisiel: Moe Gisiel, Senator.

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- Senator Jones: So, you made mention of the Fair District Act, and I just was just listening to Senator Osgood, and in your presentation you made mention of the unconstitutionality of it. So, is it your argument that the citizen-led initiative that was voted on by 63% of people, that it was inconsistent with the federal law? Is that your argument?
- Moe Gisiel: Madam Chair? It has become inconsistent with federal law as it's evolved on race, Senator. So, the race-based provisions have become inconsistent with federal law.
- Senator Jones: So, why didn't the Florida Supreme Court knock that down in 2010?
- Moe Gisiel: As I was explaining, Senator, the law has evolved since 2010. We've had several US Supreme Court cases since 2010. We've also had another Florida Supreme Court decision as of 2025. So, again, on the racial issues, the law is continuing to move. And it's evolved to the point where a law that was previously on thin ice, the ice is cracking, and it's about to crack further.
- Senator Jones: Yeah, I hear you, but the law is the law. So, if the law is the law and the law is consistent, and if it came to before the Supreme Court, you would think that the Supreme Court would have seen that inconsistency with the federal law and would have knocked the citizen-led initiative down, correct?
- Moe Gisiel: Not in 2010, Senator.
- Senator Jones: Not in 2010.
- Moe Gisiel: You did not have the Cooper case from the US Supreme Court. You didn't have the Wisconsin case from the US Supreme Court. You didn't have Allen v. Milligan from the US Supreme Court. You didn't have Black Voters Matter from the Florida Supreme Court. So, again, not in 2010 is the answer, sir.
- Senator Jones: So, you and I would agree that the Voting Rights Act of 1965 remains the law of the land today, correct?
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Moe Gisiel: Yes, sir.

Senator Jones: So, the governor, he has publicly stated that he believed the Voting Rights Act is unconstitutional. Were these maps drawn to fully comply with the Voting Rights Act as they exist today?

Chair Passidomo: You're recognized.

Moe Gisiel: No racial data was taken into account, sir. But I'd like to take a step back and talk about the Voting Rights Act. So, if we assume that Calais changes nothing, even then, all the Voting Rights Act says is there are preconditions. If you can create a majority-minority district, that is one of the preconditions. There are several others. If you satisfy the preconditions, then at the end of it, the map that you have to create does not need to be majority-minority. And I don't know the results of this map, sir.

But if there are two Black performing districts in Southeast Florida, even if Calais results in no change to the Voting Rights Act, you would not be violating the Voting Rights Act in Southeast Florida, which is where the VRA district was.

Senator Jones: So, you and I would agree that you all are operating within a hypothetical, correct? Because there have been no decisions on the Louisiana v. Calais, correct?

Moe Gisiel: No, sir, we're not because at the end of the day, there are other districts in Southeast Florida other than the benchmark District 20 where race was a factor to comply with a Fair Districts Amendment. So, if you're going to change the districts down there where race was a factor, you would have to deal with that region of the state. So, it's not a hypothetical, sir.

Senator Jones: In the governor's transmittal letter, he suggests that what the people of the vote on, yes, excuse me, he said that it is not enforceable at all. Does that mean that this map was in fact drawn with partisan intent?

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- Moe Gisiel: Senator, my assessment or my analysis was a partisan intent can be taken into account. The map drawer is going to answer the question of whether or not partisan intent was, in fact, taken into account.
- Senator Jones: So, does this map make any attempt to comply with Tier 2 criteria on compactness and minimizing county splits? Maybe that's a question for Jason.
- Moe Gisiel: Yes, sir, you would like for me to –
- Senator Jones: It's up to you.
- Chair Passidomo: I don't have a problem if y'all just stand up there and you could go back and forth depending on who's more appropriate to answer the question.
- Jason Parada: Thank you, Madam Chair. Can you repeat the question?
- Senator Jones: Yeah, so does this map attempt to comply with Tier 2 criteria on compactness and minimizing county splits?
- Jason Parada: So, the Tier 2 criteria does not require the minimization of county splits, but it does talk about following existing political and geographical boundaries. Other than race, which I did not use for this, all of the other traditional redistricting criteria, including compactness, including following traditional geographic and political boundaries, and among many other contiguity, many other redistricting criteria, I did factor in, yes.
- Senator Jones: Jason, you would agree based off of the presentation that you just gave us that this map is probably just a tad bit less compact than the current map, correct?
- Jason Parada: I don't think I agree with the premise of the question. I think that this map's compactness overall, on average, is consistent with that of the enacted map. Compactness is also something that is kind of in the eye of the beholder. The mathematical compactness scores
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are good and courts have used them as a guide, but they're not a gold standard. Just because something is changed by a one-tenth or something like that does not necessarily mean it is better or not. In addition to all of the other redistricting criteria, there are many different ways to draw a map that can comply with all of these different criteria, and the objective is not to find the "best map."

The objective is to find a map that satisfies all the criteria, and that can be done in multiple different ways, using multiple different methodologies.

Senator Jones: So, Jason, the criteria in which you said that you were using, you said, and you can quote me if I misquote you, that you will use criteria from other states and also but you can use the Fair District Act criteria in crafting this map, but you use criteria from other states, correct? Now, and the other question would be, are you speaking of other states being states that has already passed this, like Texas and other places? Is that the type of criteria that you use?

Jason Parada: No, when I say other criteria, I mean traditional redistricting criteria that has been consistently used in Florida, in addition to every other 50 state. There's an entire litany of different criteria that other states use, Florida uses, including compactness, including following existing political and geographical boundaries, contiguity, equal population, all sorts of other things, a lot of which are listed in what used to be our Tier 2 of the Fair Districts Amendment. All of those factors came into play. The only thing that I did not consider is race.

Senator Jones: So, the governor cited the forthcoming Louisiana v. Calais decision from the US Supreme Court as a potential reason to redraw. He said that in multiple interviews, but he also acknowledged that no decision has been issued yet. So, I ask why are we drawing these today, Jason?

Moe Gisiel: If I could, Senator, I'll handle the Calais question.

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Senator Jones: Oh, sure.

Moe Gisiel: Senator, you've got the Black Voters Matter case and you've got the Calais case. They are walking side-by-side, but they're walking as two separate things, and the Black Voters Matter case deals with the Fair Districts Amendments and Calais deals with the Voting Rights Act. The Fair Districts Amendments are on shakier ground because the Fair Districts Amendments don't emanate from Congress's powers under Secretary –

Senator Jones: But you all won that case, correct?

Moe Gisiel: Yes, sir, we did.

Senator Jones: Right, and so if you're looking at the Louisiana v. Calais case that has been issued, there has been no issuance of that, and matter of fact, Florida is not even a party in that case, am I correct?

Moe Gisiel: True, sir, but the Fair Districts Amendments case, the Black Voters Matters case, the logical import of that decision is that trying to take race into account to comply with the Fair Districts Amendment runs smack-dab into the Equal Protection Clause. The court did not have to confront that issue because it wasn't brought up. But the import of what the court is saying and the import of where the law is evolving on the use of state-based racial provisions is getting very clear because, again, remember, the Voting Rights Act is in a separate bucket.

The Voting Rights Act was created with a legislative record in 1965, and the Voting Rights Act was created consistent with Congress's powers under Section 2. Neither of those two things is true for the Fair Districts Amendments, Article 3, Section 20A. So, if the US Supreme Court is only assuming without deciding that you can maybe use the Voting Rights Act, then it is for sure going to come to the conclusion that using the Fair Districts Amendments is not a compelling interest for racial consciousness. The Florida Supreme Court said that.

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It did not get to the next question, the next logical step of if it's not a compelling interest, then can it be used at all? That's the next logical step, and so that has been the development on the fair districting side, the Article 3, Section 20 side, sir.

Senator Jones: So, why not challenge the Fair District Act to the Florida Supreme Court?

Moe Gisiel: So, sir, as executive branch officials, the public official standing doctrine prohibits us from challenging the constitutionality of a state provision in the first instance. The way to tee this thing up in the structural constitution that we have is for the legislature to pass a bill and for the legislature to have a bill saying, "We have looked at the law. This is how we believe we can comply with the law," and that then tees up the issue for the courts. The legislature, the executive branch cannot go challenging a state statute or a state constitutional provision.

The way to tee this up is to pass a law, have it plainly before the courts, and have them address it.

Senator Jones: A few more questions, Madam Chair. The Governor's Transmittal Letter says that the proposed map is based on 2020 Census data, Jason, you made mention of it, but attempts to account for population growth in Florida by reconfiguring districts around the areas of high growth. My first question is, doesn't this proposed map have the same number of districts as the current map, so how does that account for population growth?

Jason Parada: Thank you, Madam Chair. So, as I reoriented the districts in South Florida and Central Florida, I tried to, as a guide, because I know which counties, based on the EDR statistics, have grown faster or slower than other counties in the state or compared to the state average. So, we know that where certain areas might have more people than is in the current 2020 Census. Despite the fact that I still had to balance everything using that 2020 data, I was able to slightly restructure everything in order to account for those changes in population a little bit better.

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So, the actual populations of the districts might be more balanced now than before, but I don't know for certain. Nobody really does until we conduct another census.

Senator Jones: Jason, so you will agree with me that if that population growth has changed in congressional areas, that means all of our seats up here should also be withdrawn from the House and the Senate, am I correct?

Jason Parada: Well, I'll let Mr. Gisiel talk about that, but I believe there's a different standard with state legislative redistricting compared to congressional redistricting, but I'll let him expound on that.

Chair Passidomo: In the microphone.

Moe Gisiel: Thank you, Madam Chair.

Chair Passidomo: They can't hear you, apparently, on the Florida Channel, so when you answer, please stay as close as you can.

Moe Gisiel: So, Senator, the legislative redistricting is governed by Article III, Section 16. That's the legislative reapportionment. A). The governor has no role, and B). that provision has separate strictures that apply here, and I'll let counsel for the Senate and the House speak to that.

Senator Jones: Has the governor taken any action to prepare for the 2030 Census to ensure that Florida receives seats in accordance with this population in the next round of reapportionment?

Jason Parada: I don't have that information, but we can get back to you on that.

Senator Jones: And has the governor requested that the legislature allocate funding for the 2030 Census preparations that need to be completed over the next year?

Jason Parada: It's the same question. We don't have that information. I'm just here presenting the map on behalf of the Executive Office of the

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Governor, but I'm sure that's information.

Senator Jones: A few more questions, Madam Chair. The governor has said we need to redistrict because certain districts in the 2022 map were drawn because of race. Correct, Jason?

Jason Parada: Drawn with race as a consideration, yes.

Senator Jones: So, which districts in the current map were drawn because of race?

Jason Parada: Well, when you say the current map, do you mean the benchmark map?

Senator Jones: The benchmark.

Jason Parada: The currently enacted map?

Senator Jones: Yes, sir.

Jason Parada: Well, clearly, Congressional District 20 is an example of that. And then I believe that there was three districts in South Florida, District 26, 27, and 28, where race was a consideration.

Senator Jones: I'm going to go down to District 24, Jason. In the District 24 seat, that's Congresswoman Wilson's district. Do you consider that District 24 compact?

Jason Parada: In the proposal?

Senator Jones: In District 24? In the proposal for the enacted map. In the proposal. Yes, sir.

Jason Parada: Yes, I believe it is.

Senator Jones: So, current District 24 includes parts of Broward. It includes parts of Miami-Dade County, both of which are larger than a single Congressional District. So, does current District 24 split more

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counties than necessary?

Jason Parada: No.

Senator Jones: So, the only cities current District 24 splits are Miami and Miramar. So, does it split more cities than necessary? Because in the district, you have Miramar, you have Dania in there, you have Hollywood in there, you have West Park in there, you have Hollandale in there. So, that would go against what you presented, not what you presented. I don't want to put words in your mouth, based on the law.

Jason Parada: So, I disagree with the premise with that, and I'll take a step back and look at the region as a whole because you're looking at a specific one district and talking about what it is doing. When you're drawing districts, you have to balance all of the standards, including city splits, including county splits, including compactness, and everything all together, not just for the single district, but how the region comes together as a whole. And in some cases, you're not able to, especially with the equal population standard of a Congressional District, where you have to get down to plus or minus a single person, sometimes you're simply just not able to keep a city whole, despite trying.

But that's not the overriding goal of everything else. There's all the other redistricting criteria you'd need to take into account, too. There's also, in that area of Broward County, some of the municipal lines, which are not regular in shape, and can change throughout the decade more than a county line or anything. I believe it's Cooper City and Southwest Ranches are actually interlocked with each other. Danube Beach has some sprawling areas of it that goes out to the coast and comes down. Same with Hollywood.

Some of these municipal lines are not very easy to draw around. So, sometimes it just necessitates, as I showed you, the block lines. If I were to show you a bigger issue with the block lines overlaid with some of the municipal lines, you'll understand how difficult

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that can be sometimes. So, that's simply just part of the balancing of all of the standards. Yeah, we'd like to keep more cities whole if we can, in addition to everything else.

But sometimes finding like the turnpike that I found to have three districts come together and use the turnpike, which is a recognizable major roadway for the people in that area, is preferable than trying to use a municipal line that might extend out and look very jagged and without people knowing that that is the actual municipal line. So, sometimes using those political and geographical features, which are also a redistricting standard in lieu of a municipal line or something else is preferable. But that's all part of the balancing of all of the standards where you can't just lean on just cities or just counties or just one aspect of the redistricting criteria.

You have to look at the whole picture and how the whole picture is affected in the entire region rather than looking at one specific district where it may split a city that it didn't before or something along those lines. It's just part of the necessary balancing that happens when you're drawing a complete redistricting map.

Senator Jones:

And my last question, then I'll hand it off to some of my other colleagues. And that is just to get clarity on the usage of the Fair District Act or the non-usage in this case because I think the terminology that we're using as it pertains to the Fair District Act is that it is inconsistent with federal law. Is that the reason why, Jason, that you may mention that partisan parties, basically parties, did take, not precedent, but you looked at partisan politics in creating these maps because you all believe that the Fair District Act is inconsistent with federal law. Am I correct?

Jason Parada:

So, I can tell you that, as I mentioned before, I used all redistricting criteria except for race. That was the only thing that was neutral. Partisan or electoral performance data was a consideration, but certainly not at the exclusion of all of the other standards. And you can look at our map and how I tried to draw as compact districts as I can, kind of combining all of those principles without leaning on

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one more than the other. For example, with the cities, I could have kept more cities whole, but that would have been at the detriment of visual compactness or mathematical compactness in some cases or having to break certain counties.

There's actually a city, Longbow Key, that is actually split because it is between Manatee and Sarasota counties. So, it has to be split. But I could have kept that city whole and split another county. That's part of the tradeoff that kind of happens with that throughout the map when you're trying to balance all of these things together and trying to put an entire redistricting map together, which is part of everything that you need to consider when you're drawing a map.

Senator Jones: Thank you. Thank you, Madam Chair.

Chair Passidomo: Senator Pizzo.

Senator Pizzo: Thank you. That's very loud. Good afternoon, everyone. I have a few questions, Madam Chair.

Chair Passidomo: You're recognized to go back and forth until you're not.

Senator Pizzo: These are going to be rather rudimentary. They're not trick questions. They're very elementary in nature. Can either one of you, probably Moe, define majority-minority for me?

Moe Gisiel: Sure, Senator. So, majority-minority is where you have a minority group, and that minority group in and of itself can get to 50% plus one. That would be a majority-minority district. And I can go on with other questions if you'd like.

Senator Pizzo: Can you give an example of a majority-minority?

Moe Gisiel: Sure. So, a majority-minority district, if we're looking at this through the Voting Rights Act lens, which I think you are, Senator, it's the first Jingles precondition. Jingles is a US Supreme Court case, and Jingles lays out these preconditions that you have to

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show if you're challenging a state's lack of a district for a minority. And so, those preconditions, the first one is you have to show a large, compact community, and large is majority-minority. So, the Supreme Court said you've got to focus on just one race and you've got to see if that race gets to 50% plus one, and that would be a majority-minority district.

That's the first precondition. Then there are others. You have to show that that minority community votes cohesively for a particular group and a particular candidate, and then you have to show that the majority votes against the minority's choice. And so, those are the three Jingles preconditions, and there's a totality of circumstance test under Jingles. And that together is used to assess whether or not the Voting Rights Act requires a district for the minority community.

Senator Pizzo: Got you. I mean, traditionally, historically, I think we're talking about Black, Hispanic, but can you have a White majority-minority district?

Moe Gisiel: There is no case saying that you can't. I'm aware of at least one case where a White community at a municipal level in a majority-Black city argued that they should be allowed to create a majority-minority district for the White community because, again, if you're looking at a municipality, it's on a smaller scale, so you can have a majority-minority that's White.

Senator Pizzo: So, let me give you an example. Senator Corey Simon is in a majority-White district, and he's a Black state senator. How does that reconcile with what the directives and the edicts are of the Constitution?

Moe Gisiel: The edicts of the Constitution or the Voting Rights Act?

Senator Pizzo: The Voting Rights Act. Do that lens first.

Moe Gisiel: Sure. So, the Voting Rights Act, Senator, the question comes down to so on the totality of circumstance test, if we are looking at an

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African-American elected from a majority-White district, that cuts against the notion that you need a VRA district. So, that goes in the totality of circumstance test. If we're looking at the Jingles preconditions, however, the race of the person who is elected does not matter. It is whether or not the minority can elect the person of their choice in a primary that they control. That's the first test.

So if, for example, the minority's choice is a Democrat, you see whether or not the minority can control the Democratic primary, and then you see whether or not that minority's choice can prevail in the general. So, you assess both those things.

Senator Pizzo: You would agree sometimes erroneously that the public conflates the idea that the candidate is actually representative of the same either race or group. That's in question, correct?

Chair Passidomo: Mr. Moe, I think we're still having trouble hearing you, so maybe raise the mic and get closer together.

Senator Pizzo: You can actually raise the podium.

Chair Passidomo: There's a button on the right.

Senator Pizzo: Dustin to the rescue.

Chair Passidomo: There you go.

Moe Gisiel: I apologize, Madam President. So, Senator, I agree with the sometimes, but I simply note this, that, again, as you pointed out with the example of Senator Simon.

Senator Pizzo: Simon.

Moe Gisiel: I apologize. It's my first time testifying before the legislature. But sometimes is a key word there because, again, in the totality of circumstance test, if you have a community, if you have the state of Florida, for example, and the state of Florida is consistently electing minorities to elected office, that goes in the totality of

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circumstance test. And, again, I note the VRA used to have a preclearance regime. Florida was never in the preclearance regime for race, ever.

Senator Pizzo: What really caught my ear was when you said in looking at these proposed congressional redistricting plan maps, you actually don't know and can't speak to how they're going to perform, can you?

Moe Gisiel: No, sir. We didn't take racial data into account. So, if you were trying to figure out how these maps would perform, you would take the racial data, you would take the Black voting age population, you would do the kinds of functional analyses that this chamber and the House did last cycle and assess whether or not a particular minority community can control a primary and then control the general. And we didn't take racial data into account. We didn't do any functional analyses. So, I don't know how this map will or will not perform.

Senator Pizzo: Perhaps tangentially, I mean, we're not swearing you in. I don't think you got sworn in the House. But surely in the past, the Florida Supreme Court has liked to press play on the Florida General Recordings. But how are you prepared, if I can ask as an intellectual exercise, to defend what is proposed as you stand here that this is going to pass the legal smell test and say you don't know how this is going to perform?

Moe Gisiel: So, sir, taking your points in turn, I am an officer of the courts under the Rules of Professional Responsibility 4-349. I have a duty of candor to this body, and I intend to tell the truth, No. 1.

Senator Pizzo: Me too.

Moe Gisiel: And 2.) the argument I've laid out, Senator, for why we believe the FDA does not apply is one argument. We can cabin that and set that aside. The other argument about let's assume that Calais comes out and Calais changes nothing. If there's a separate Voting Rights Act lawsuit, and in that Voting Rights Act lawsuit, the argument is being made that we're somehow violating the Voting

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Rights Act, we would, in that litigation, as part of our defense of the map, hire an expert to assess whether or not the map performs for African Americans.

And we would only do that, Senator, if the plaintiff satisfies their burdens under the Voting Rights Act to meet the Jingles preconditions, to show that there are alternative maps that could be drawn. There are several steps in the Voting Rights Act process, and we'd go through that.

Senator Pizzo:

All right. So, that narrows it down to my next question nicely, actually, nice segue. Jason had mentioned that he was race-blind, race-neutral, didn't even pay attention to that, but did contemplate partisan data. So, I'm just going by the 2026 numbers from the Secretary of State's Office that shows registered Republicans at 5,545,000 and change, NPAs at 3,338,000, minority parties at 478,315, I think, and 4,052,000 for Democrats. So, roughly 41% of the registered voters in the state of Florida, I'm just going by Secretary of State's data, are Republican.

But proposing 24 out of 28 congressional maps would mean 86% of all congressional districts are actually Republican districts. So, the minority of registered voters in the state of Florida at 41% of the total 13,414,000 that are registered to vote in Florida as of the last count, only 41% are Republican, but 86%, 87% of the districts proposed in this plan would be Republican. How do you reconcile that? It's a really basic question because I don't know how to reconcile it in my head.

Moe Gisiel:

So, Senator, from a legal perspective, and I'm not making normative judgments about whether –

Senator Pizzo:

But, Moe, it's math. Math is one right answer, so let's keep it as simple as math.

Moe Gisiel:

I understand, Senator, and I'm not challenging your math. The question about how do I reconcile the fact that Democrats are underrepresented as a proportion of the registered voters, that's a

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normative question, and I'm not answering whether that's true or not.

Senator Pizzo: How is the majority of Florida registered?

Chair Passidomo: Let him answer the question, and then –

Senator Pizzo: Moe is used to this in court, Your Honor. We're back and forth, and so and I.

Chair Passidomo: I'm the judge right here.

Senator Pizzo: Let me pose a question.

Chair Passidomo: Let him answer the question.

Senator Pizzo: Let me pose a question this way. Why is 59% of registered voters in Florida no longer represented?

Moe Gisiel: Senator?

Senator Pizzo: Moe?

Moe Gisiel: A couple of points. A couple of points, Senator. And, again, you're framing this as a disparate impact on the Democrats in the state. One, if we're –

Senator Pizzo: No, I'm not a Democrat, Moe.

Chair Passidomo: Let him answer the question.

Moe Gisiel: I'm going by your numbers. If you're framing this as a disparate impact on Democrats, i.e., the Democrats are being harmed by this, Democrats aren't a protected class for purposes of the Equal Protection Clause, so that's not a constitutional issue. Rucho says that in federal court constitutional issues don't touch on partisanship issues. Partisanship is not something that's justiciable in federal court. So, the fact that Democrats are underrepresented

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or overrepresented is not an issue that goes to federal court. And, second, sir, I simply note this. There is a lot of literature on political geography that shows up in courts.

Democrats live together. Democrats live in highly concentrated segments of a region. And if you're going to do that and you're trying to hit a magic number of 729,221, you're more likely to draw fewer Democratic districts in highly concentrated areas than you are more Democratic districts. So, it's not a one-to-one comparison that you can make in that regard.

Senator Pizzo:

So, Moe, what you just then sort of resorted to was talking about economics. You went from we're race-blind, we are geographically blind, but we can find the greatest concentration of disparate economic circumstances, which is tantamount to being race. I'm just using your words, but I just want to go back for a second because I need to make this very, very clear. I'm not talking about a disparate impact on Democrats. I'm not talking about a disparate impact on minority parties of 478,000. I'm not talking about a disparate impact on people like me that are NPAs, the 3,338,000 of us.

What I'm talking about is not one particular party. I'm talking about the majority. And because state Senate districts and House districts can be disparate as it relates to the numbers, you can get in and around the number, but the 769,221 must be so exact that only one of these 28 will have one less. But Jason, I'm trying to convince my mom to move down here so we can balance it out. Here's my question. Why are 59% of a number, in Virginia, I'm sure it's the inverse, but why is the majority of Florida registered voters now subject to a minority of registered voters overly dominating the congressional Districts 24 to 28, which is 86%?

Why are 5,545,000 Floridians getting to enjoy 86% of congressional districts when they are the minority?

Moe Gisiel:

So, Senator, first a correction. Disparate impact has nothing to do with economic status. Disparate impact is a term of art from equal

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protectionism law. So, I am in no way suggesting that we're taking economic considerations into account. I'm simply pointing out that

—

Senator Pizzo: But you said Democrats live together in concentrated sections of poverty.

Chair Passidomo: Senator Pizzo, it's hard for me to understand what you want to say if you're interrupting. I'll have to go back to the chair otherwise.

Moe Gisiel: So, Senator, me referencing the fact that Democrats live in concentrated areas is me referencing literature in the political science that comes up in redistricting cases as folks are trying to make the point that we can or can't draw a district. That has nothing to do with economics. It's just where geography is, political geography. So, I'm saying nothing about economics. Again, to your other question about is this right, is this wrong, is this fair, is this unfair, those are normative questions that I'm not going to answer because that does not go to the legality of an action or inaction. That's a policy question for this body.

Senator Pizzo: Gotcha. Just two more quick questions, Madam Chair. Jason, you said that you relied on census data, but it's been the worst kept secret in Tallahassee and throughout Florida that members of the executive branch don't agree with that census data from 2020. What did you use? You said you used some projections, some other supplementary sources, whatever. I mean, like HSMV, driver's license registration? I mean, what did you use as a curative measure to the census data that the governor himself and I think the Attorney General as well has said, "We don't agree with the census data whatsoever, we were undercounted, we were underrepresented."

So, what did you use to actually make sure that you got the 769,221?

Jason Parada: So, the 769,221 number is based entirely on the 2020 census data.

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Senator Pizzo: But the governor has said, James Zuthmeyer, the Attorney General I believe has said, “We got screwed in the census.” So, the basis of the data you’re using to craft 28 new maps is based on data that you guys don’t agree with at all. Reconcile that for me.

Jason Parada: I can only tell you what I did, Senator, and what I did is use the 2020 census data combined with the census geography that currently exists and tried to use the data that came from EDR to figure out where counties have grown faster or slower to try to reorient the districts in such a way. I did not alter the actual census data in any way and used the same census block data that has been available since it was released in 2021 to every state in the union to do their redistricting.

Senator Pizzo: All right, here’s my final question. It alludes to what Senator Jones was asking about, about why didn’t you guys challenge, why didn’t you guys take initiative, why didn’t you try. Moe, your response to Senator Jones was it’s really not the purview of the executive branch to be able to go ahead and make challenges and all those issues. But on February 1, 2022, Governor DeSantis requested an advisory opinion from the Florida Supreme Court inquiring as to Article III, Section 20A of the Florida Constitution requires the retention of a district in northern Florida, etc.

The Florida Supreme Court declined to provide an opinion in response to the governor’s request, noting that the scope of the governor’s request is broad and contains certain multiple questions that implicate complex federal and state constitutional matters and proceedings interpreting the Voting Rights Act of 1965. Moreover, the governor’s request might necessitate fact-intensive analysis and consideration of other congressional districts, not just District 5.

Both of you gentlemen, you can answer this independently because the Florida Supreme Court said at that time, “We have no record before setting forth a functional analysis of statistical evidence such as voting age of minority populations, election results, whatever.” Do you feel confident that what you’ve proposed here has gone through and contemplated a very deliberate treatment to

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implicate complex federal and state constitutional matters and proceedings interpreting the Voting Rights Act? Do you think that you guys have properly vetted and been deliberate enough on this map to satisfy that test as to why they declined an advisory opinion?

Moe Gisiel: Yes. Yes.

Senator Pizzo: Because you just said that you have no idea how this is going to perform.

Moe Gisiel: Yes, and if I could elaborate, sir. You're referring to the advisory opinion request that was made before the Black Voters Matter case ended up at the Florida Supreme Court and before the Florida Supreme Court addressed some of these other issues. So, you're giving us a snapshot in time when you move the clock forward, you see that the Florida Supreme Court has said and done more. And in light of what the Florida Supreme Court has said and done and in light of what has gone on elsewhere at the federal court level, we do feel confident that the position we're putting forward is a simple, consistent, and we believe correct constitutional position on behalf of the executive branch.

Chair Passidomo: Any other questions?

Senator Pizzo: I asked for independent answers from both gentlemen.

Chair Passidomo: Oh, I'm sorry. I missed that part.

Jason Parada: I would echo Moe Gisiel comments.

Chair Passidomo: Any other questions? Senator Bradley, you're recognized.

Senator Bradley: Thank you, Madam Chair, and thank you both for your presentation. And I think that some of my fellow senators' questions have sort of given rise to, I think, what some of the confusion is. This map is drawn using the 2020 census numbers of 769,221.

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Jason Parada: That is correct, ma'am.

Senator Bradley: And most of the discussion going into this redistricting process has talked about the fact that Florida has experienced a lot of population growth over the last several years. So, 1.) hearing this, maybe our constituents at home, friends and neighbors, may assume that that population growth is going to be reflected in this map. That population is not reflected in larger districts. So, you testified or, yeah, you testified, unsworn, but testified that you have the 2020 census data, and then my guess is you overlaid the EDR and state demographic metrics, looked at the two maps to see where the heavy population growth was. Is that fair?

Jason Parada: So, I used the 2020 census data exclusively. I did not overlay any other data over the map itself. Simply the data that was reported that's publicly available, you can see which county growth has happened, so you can kind of tell which counties have grown more than the state average or more than other counties based on their previous population, kind of get a different sense of how the population has changed. And even though you have to balance back to 769,221, you can orient the districts in such a way where you can anticipate that those areas may have more people than are actually there in the 2020 census data.

So, you can orient them in such a way to approximately account for them, but they still have to be balanced to the 2020 census data. So, in that respect, they are balanced completely to the 2020 census data. So, there's no actual new data incorporated into it, other than using what was available kind of as a guide to understand where some districts may be overpopulated or what areas might need more voice, those bedroom communities that have grown up around our urban areas, and try to give them better representation moving forward for the second half of this decade.

Senator Bradley: And you looked at that EDR data statewide?

Jason Parada: Statewide and by county, yes, ma'am.

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Senator Bradley: Why is nothing reflected with regard to population changes in northeast Florida, for instance, which has experienced substantial growth, and across the panhandle? Why is our population changes, why are people only in certain parts of the state, why did they merit adjusted lines based on population and not other folks in the state?

Jason Parada: So, I certainly consider that, but also in trying to balance all of the standards with this redistricting, as you always do, you can't lean on one thing more than the other. And in a lot of the panhandle counties, some of them did grow, some of them did not grow nearly as fast. And there wasn't as much need for a change in some of those areas. I could have made more changes throughout the map, but there's also a desire to keep as much of the current map available as possible.

The other big edict that I had with this was drawing this map in a race-neutral way. The biggest change with that was in south Florida, particularly with Congressional District 20, and that impacted the rest of the map from there greater than the other parts of the map, which didn't have that same issue of being drawn in a race-neutral way. So, I was trying to balance all of the criteria that I was using to draw the map and didn't find it necessary to continue drawing further north than I did.

Senator Bradley: So, more of a race-based map than necessarily one to address population?

Jason Parada: A race-neutral map.

Senator Bradley: Race-neutral, race-neutral, as opposed to population, per se.

Jason Parada: They were done in conjunction. There was not one more. The population growth aspect or the race-neutrality aspect were kind of drawn in conjunction together. There wasn't one that was predominant over the other. It was all kind of a balancing of all of the standards, including compactness and some of the issues we talked about before. And when you look at redistricting, you kind

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of have to look at the map as a whole. And yes, some areas are never going to be exactly how you want or whatever, but that's because as a map drawer, you have to look at the map as a whole.

You have to look at regions as a whole. You can't look at single districts or even a single county and make a decision on a map based on that particular county. You have to see the whole picture and how it's all going to be put together. And the biggest race-neutral change was South Florida, and those impacts moved into Central Florida, trying to take those population growth issues into account as I was making the biggest change in the map that was there and just found it unnecessary to go further north.

Senator Bradley: And when did you begin working on this map that we're seeing here?

Jason Parada: Approximately about two weeks ago.

Senator Bradley: Two weeks ago, and when did you complete your work?

Jason Parada: Over the weekend.

Senator Bradley: And can you identify individuals that you were in consultation with through the map-making process? Any outside groups involved? Can you give us a sense of who you collaborated with in the rendition of this map?

Jason Parada: So, I'm the only map drawer. I'm the only one that moved any lines around on the map. I did work with other EOG staff and counsel, but I'll leave it at that.

Senator Bradley: And then the last is just a legal question. I just want to make sure that we're clear. You had indicated that the Calais decision was the last logical step in order to render the Fair Districts Amendment, the race provision in the Fair District Amendment, to be unconstitutional and would require that not to be considered for purposes of Florida redistricting, right? You have Step 1 is Calais. That hasn't been decided yet, and that is sort of the last logical

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step. I think you described it in your memo as you feel as though the Supreme Court has signaled that that would be unconstitutional and that they are poised to affirm that it's unconstitutional, but they have not yet done so. Is that correct?

Moe Gisiel:

That's not quite right, ma'am. If we go through Calais, Calais runs through the Voting Rights Act lane to the Equal Protection Clause. Black Voters Matter runs through the Article 3, Section 28, the Fair District Amendment lane to the Equal Protection Clause. So, Calais is dealing with whether or not Section 2 of the Voting Rights Act can serve as a compelling reason for the use of race in redistricting. The Black Voters Matters case has already said that use of the Fair District Amendments is not a compelling reason to use race, so two different lanes.

So, if we're going through the Fair District Amendments, Article 3, Section 28, the next logical step of what the Florida Supreme Court has already said is that we shouldn't be using race because race cannot be a compelling interest for a state analog to a provision that is not supported by a legislative record like the one for the Voting Rights Act, and that is not something that was enacted consistently with Section 2 of the 15th Amendment, which again, the Voting Rights Act was, so slightly different.

Calais itself is the last logical step. It's going to be the most recent say of the US Supreme Court on Section 2 of the Voting Rights Act, and whether or not Section 2 of the Voting Rights Act is at war with the Equal Protection Clause.

Senator Bradley:

So, in your testimony, the Calais decision has no basis, but we are on our legal prerogative to enact this map regardless of the decision in Calais?

Moe Gisiel:

Ma'am, my assessment of Calais is this. If you look at the benchmark plan, Calais has the most impact when it comes to Congressional District 20. Congressional District 20 is the VRA district. That's the one that Calais is going to have the most impact on. The other districts in Southeast Florida, as you heard from Mr.

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Parada, there's some districts in Southeast Florida that weren't Voting Rights Act districts but were created with an eye towards race to comply with the Fair Districts Amendments. Those are the ones where you don't need to wait for Calais, where you can do something.

And if you're making changes in Southeast Florida that comply with state law and the changes in state law, you can make other changes there in an effort to be forward-thinking and be prepared for Calais because the alternative is Calais comes out in late June, we get sued in July, and then there are other steps beyond that.

Senator Bradley: Certainly, we're waiting on Calais to address that one district to give us the legal justification there. But in addition, the next logical step that you make is then to say and if that decision is received the way the court has signaled, that the Fair Districts Amendment is null and void. And you made an argument with regard to severability. That is simply your argument. That's not a position that's been adopted by the court short of a question by a Supreme Court justice during the argument. Is that correct?

Moe Gisiel: That is correct. The severability argument is the executive branch's argument on the issue.

Senator Bradley: Sure. So, really, the map is a legal theory that's sort of underpinned by two ifs. If Calais comes out, and if the Supreme Court were to adopt your non-severability argument, then we would be able to adopt a map that does not regard race and is drawn with partisan intent. Is that correct?

Moe Gisiel: Yes, ma'am.

Senator Bradley: Thank you.

Chair Passidomo: Senator Rouson.

Senator Rouson: Thank you very much, Madam Chair. Let's talk about proposed CD-14. It seems like the lines converge in downtown Tampa, and

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Tampa's split up between three different proposed districts. Is that correct?

Jason Parada: Yes. In this map, the municipality of Tampa is split between three different districts. That was unfortunate. I never liked to do that, but the Tampa municipal lines extend from literally the entire eastern side of the county all the way to the northern side of the county. It is simply one of the matters that because we had to assign people to different districts, it just wasn't possible, in this orientation, to keep that split only twice. Much like other counties in the state that have to be split for equal population or things along those lines, the actual geography of the municipality, if you can see it, it's very, very long.

It cuts the county in half. And as a map drawer, sometimes it's one of those difficulties where you have to split a city more than you would want simply because the math has to work out.

Senator Rouson: I'm sorry, Madam Chair.

Chair Passidomo: No, you're recognized.

Senator Rouson: Is there any other city of this size in the proposed map that you split three ways like you do Tampa?

Jason Parada: Orlando.

Senator Rouson: Southern Pinellas, which is St. Petersburg, what counties do you connect it with in the proposed map?

Jason Parada: So, Southern Pinellas County is connected to Manatee, DeSoto, Hardy, and Sarasota counties.

Senator Rouson: And you think that by connecting Hardy, DeSoto, to Pinellas, the residents would be served and be able to elect a representative of their choice?

Jason Parada: I mean, I can't necessarily speak to the representative of your

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choice question, but I know that Southern Pinellas County is connected directly with Bradenton and Manatee County through the Sunshine Skyway Bridge. So, there's a direct pathway there that people travel every day. Beyond the other issue, I can't necessarily speak to that.

Chair Passidomo: Senator, I'm sorry, did you have any more questions? Oh, Senator Gaetz, you had some questions and then Senator Berman.

Senator Gaetz: I yield to Senator Berman.

Chair Passidomo: All right, Senator Berman.

Senator Berman: Thank you, Senator Gaetz, and thank you, Chair Passidomo. So, I have a lot of questions. So, Mr. Parada, did you draw any earlier maps before you drew this map two weeks ago?

Jason Parada: No, ma'am. The map that you see here, other than my prior experience with redistricting, this is the map that I started working on. It's an iterative process, but it resulted in the map that you see here.

Senator Berman: Thank you, Madam Chair. When you say it's an iterative process, you said you did consult with other people, not actually change the lines, but other people in the Governor's Office you did consult with. Could you tell us who those people are?

Jason Parada: I'm just going to leave it to other executive office of the governor, staff, and counsel.

Senator Berman: Thank you. Can you tell us who reviewed this map before it was published yesterday?

Jason Parada: I'm going to leave that with the same answer I just gave.

Senator Berman: I'm confused why you can't tell us who had the opportunity to review this map. What privilege or what reason is there for not telling us who reviewed this map?

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Jason Parada: I've been advised by counsel to just leave it at EOG staff and counsel, yeah, and that's it.

Senator Berman: Counsel, could you explain to us what legal basis there is not to tell us as legislators who had the opportunity to review this map before it was published?

Moe Gisiel: Yes, Senator. One of the issues that came up in the 2022 litigation and we expect to come up now are the exact contours of the executive and legislative privilege. In 2022, a circuit court judge in the state concluded that the legislative privilege applies to the governor when he's proposing legislation, and the lines that were drawn are what we're trying to adhere to here and be consistent with.

Senator Berman: All right. So, I'd like to go a lot more into the issue of the partisanship that was put into this map. How did you use the partisan data in drawing this map?

Jason Parada: I used partisan data in the same way that I applied any of the other traditional redistricting principles. I did not use it on the exclusion of any of the other principles like compactness or following geographic boundaries. It was just something else that was a consideration as I was drawing.

Senator Berman: Did you set out to give more seats to Republicans?

Jason Parada: No.

Senator Berman: Did you ever create a map that colored each district by its partisan leaning?

Jason Parada: No.

Senator Berman: Could you tell us where the map that was given to Fox News that had colors came from?

Jason Parada: I don't know.

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Senator Berman: You talked about how you focused on compactness. Does this plan increase the compactness scores?

Jason Parada: It's consistent with the benchmark.

Senator Berman: Isn't the REOC lower under this than the benchmark?

Jason Parada: Well, talking about mathematical compactness scores real quick, and to answer your question, I think it is technically one-tenth of a percent less. However, that's an average throughout the entire map, and I can tell you that mathematical compactness scores are a guide. They are certainly not a gold standard, and exact numbers can't be looked at. Again, it's a ratio comparing areas to that of an imaginary circle that goes around the district. So, if it's in the same range, I would call that to be consistent.

Senator Berman: Was it important for the governor to reduce the number of county splits when preparing this map?

Jason Parada: Ma'am, I can't speak for the governor. I can only speak for myself as I drew the map. And I can tell you that keeping counties whole was definitely a consideration, as you can see it throughout the map. It certainly wasn't the predominant factor like all of the other traditional redistricting criteria, and I balanced that with everything else and kept as many whole as feasible in this new orientation of the map.

Senator Berman: Going back to the partisanship, I left one question out. Can you tell us what districts you used the partisan information in?

Jason Parada: There was no specific district, just like looking at compactness or any of the other traditional redistricting principles. I only used that information sporadically throughout the map, but I cannot identify a specific district. It was mixed in, just like all of the other traditional redistricting criteria, to not exclude any of it and consider it for every district that I drew.

Senator Berman: I have some questions. Do you know why your office chose to

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provide legislators and the public less than one day to review the proposed map before the start of the special session?

Jason Parada: I can't speak to that.

Senator Berman: Are you aware of who the Governor's Office chose to share the map with before transmitting it to the legislature?

Jason Parada: I'm not sure. Can you repeat the question?

Senator Berman: Was anyone given the map before we in the legislature got a copy of the map?

Jason Parada: I don't know.

Senator Berman: So, you have no knowledge about the release of the maps to Fox News before the legislature received them?

Jason Parada: I do not.

Senator Berman: I want to go back to Fair Districts and Black Voters Matter ruling, which I have the case right here. I guess this goes to the attorney. Is it your position that Black Voters Matter ruling invalidated the entire Fair Districts Amendment?

Moe Gisiel: No, ma'am. My position is that Black Voters Matter says that trying to comply with Article 3, Section 28 of the Fair District Amendments is not a compelling interest. If you look at Page 47 of the SLIP opinion, the Florida Supreme Court talks about how it's not deciding whether every district intentionally drawn violates the federal constitution. That issue can wait for another day is what the court said. I know, again, Senator, if trying to comply with the Fair District Amendments is not a compelling enough reason to be race conscious, then how can you ever be consistent with the federal equal protection clause if you're trying to comply with the Fair District Amendments?

Because if trying to comply with it is not a compelling enough

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reason for race to be put into the mix, then anytime you're trying to apply the Fair District Amendments, you are, by implication, taking racial data into account. And that creates the problem that we're talking about, the equal protection problem.

Senator Berman: I'm reading from the Constitution right here. Section 20 says that no apportionment plan shall be drawn with the intent to favor or disfavor a political party or an incumbent. Do you agree that that portion of the amendment is still valid currently?

Moe Gisiel: Is it valid currently? Yes, ma'am. However, I, again, note that if the race-based provision has to fall, then the whole thing has to fall because these things are not severable, is our position.

Senator Berman: And would you agree that the maps were drawn with partisan intent?

Jason Parada: As the map drawer, I'll speak to that. And no, I disagree with that. I did not draw it with partisan intent.

Senator Berman: But you used partisan data when you drew the map. Isn't that correct?

Jason Parada: I used it along with all of the other traditional redistricting criteria. It was not at the exclusion of everything else and was not predominant over anything else. And my intent was not to draw a partisan map in any way. But it was considered in certain circumstances, generally, when the entire district was nearly complete, using all of the other balancing of all of the other standards, making sure that everything was good. It may have come into play in that final balancing to try to get down to equal or something along those lines as an example. But it was certainly not a factor and it was not my intent to create or draw a partisan map.

Senator Berman: Thank you. I'd like to go to some of the specific districts now. District 20 in Palm Beach County, the governor's transmittal letter says the current District 20, the benchmark one, is not compact and had odd appendages that are a telltale sign of racial predominance.

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Isn't current District 20 more compact than current District 25 in the proposed map?

Jason Parada: Ma'am, can you tell me what data you're looking at? I don't know. I don't have the current enacted breakdown of everything, so I don't know what you're comparing that to.

Senator Berman: I'm comparing the current District 20, which is the one that you've talked about ad nauseum about how it was the whole reason why you had to redraw the entire map. And how does that compare to proposed District 25 under your map?

Jason Parada: Yeah. So, I apologize, ma'am. I don't have the current enacted compactness stats district by district, but I will caution you that comparing a single district to another single district in any map is hard to do because especially as a map drawer because you step back and you look at an entire region put together. There may be some districts that have gone down in compactness compared to the benchmark. There's going to be others that have gone up. So, doing a district by district comparison might not be completely fair to the entire extent of the map.

As a map drawer, you look at it globally, you look at it regionally. And yeah, there might be some district that might be a little less compact than another district in another map, but looked at in totality, it's consistently compact, and those compactness decisions were made throughout the map. So, I'm sure I can get that data and compare it for you for that specific district, but I would caution you that that's not really, in my opinion, a good fair comparison, especially with compactness scores.

Senator Berman: How about using appendages, which is the term that the governor used? So, I know you talked about going along with lines of cities like you did with Cape Coral, but when you look at the new district, the proposed District 20, it has a strange appendix that goes up from the right side, and I believe that crosses through many different cities. How do you justify putting an appendage that crosses through many different cities?

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Jason Parada: So, again, keeping cities whole or whether or not you split a city or not on an individual basis when you're drawing a map, certainly you like to take into consideration and not do that when you can, but sometimes it makes a benefit. So, the area you're talking about, I wouldn't call it an appendage. Yes, there's an area that follows the railway that goes up toward the northern part of the county, but that's what that is. It's following the railway up to the border and then going back down to the rest of the county.

And as far as appendages go, the appendages that were on the currently enacted District 20 were far more far-reaching and far more irregularly shaped and certainly didn't follow just a railway to go up and add population. Yes, some cities were split. I think it's two cities that it splits that area of the district, and neither city is split more than two times in that particular instance. And it was simply because I needed to achieve equal population in that area and get the district to come together.

Senator Berman: Thank you. So, in 2022, the governor argued that it was important to eliminate the previous CD-5 that stretched from Tallahassee to Jacksonville, and we know that that was the Supreme Court case. In this map, we have CD-22, which connects Marco Island on the west to Parkland in southeast Florida. So, you have a district that stretches almost the entire length of the state of Florida. Can you tell us how that is consistent with the arguments that were made against the previous CD-5?

Jason Parada: Yes, ma'am. So, as I talked about when I presented the districts, the Everglades, the area of very little population in that part of the state, south of Lake Okeechobee in the Everglades, is a very difficult place to draw. It has to be included in districts somewhere. And in this particular case and in many cases, including most of that area into a single district is generally the preferred way in order to limit the impact that that zero population area is going to have on multiple districts by including it in the same one.

In addition to the fact the district you're talking about, part of the objection to it was that it was a long district that included multiple

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counties for a race-based reason. This is a race-neutral map, and those rural areas with very little population, such as the Everglades, still need to be included in a map. So, you have to include it somewhere. So, I think that's an apples-to-oranges comparison, personally.

Senator Berman: Do you think this is consistent with the Fair Districts Act, which says that districts have to be compact and where feasible, use existing political and geographical boundaries? Do you think District 27 complies with the Fair Districts Act, the proposed district?

Jason Parada: Well, as I mentioned before, and as Mr. Gisiel has commented about the Fair District Act, separately from whether or not the Fair Districts Act is struck down or not, I certainly use compactness and used all of those what used to be Tier 2 issues of compactness, contiguity, following political and geographical boundaries. I certainly employed that, along with all of the other traditional redistricting criteria, to the best of my ability throughout the map, including District 22, I think you're referring to. District 27 is in the southern part of the state.

But, yes, I included it there. It's just that district included that low-population area of the Everglades that just has to go somewhere, and it has to be included into a district. Otherwise, the whole map would not be in compliance because all of those census blocks I talked about before have to be accounted for, and that low-population area has to be included somewhere. It's just a difficult area to draw in. And there's really not many census blocks available to divide it up. That also includes an entirely whole county in Hendry County attached to that western part of Palm Beach and Broward Counties and most of the rural part of Collier County.

Senator Berman: And then, I just want to go back to a couple legal questions, and I'd prefer if you'd not use the appellation, ma'am, and call me Senator, please. Can you tell me why the Governor's Office believes that the Supreme Court has signaled through Calais that it

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will result in a change of the law?

Moe Gisiel: Thank you for the question. A couple of points there. 1.) This case was relisted and re-argued. That happens very rarely. So, that's the first point. Second point, the Supreme Court's response asked another question in the case that went to the issue of whether or not Section 2 can withstand constitutional scrutiny. And the third point, the succession in which the Supreme Court has been hearing these cases suggests that the Supreme Court is grappling with the issue of at what point Section 2 of the Voting Rights Act runs afoul of the Equal Protection Clause.

Senator Berman: Thank you. And then, you may not have the answer to this, but we've read that the governor has claimed that Justice Alito will be authoring the opinion. Does the governor have inside information about the court's internal workings? How would he know who's authoring the opinion?

Moe Gisiel: Senator, that's an educated guess that one can get to by looking at who has been issuing opinions from the most recent term. And Justice Alito seems to be a person who's issued one majority opinion by last count, I may be off by a bit. And so, that is perhaps where the information's coming from.

Senator Berman: Thank you. My last question. The email from Mr. Axelman to President Gaetz stated, "The proposed redistricting plan is race-neutral, complies with the US Constitution, allocates equal population, and is compact and contiguous." The statement specifically omitted compliance with the Florida Constitution, with the Fair Districts Amendments. Is this an admission that the proposed plan violates the state constitution?

Moe Gisiel: Senator, as I've explained, our legal position is that we do not need to comply with Article III, Section 20A. Mr. Parada has given you his factual input, and from there, you can draw the conclusions that you think are most appropriate.

Senator Berman: Thank you. No further questions.

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Chair Passidomo: Senator Gaetz, you're recognized.

Senator Gaetz: Thank you. Excuse me. Thank you, Madam Chair. I'd like to return for a moment to the Fair Districts Amendment. It seems that you've been as careful as you can to emphasize that you are not using race, but rather are using race-neutral methodology in line drawing. By the same token, Mr. Parada, it seems that you have, and I think you just mentioned it a moment ago, you've used the Tier 2 features of the Fair Districts Amendment rather considerably, having to do with compactness and maintaining municipal and county lines.

You've used the Tier 2 features of the Fair Districts Amendment in the rest of your line drawing. And so my question, I guess, is this. Are you persuaded, and maybe this is a legal question, counselor, are you persuaded that you have to obviate the entire Fair Districts Amendment, including Tier 2 provisions, which Mr. Parada has used liberally, in order to win the theory of your case? Help me out, I'm not a lawyer.

Moe Gisiel: Senator, I apologize.

Senator Gaetz: I'm just a country lawyer for the panhandle.

Moe Gisiel: Senator, I'm just a country lawyer from North Florida, but it's been a long day, and I apologize for using the inappropriate appellations from time to time. But our legal position is that you do not need to comply with any of Article 20 if you agree with our arguments. However, there is nothing that prohibits the use of the factors that are listed in Tier 2 of Article 20, if a map drawer chooses to use them or if the legislature enacts a statute saying that any map drawer, whoever draws a map, must abide by these criteria. And so that's the legal point, and I'll leave it to Mr. Parada.

Jason Parada: Thank you, Senator, yes. I mean, those items listed in what is Tier 2 are traditional redistricting principles that are used throughout Florida, have been used throughout Florida, even before the

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standards were enacted, including across the country. And it goes beyond that to communities of interest and a bunch of other keeping cores of existing districts and things that are not specifically listed that are considered traditional redistricting principles that many other states have been using for decades.

Senator Gaetz: Madam Chair. So, you would not be troubled then, would you, if the courts said you were correct in using race-neutral considerations in drawing districts, but the rest of the Fair Districts Amendment, particularly the provisions in Tier 2 still apply. You wouldn't be troubled by that, would you? You still would be able to make the case that you're trying to make before the courts or is it necessary that the entire Fair Districts Amendment be invalidated by the courts?

Moe Gisiel: Senator, to abide by sort of the intellectual components of the argument we're making, if the argument is that all of Article 20 is a tiered structure, which based on the text it is, and if the argument is that all of Section 20 was put forward to the voters as a package deal and the argument is that when the Florida Supreme Court in 2009 reviewed this, they saw this as one big component, then if I'm following that argument to its logical conclusion, then it's all of Section 20 should go down.

However, Senator, if a court disagrees with this analysis and has a reason to keep Tier 2 in place, that would be consistent with the Equal Protection Clause, it wouldn't run afoul of it, and it would be consistent with how Mr. Parada has described his map drawing.

Senator Gaetz: Madam Chair.

Chair Passidomo: You're recognized.

Senator Gaetz: Final point. And, again, for those of us who are not members of the legal profession, would you explain why it is that the severability clause necessarily pertains to the Fair Districts Amendment, their lack of a severability clause, when there are many, many cases where the legislature passes bills and later sections of those bills

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are struck down by courts, but the rest of the bill remains intact?
Why have you chosen to apply the severability argument here?

Moe Gisiel:

Thank you, Senator. A couple of points. When we take a look at the severability analysis for a statute that this body passes, that is an analysis where the starting point is a bill the legislature puts forward where all the various provisions are properly connected. That's the single subject requirement for this body. Properly connected components of an issue are put together in a bill and it's put forward. And then, you have the courts assessing whether or not all the various provisions are valid. If one provision is invalid, it can strike down a portion if the remainder works together as an operable provision.

Courts, however, still strike the entire thing down if the components of the bill are interconnected. If we're importing that analysis to the constitutional setting, a couple of differences. When a citizen initiative is enacted, the starting point, the single subject requirement, talks about directly connected. The adverb requires a deeper, more ingrained connection. That's No. 1. And 2.) When we're looking at a constitutional provision and assessing whether or not it can be severed, the same question comes up of can the other provisions operate by themselves? Or were they intended to work together?

And the other question comes up because it was put before the voters. Would the voters have voted for this thing if it was put forward in sort of this severed version? And so, the question when it comes to the Fair Districts Amendments is a couple of parts. We're talking about directly connected as a starting point. We're talking about a provision that when it was presented to the voters was sold as this is a package. This is how we're going to have racial protections, partisan prohibitions, and traditional redistricting criteria. So, it was packaged to the voters as sort of this one big reform.

And the text of what was put before the voters supported that. The text talked about tiers and how the tiers work together. There's a

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provision in the Fair Districts Amendments that talks about how if there's a conflict between tiers, which tier controls. Again, that is a signal that these things are working together. And so, in the final analysis, the question then comes down to given all of this, how it was packaged to the voters, how it was conceived, how it was approved, how voters reacted to this and how the text kind of works together, can you separate them?

It's a complicated question. I'll concede that, sir. But our assessment of that question is that they work together. They can't be severed because when you start at the headwaters, you've got directly connected as the starting point for single subject, which requires a deeper connection. And as you flow through the analysis, you've got a provision that was conceived, approved, and structured in a way where it all works together. That's my best answer, sir. I've used a lot of words. Hopefully, they've proven to be a revelation and not a disappointment.

Senator Gaetz: Madam Chair, thank you very much. To those of us who are unwashed, it was a fairly tortured analysis, I give you that. But you don't need to win the argument, do you? In order for you to prevail in your theory of this case, you don't need the entirety of the Fair Districts Amendment to be struck down. You only need, do you not, the portion of the Fair Districts Amendment that deals with race as a factor in redistricting. And the reason I ask that is because you seem to be carrying a bit more of a burden on this matter than you need to in my judgment.

But I guess I'm wondering, do you really need to have the entirety of Fair District struck down in order for your theory of the case to be accepted by the courts?

Moe Gisiel: For the race neutrality theory, no, sir.

Senator Gaetz: Thank you, Madam Chair.

Chair Passidomo: Members, any questions? You are recognized.

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Senator Davis: No, we're not quite done. Mapmaker, mapmaker. Thank you guys for your presentation. It's been a long day, and we're going to make sure that our speakers in the audience have enough time as well. I just have a few questions. Jason, you talked a lot about the population estimates specifically. So, what did you do with the population estimates specifically? You talk about that in the sense of when you change plans in areas with more growth. Tell us specifically what you did with those population estimates.

Jason Parada: Thank you, ma'am. First of all, Senator, good to see you again. Second of all, I used them as I described before. They were not directly overlaid with any of the data or any of the counties or districts. I simply would look at the data that has been provided knowing which areas have grown faster to the state average.

So, you can kind of do the math to figure out how much those estimates have said the entire state has grown and figure out which counties have grown at a similar rate to that state average, higher or lower, to then determine what areas might, after balancing, again, using the 2020 Census data, might account for a greater population growth based on those estimates and what counties or what areas. And specifically, that data points to a lot of counties that are around the big urban centers.

So, the bedroom communities to the south or to the north or east or west of some of the bigger urban areas, those are the ones that have grown the most. For example, I think Sumter County is the county that has grown the most over the last five years, Polk County, Pasco County. Some of these areas around the bigger urban areas have grown up quite a bit. And those are the areas I tried to, for example, District 18, Polk County, an area that has grown rather fast, I put a district that is almost entirely within Polk County to account for, rather than that county being attached to a district that has all of the rural counties to the south.

So, if that county grew faster attached with all the other populations of the south, it's now going to potentially have even well more people than the ideal population of the district. So, by

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keeping a district entirely within Polk and having those other counties put into other districts, it might do a better job of equalizing the population based on the growth. But that is just my estimate or guess, really, looking at that data as a guide when I really had to balance everything based on the 2020 census data.

Senator Davis: Did you try to make sure that the districts using all of that were closer to equal by using the population in that sense?

Jason Parada: So I, again, could only use them as a guide. They had to balance to that magic number I said before of the ideal population of a congressional district. So, every district in this map equals 769,221 people based on the 2020 census data, except for one district. In this district, it's District 8. Or in this map, it's District 8 that has one person fewer than that number.

Senator Davis: How did you actually use the data? How did you use it trying to get to that end number?

Jason Parada: Which data are you referring to?

Senator Davis: When you're talking about the data with the population estimates.

Jason Parada: Well, the population estimate, again, that was just a guide. There was no way to actually balance all of that. Again, I used it as a guide, as a drawing tool, knowing that, say, Pasco County or Polk County grew faster. So, in my map-making decisions, I tried to account for that without actually physically balancing it since I had to use the 2020 census data. That's what everything is balanced to, using those population estimates to know what counties may have grown faster or slower. Another example, when we talked about District 16.

Because I know that Hillsborough County has grown faster than Pinellas County, in that choice that I had, take District 16 to Hillsborough or take it to Pinellas, because of those population estimates showing that Pinellas County has grown slower than Hillsborough County, I chose to try to put a district entirely within

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Hillsborough instead of Pinellas. That was simply a decision that I made using those population estimates as a helpful guide as part of that decision. Not entirely that, but as part of it.

Senator Davis: You talk about population-population, but I'll go back to really quickly the map that popped out, and I think my leader talked about that CNN map. It's really, really hard for us to sit here and deal with this particular map knowing that that first map that the governor did his interview with was a partisan, gerrymandered map. And you guys have already answered it, but I'm going to answer it again. Do you all know where that first official map came from that was an obvious partisan gerrymander?

Moe Gisiel: Senator, are you discussing the benchmark plan?

Senator Davis: No, I'm discussing the map that was shown on Fox before any of us actually saw it.

Jason Parada: So, I'm aware of the map that you're referring to that came out. It is the same map, but I did not put those colors on that map, and I don't know who released it.

Senator Davis: So, Jason, this is strictly for you. When we're talking about the scores, the Popper score, the REOC score, I think when we were dealing with redistricting some time ago, Robert Popper was the gentleman that came out and testified from the Governor's Office. And from my notes here and from that time, he identified how we use the Popper score and things like that. I see you smiling. But when you look at what he testified to in those last maps, and I think I already have the answer, I want you to confirm it for me, three districts in your map are even lower in scores than Robert Popper's maps that he testified to during redistricting some time ago. It's the new 15, 25, and 28 in your map.

What's the difference, and why would we have something with lower Popper scores than Robert Popper's map when he testified for the Governor's Office?

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Jason Parada: Thank you, Senator. I remember when he testified. I don't remember what map you're specifically referring to or what criteria he was using to identify any of that. I do know that mathematical compactness scores of all the three big ones, the Polsby-Popper score, the Convex Whole score, and the REOC score, are good guides to help with redistricting. However, they all have flaws. Each one of them can misinterpret how some compactness is done. For example, the REOC score does not treat rectangles or squares very well and other shapes like that.

Other scores may have similar things where they don't do a great job of calculating the scores on different shapes. So, I would caution using them as a hard and fast rule and use them more as a guide, as a tool, in conjunction together, especially looking at an entire region. Sometimes one district might have gone down, but that might have helped improve other districts in the area or in the region. That's what I'll say with that. Again, I can't speak specifically to the districts or the analysis that he did because I don't have that in front of me and I don't remember what districts he was analyzing at that particular time.

Senator Davis: Mr. Gisiel, I think this one is for you. With the maps that were drawn the last time, and Mr. Parada, Jason, being the map drawer, we've heard a lot about race-neutral population and why we're here today. So, my question I pose to you is, do you think the maps that he drew in 2022 are unconstitutional or were they unconstitutional? Are they unconstitutional?

Moe Gisiel: Senator, if the question is, do I think that the 2022 enacted map is unconstitutional, my answer is no, not yet, is my best answer.

Senator Davis: And let's go back to that map because I'm just really curious how we're not looking at that, by the way, partisan, gerrymandered map that was seen by the nation. Are you guys concerned that that was the first map that the nation saw? That map was partisan gerrymandered. That's what was seen by the world with Florida redistricting. So, is there not a concern that that map was out there? Is the governor not concerned that's what he presented? Because

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that was a partisan, gerrymandered show of a map. That was the first map released to media.

Jason Parada: Thank you for the question, Senator. I'm aware of the map that went out, but again, I did not produce that map. I don't know who produced it or how or what data was overlaid to show that particular result. I certainly am not going to speak for the governor. So, I don't know.

Senator Davis: Senator Bratley was on top of what, specifically the rural counties. But if we're dealing with race neutral and we're dealing with population, I think you answered it, but I'm going to give you specific counties. St. John's County is the fastest growing county. Let's name them. Walton County is the third fastest growing county in population. If we are dealing with race neutral and population, why was CD-6 nor CD-7 touched in any way? Those are North Florida areas. And I know you said you started from 21 and you went out. But I've seen your work before.

And I'm going to say it. This, in my opinion, is not your work. I've seen your work, Jason. I heard you say the populations have to be exact in the congressional districts, but you didn't follow some of the county lines that you could have followed to make things more compact. You didn't follow some of the municipal lines and things like that, that you could have done.

Chair Passidomo: Senator Davis? I'm sorry to interrupt.

Senator Davis: I'm sorry.

Chair Passidomo: We're asking questions. And I think when you're casting aspersions on whether or not it was him or not, I think that's inappropriate.

Senator Davis: Thank you, Madam Chair. So, again, I've seen your work. This is questionable for me, but I just wanted you to answer that. Why was those North Florida counties not touched CD-6, CD-7 when St. John's County is No. 1 in population and Walton County is No. 3?

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Jason Parada:

Thank you, ma'am. First of all, let me address, I am definitively the only person who drew this map and I appreciate that you liked my previous work. This is also my work. I might have a slightly different interpretation or methodology in how I applied all of the traditional redistricting principles, but this is definitely my work, as is all of the other work. I would also disagree slightly with your interpretation of some of the compactness in some of the following county and municipal lines.

An example of that would be the CD-15, which I could have made look more visually compact if I split more counties, but I didn't. So, some of those more traditional principles that you've seen in previous work that I have done is in this. This is just a slightly different way of putting the pieces together. As I've mentioned for many years since I started this, there's always more than one map that can be a good map. You're not trying to find the best map or anything. There are many different ways that you can put all that together.

And that dovetails into your final point of the question of why St. John's County, which is according to the estimates the fastest growing county in the state. I have Walton County at No. 5, not No. 3 on the EDR. But to your point, in balancing all of the different redistricting criteria and trying to mitigate the changes that this mid-decade redistricting is doing in the map, I could have drawn all throughout the map and changed every district. But I had a desire to balance everything, including the principle that is keeping the core pertaining existing districts, in addition to all of the other criteria that I'm putting in the map and trying to mitigate the changes as much as I can.

So, there are some counties in redistricting because you're looking holistically across the entire map. You can never draw a redistricting map where every county or every city is perfectly happy with the way things went. And that's because you're looking at the map holistically and you're trying to put the entire map together in all the different districts. So, in Walton County or St. John's County, it just wasn't necessary to change all of the

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other counties surrounding them. It may have not grown as fast just to get the St. John's County to factor that in. It will certainly be addressed during the next redistricting cycle when that comes up.

But in this particular one, in this mid-decade redistricting, it just wasn't necessary to make those changes more far-reaching than they needed to be considering this was starting mostly with the population growth, but also drawing a race-neutral map where the one district that was really at issue was CD-20 in South Florida. So, the majority of the changes were there that then rippled from there until the ripple ran out.

Chair Passidomo: Any other questions from any other members? Thank you, gentlemen. Appreciate your thorough responses to our questions. What we're going to do next is we're going to move to Tab 5, SB-8D, on establishing the congressional districts of the state by Senator Gaetz. You are recognized to explain the bill.

Senator Gaetz: Thank you, Madam Chair. Senate Bill 8D is the governor's bill proposing 28 congressional districts. Counsel's and Mr. Parada's presentation and explanation on behalf of Governor DeSantis is the bill. What you have heard from these two gentlemen is the bill, Senate Bill 8D. So, as Chair of Ethics and Elections, I have filed the bill that you have just heard explained so that it might be considered by this committee and by the Senate. Thank you, Madam Chair.

Chair Passidomo: Thank you. Senators, are there any questions specifically of Senator Gaetz? You are recognized.

Senator Pizzo: Thanks. President Gaetz, did you get a copy of this proposed clutch of 28 congressional districts after some of us saw it on national media?

Chair Passidomo: Senator Gaetz, you're recognized.

Senator Pizzo: Thank you, Madam Chair.

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- Senator Gaetz: Senator Pizzo, I received from the Governor's Office an email at 11:58 in the morning that had included in it the governor's proposal. I did not receive the map that was released to Fox News before anyone else saw it, I would suspect. The first thing I saw was the governor's proposal as it was transmitted to me. I then transmitted it to the president's office and it was immediately transmitted to all senators. But I did not see any other map or characterization of a map before that point.
- Senator Pizzo: Just to follow up?
- Chair Passidomo: You're recognized.
- Senator Pizzo: That was an 11:13 a.m. email this past Saturday, correct?
- Chair Passidomo: You're recognized.
- Senator Gaetz: Thank you. No, it was not. It was 11:15 a.m. Eastern Time, April 27.
- Senator Pizzo: The 27th, sorry. Thank you, ma'am.
- Chair Passidomo: Any other questions of Senator Gaetz? You're recognized, Senator Berman.
- Senator Berman: Thank you, Madam Chair. Senator Gaetz, did the legislature have any input into the map before it was presented to you on Monday?
- Senator Gaetz: Madam Chair.
- Chair Passidomo: You're recognized.
- Senator Gaetz: Thank you, Madam Chair. No, Leader Berman. Speaking for myself, I had no input into the development of the maps. I met with no one from the Governor's Office or no one representing the Governor's Office as to this matter. The first time I saw this proposal was 11:15 a.m. on the 27th of April and then immediately had it transmitted to all members of the Senate.
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Senator Berman: Thank you. Follow up?

Chair Passidomo: You're recognized.

Senator Berman: Thank you. What is the legislative objective in engaging in this mid-decade redistricting now?

Chair Passidomo: You're recognized.

Senator Gaetz: Madam Chair, I can only speak for myself and my perspective in that regard. I can say that the governor has a constitutional role in congressional redistricting. Unlike the governor's role in legislative redistricting, which is limited, extraordinarily limited, the governor has a role in congressional redistricting. And so, we as the legislature receive the governor's proclamation to come to special session to take up this matter. And so, it would seem to me that the legislature's interest is in following the law by assembling in special session and taking up the governor's proposal.

Senator Berman: Thank you. Were we influenced by the mid-decade redistricting efforts in states like Texas, California, Virginia?

Senator Gaetz: Madam Chair. I was not influenced by any mid-districting efforts in any other state. The only influence on me was when as chairman of the Committee of Ethics and Elections, I was asked if I would receive the bill from the Governor's Office and transmit it to the Senate.

Senator Berman: I guess the follow up would be, do you know if that was part of the governor's motivation in directing us to prepare a map, a response to Texas, California, Virginia?

Chair Passidomo: You're recognized.

Senator Gaetz: Thank you, Madam Chair. Respectfully, I can't speak to the governor's motivation. I can only report to you what occurred, and that is that the governor made a proposal. The proposal is in front of you now. It's been explained by the governor's representatives.

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And that is the entirety of my knowledge of the matter.

Senator Berman: Final question. So, this is not like 2022 when we had to enact a new map in light of the census. So, isn't it true that this legislature now has the ability to stop any redistricting at this point?

Chair Passidomo: You're recognized.

Senator Gaetz: Thank you, Madam Chair. I defer to counsel of the Senate as to what the legislature can and can't do. But it is my understanding that having presented this bill, which was explained by the governor's representative, having presented this bill now to this committee, that this committee has the prerogative of voting it up or down, and either presenting it or not presenting it to the full Senate, which has the prerogative of voting it up or down. But beyond that, I would defer to counsel as to the legislature's prerogatives.

Chair Passidomo: Thank you. Senator Jones.

Senator Jones: Thank you so much, Madam Chair. Very quickly, Senator Gaetz, thank you so much. So, would you agree that even if there's a change in parties of the incoming governor, that means that the incoming governor could come in and do the same thing to the congressional district. Am I correct?

Chair Passidomo: You're recognized.

Senator Gaetz: Thank you, Madam Chair. I have no knowledge of what the incoming governor could or should or might do. I can only tell you that we have been called here in response to the governor's call for a special session. I have no idea what any future governor might do.

Senator Jones: Thank you, Madam Chair. What I'm trying to say is, do you believe that we're setting a type of precedent that any executive officer could come in and just do what the governor is doing right now? Or should I ask differently, has this been done in any known

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history by any other governor that you know of?

Chair Passidomo: Senator Gaetz.

Senator Gaetz: Thank you, Madam Chair. I would defer to counsel from the Senate to answer the legal aspect of your question. I would just say that from my own research, it appears that there have been four times that the Florida legislature has done a mid-decade redistricting in response to various stimuli, various provocation. But I certainly wouldn't want to venture a legal opinion as to what a future governor might do or what a future legislature could do.

Senator Jones: Thank you.

Chair Passidomo: All right. Any other questions? What we're going to do is, I don't know if you all know, we've got people sitting in various rooms throughout this building that want to testify. A number of people have their cards with them. I'm going to take a five-minute break so those of us who have been sitting here patiently could use facilities. And in the meantime, the Sergeant's Office is putting together sort of a line of people because I want to be able to get everybody here. I think we have about 90 cards. About half of them, bless your heart, are waiving. But there may be more who want to speak.

So, while we take our break, the Sergeant's Office can kind of manage that. We'll be back, and then we'll go through public testimony. So, how we're working this, just for those of you who are probably watching this on the Florida channel, in order to accommodate all of our public speakers, they're in different places all over this building. They're all coming in. We're lining up. And as you come to the podium, we're going to start with a line. Since I don't have the cards here, please state your name. And we're going to try. I want everybody who has taken the time and effort to come to the Capitol to have an opportunity to speak.

I am glad that we have a lot of people who have filled out cards to speak but have changed to waive, and I really appreciate that.

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We're going to limit, unfortunately, to about a half a minute. And I know that doesn't seem like a lot, but it actually is if you're concise and state new points. And if you are listening and you hear somebody saying exactly what you wanted to say, go ahead and waive in support or against the bill. So, let's start. Whoever's first in line.

J. Ruiz-Evans: Greetings, y'all. I'm Jeremiah Ruiz-Evans. I'm a second-year political science honors scholar attending Florida Agricultural and Mechanical University. Let me start by saying about 10 years ago, I was back in elementary school, and on the playground, we played lots of games. I was never good at any. But one thing about that is, oh, a little glitch, if I was losing the game, I never tried to change the rules. If we apply that to today, if you're losing an election, the solution would be organizing better. That's how we're going to win elections.

That's how it should be. We should definitely vote no on this map, find a better solution. Thank you. Have a great day.

Chair Passidomo: Thank you for your testimony. And then, hand the yellow card to Sergeant when you're finished. You're recognized.

Quinn Diaz: Yes, thank you, Chair. Quinn Diaz from Equality Florida. Equality Florida opposes this map because it takes power from voters and hands it to politicians. When maps are manipulated, elections become less competitive, accountability weakens, and voters lose real choice. That is exactly what this map is designed to do, to predetermine outcomes. And the harm falls hardest on communities of color, which are split and packed so their voting power is diluted. That's just not unfair, it's unconstitutional. And exactly what Florida voters banned. Maps cannot favor a political party or diminish minority voting power.

This map does both. Our constitutional protections exist for this moment to stop this. Please reject this map. Thank you.

Chair Passidomo: Thank you. Next. And I congratulate you all on 30 seconds

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exactly. You must have been practicing. You're recognized.

Aureliko Nolotrauri: Aureliko Nolotrauri, SPLC. We urge you to end this partisan process. To be crystal clear, if this wasn't about partisanship in Congress, you'd also be redrawing the state legislative maps right now, but you're not because that has no bearing on the national conversation about the partisan control of Congress after the midterm elections. You don't have to do this. Our democracy depends on people in positions like yours choosing to follow the law, even when it's inconvenient for party politics. Without a new census or a court order, this comes down to politics, and politics isn't a lawful reason to redraw maps in Florida.

Please do the right thing. Follow the law and end this process immediately.

Chair Passidomo: Thank you. Next.

Kara Gross: Good afternoon, Chair Passidomo. I'm Kara Gross, the Interim Political Director of the ACLU of Florida, and the ACLU of Florida opposes this partisan power grab. I want to be very clear. The state's entire position is that they don't need to uphold the Constitution. Article 3, Section 20 of the Florida Constitution is clear. No district shall be drawn with the intent to favor or disfavor a political party. What Governor DeSantis and the Florida Legislature are attempting to do is unconstitutional, illegal, and an affront to every Floridian who voted in favor of their district amendments. We urge you to uphold the law and to stop wasting taxpayer dollars passing unconstitutional bills. Thank you.

Chair Passidomo: Thank you. Wrong way. Go that way. We'll get this right. You're recognized, sir.

Rev. Russell Meyer: Good afternoon, Senators. I'm the Reverend Dr. Russell Meyer of the Florida Faith Advocacy Office, and I now live in Jacksonville after having lived in Lakeland and then in Tampa where it would be nice to vote for the same congressperson two elections in a row. This is a time when we are facing the moment of the process of

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corruption. Corruption occurs when the diversity of opinions are silenced in a society so that only one opinion matters. And then that corruption works down and harms every household in the nation. And we know this is the case just by reading the news about what happened in Hungary a few weeks ago.

People rose up overwhelmingly, even though they couldn't have access to media, etc., and rejected the corruption of that state. This process has been moved forward by the same process that corrupted Hungary. Say no. Stop the corruption now. Thank you.

Chair Passidomo: Thank you for your testimony.

Amy Keith: Good afternoon. My name is Amy Keith with Common Cause. We ask you to please reject this map. The people of Florida knew they were banning partisan maps 15 years ago when they passed the Fair Districts Amendment, and the people of Florida still want to ban partisan maps. Poll after poll after poll, Republicans, Democrats, and Independents have told us that the people of Florida reject partisan maps. And the US Supreme Court affirmed in *Common Cause v. Rusco* in 2019 that states do have a right to ban partisan gerrymandering, and that is what we did in the state of Florida.

We banned it for a reason. We banned it because the people of Florida do not want their communities chopped up for the benefit of a political party. We also know the people of Florida deserve to have a meaningful voice in a transparent redistricting process. This map defies the law of Florida, it defies the will of the people of Florida, and it does so while shutting the people of Florida out. Who are the map drawers afraid of? It sounds like they are afraid of the voters, and they should be.

Chair Passidomo: Thank you. You're recognized, ma'am.

Jordani Cipietro: Hello, good afternoon. My name is Jordani Cipietro. I am a young Hispanic student and a first-time voter in the Osceola County. I believe voting should mean that we have a voice and a fair

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representation, but this bill, that promise does not feel in reach of us. Communities like mine, diverse, hardworking, and growing deserve to be heard, not diluted. As a first-time voter, this makes me discouraged and makes me feel like whether my vote truly counts. This isn't about me. It's about ensuring every voice in our community is represented. I urge you to consider the impact of this bill and protect fair representation. Thank you all.

Chair Passidomo: Thank you.

Karen Woodall: Good afternoon. Karen Woodall, Florida Center for Fiscal and Economic Policy. Y'all, I've seen four decades of redistricting. In 1982, there were 24 public hearings throughout the state. In 1992, there were 32. In 2010, there were 26. And in 2020, there was a web portal created for input from constituents. Throughout all that, there were multiple meetings with more testimony and the involvement of you guys, the elected officials, the legislators. I have never heard of one person drawing a map with absolutely no impact. I would urge you to reject this exclusive process. There's no urgency. Please vote no on this.

Chair Passidomo: Thank you.

Katherine Belina: Karen Belina representing myself.

Chair Passidomo: Sorry, say your name again.

Katherine Belina: Katherine Belina representing myself. I'm going to waste a little bit of my time and just say it was very difficult to watch this side pay absolutely no attention to the entire hearing, most of them.

Chair Passidomo: Please don't comment about us.

Katherine Belina: It's hard to show that they don't even interest in what we're saying. I got up at 4:00 in the morning and traveled two and a half hours to be here. So, it would just be common courtesy to listen to what the voters are saying. With that being said, I can say what some of the senators didn't want to say is we are not stupid. The

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voters aren't stupid. The people behind me aren't stupid. And nobody up here is stupid. We all know what's going on here today. This is gerrymandering. That map shown yesterday was the correct map. They even said it was the correct map. It's the same map, just not drawn in red.

I don't understand how anybody don't see this as corruption and can be okay with what is happening here today. It's mind-boggling. I'm shaking in frustration. And please, I implore you to vote no. This map will be changed one day, but your names are going to be forever in history voting yay or nay on this bill. Thank you.

Chair Passidomo: Thank you for your comment, ma'am? Ma'am, the other way. That's all right. We're good with the plan. You're good. We're good. You're recognized.

Ash: Hello, my name is Ash. I'm from District 15. And it seems as though the governor is retaliating because we flipped our seat to a Democrat. One man is moving us into majority MAGA counties like Pasco and Citrus. We do not want this. They're erasing all of the minorities that are in Tampa. This legislation has already made it clear in our regular session that they will do anything to further perpetuate White supremacy and systemic racism in this state. It's abhorrent. Please stand with all of your constituents and stop the blatant attempts of the erasers happening in this state and vote down on redistricting. Thank you.

Chair Passidomo: Thank you for your comments.

Colton Taylor: Hey, my name is Colton Taylor. I'm speaking on behalf of myself. I just want to echo the comments that the mapmaker said that this is the same map that was shown on Fox News. It's just he didn't draw it in red. But yeah, I think that the governor's afraid. I think the president's afraid. They want to try to rig the elections to make sure that they stay in power. I would highly recommend just voting down on this just to keep Florida free. We don't want voters disenfranchised. We want everything to be free and fair, just like

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Trump always talks about. So, yeah, please vote down. Thanks.

Chair Passidomo: Thank you for your comments.

Harrison: Thank you, Madam Chair. My name's Harrison. I am with Voices of Florida Fund. And this is my fourth year doing legislative advocacy at the Capitol. And I think out of all of the time that I've been here, this is one of the messiest legislative processes I've seen. This committee is expected to vote on a map that they have had less than 24 hours to actually digest and look at and talk to voters about. This is the first time I know of that a Senate committee is actually seeing this map.

On top of that, everything does point to the fact that this is a partisan power grab. There were some wonderful questions that were asked, really important ones, but I don't think that we really got a lot of meaningful answers on any of those. And I think that between that, between the data that was accessed, between the map that Fox News was sent, this is very obviously a partisan power grab, which is illegal under the Florida Constitution. And so, it's illegal. I think that this bill just has no legal ground to stand on. Thank you.

Chair Passidomo: Thank you for your comments. Next. You're recognized.

Mike Sells: Good afternoon. Mike Sells, District 4 super voter, representing Indivisible Jackson Riverside and Forward Party. Thank you for your time. Redistricting, typically, after the census is a year-long process. What are we actually doing here? We're actually humoring an off-cycle gerrymandering directive from the felon in chief to our state beta. It was designed with bad data in a condensed timeframe to do one thing, blot out the vibrancy of our state. This is a living example that being race neutral isn't benevolent. It's the exact reason why we need DEI in our state. They kept repeating, we looked at the totality when we created this map. We looked at it, too. Garbage in, garbage out.

Chair Passidomo: Thank you for your comments. Next. Hello.

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Larry Downs: Hello, Larry Downs, Junior Plumbing, LLC, because fecal matters. All right.

Chair Passidomo: I know. I like that.

Larry Downs: Real quick, real quick. Listen, I think we're screwed either way. I mean, I'm a libertarian. I think all Democrats and Republicans have really done a number on us. I'm 56 years old. I've watched it all my life. I know they can think Democrats are great, and Republicans are great. They're not. They're not. I hate to be offensive, but it's true. We just end up with more laws, more nonsense, more debt, more bombs, more Band-Aids, and more vaccines. Let's get rid of them.

Chair Passidomo: Larry, you're going the wrong way. Well, of course.

Leslie Gruble: And he was very polite to me. So, I'm Leslie Grubel, and I'm from Longwood in Seminole County. And I want to say the testimony here has shown me something today. Redistricting is, of course, one of the most impactful decisions our legislature could make. As a citizen, I feel we are taking the cart before the horse, and it is moving fast, honey. The assumptions about population growth, assumptions, guesses, assumptions about future court rulings, assumptions by lawyers, all to me, this suggests that we should wait. We should wait for these answers.

We should get the facts. The facts, not assumptions, not guesses, and wait for the traditional census data and wait for the future court cases. Let's not guess. This is way too important for your elections and for our votes. And I want to also add, if I have a moment.

Chair Passidomo: Well, your moment's done, but real quick.

Leslie Gruble: Thank you. There was an Emerson College polling voting survey in 2026, and it said 56% of the people think that redistricting mid-decade is a bad idea.

Chair Passidomo: Well, thank you for your testimony.

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Jason Thornton: Hello. My name is Jason Thornton, and I'm a 17-year-old high school student representing Jen Culio in strong opposition of mid-decade redistricting. This bill, but the problem is Florida is not structured like other states. You are taking the power from the people and, quite frankly, setting a negative connotation for new voters. Why vote if the elected officials in Tallahassee will just redistrict their county when the election gets close enough? No state should be gerrymandered or mid-decade redistricted as it shifts the power from the people. I urge you to take this account when voting onward. Thank you for your time.

Chair Passidomo: Thank you for your brevity.

Samantha Catus: Good afternoon, Chair and members. My name is Samantha Catus representing the Clue Institute, and I often am here speaking to you about being a good environmental steward, not building golf courses on our state parks. But I'm here to tell you that every issue I care about starts with voting, especially young votes. And I care that every Floridian who is registered to vote deserves equal access to the ballot. And I fear that if you redistrict, this will intimidate and confuse young voters who are voting for the first time or the second time. And a young, confused voter flat-out doesn't vote.

And I'm very concerned that this redistricting process will silence the youth vote so please vote no. Thank you.

Chair Passidomo: Thank you for your comment. You're going to have to bring that down a little bit. Well, not too far, because the next one is tall.

Colleen Cann: Good afternoon, Senators. My name is Colleen Cann. I'm from Davenport in Polk County. That's District 5. I came here to urge you not to redistrict Florida. It is against the Florida Constitution. It is nothing more than a partisan power grab. And it will further disenfranchise your already vulnerable, marginalized constituents. Thank you for your time.

Chair Passidomo: Thank you for your comment.

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Brian Higgins: I'm Brian Higgins. I'm a registered Republican. I'm a member of Jacksonville Indivisible. So, I ask you that as you follow your oath complying with Florida's Constitution by voting no on SB-8D, since the redistricting map was not created by the legislature, as the Constitution requires. And that map is clearly a partisan creation and not based on factual population data. Just remember that what you vote can come back to haunt you in the future. And voters remember. Thank you.

Chair Passidomo: Thank you for your comment. Oh, my.

Cheryl Bell: Good afternoon. My name is Cheryl Bell. I'm from St. Augustine, St. Johns County. The Fair District Amendments to the Florida Constitution enacted in 2010 were created to prevent mid-decade redistricting. These amendments prevent illegal and unfair gerrymandering for parties or incumbents. Today, we're looking at redistricting in the mid-decade, and it's, frankly, illegal in the state of Florida. These amendments were created by the people, and as it stands today, most people, regardless of party affiliation, want to avoid gerrymandering at all costs.

So, I ask that you please vote against these maps. Thank you.

Chair Passidomo: Thank you for your comment.

Cyn Doyle: Hello. My name's Cyn Doyle. I'm with Lake County Indivisibles. Let's all be honest. This all came from Trump. Everything he touches turns into destruction. Let's not have him destroy our state, our great state of Florida. We are better than this. We're better than him. You all don't have to bow down to him. Be with us. We the people. We love you. You're asking the right questions. Keep it up. Thank you.

Chair Passidomo: Thank you for your energetic comments.

Shannon Kever: Good afternoon. My name is Shannon Kever, and I am with Voices of Florida Fund, and I am also representing my family because I am a very tired homeschool mom of two special needs

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kids who had to make special arrangements to be here. So, to those of you who are defending democracy, thank you. This is not redistricting. I'm not going to use that word. It's gerrymandering. It's cheating. And if you guys want to get elected, get out. Talk to your voters. Get to know them. And then when you get in office, actually represent them. That is how you do this the right way.

This is a 250-year experiment of democracy that I would like to keep going, and I would really like my children to have a voice when they grow up. Also, I've been hearing today race neutral, race neutral, race neutral, and it just seems that when I'm hearing race neutral coming from White legislators, it's always one race that seems to have their voices diminished, and that's wrong. Thank you.

Chair Passidomo: Thank you for your comments.

Zida Smith: Hi there. I'm Zida Smith. I just want to take a second for you guys to consider the crowd of people behind me, the packed room, the line snaking out the door. These people traveled hours and hours to talk to you, and you all know the price of gas right now. This was not easy for these folks, but they came here because they have faith in you. You are their elected officials. They chose you to represent them. Please do not let them down. I am begging you to not let them down. They want their voices heard. That's why they came all the way here today.

There was an elderly gentleman that passed out in the heat outside today waiting to come in and talk to you all. That's how important it is to have their voices heard. That's what that means to them. So, please sit with that and think on how important it is to them to be heard and then hear them today. Thank you.

Chair Passidomo: Thank you for your comment.

Lola Smith: My name is Lola Smith, and I am 15 years old. You all know today's map breaks Florida's Fair District Amendment, which states, "No opponent plan or individual district shall be drawn with

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the intent to favor or disfavor a political party or incumbent.” This law could lead to expensive court battles and many legal issues in the future. This map threatens to weaken the power of communities of color, making it an unethical political move that silenced voters in marginalized communities. So, ask yourself, should you support this illegal bill that only serves the right to a few people in power? Or do you want to stand up and vote no on these racist maps? Please choose where you stand. Thank you.

Chair Passidomo: Thank you for your comment.

Lisa Lloyd: Governor DeSantis last night made his priorities crystal clear. I’m sorry.

Chair Passidomo: Say your name, please.

Lisa Lloyd: I’m sorry.

Chair Passidomo: Your name for the record.

Lisa Lloyd: I’m sorry. Lisa Lloyd. The governor made his priorities crystal clear. It’s not us. It’s not the state of Florida. It’s not even I’m going to gesture on this side. It’s not Republican. They’re sitting here. He’s pretty much interested in his own getting a job. So, the problem is those of you who are still sitting here have careers here that you’re planning to be here for a while. And the litigation is going to take place once this kicks in, if you pass it, which I would strongly advise because it’s going to make you look bad. It’s already a joke across the country, just saying, on Twitter and everything else this morning. We went from dangling chads to dummy-mandering. That’s our new phrase. And it means that –

Chair Passidomo: Everybody’s kept to 30 seconds. You’re at 52.

Lisa Lloyd: I’m sorry.

Chair Passidomo: Can you do another just 10, 15? Yeah. Can you wrap it up, please?

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Lisa Lloyd: I haven't even got some ears in. I was just going to say, let me just explain the dummy-mandering.

Chair Passidomo: Ma'am, you've kind of overspent your time. Appreciate it. Thank you.

L. Reed-Lewis: Good afternoon. My name is Latoya Reed-Lewis. I'm a member of the Florida State Conference NAACP. I'm also a resident of Polk County, District 18. But I'm speaking on behalf of community members who feel they are being not fairly represented by this Senate Bill 8D. My concern is not just the map. It's the intent behind it. This bill withdraws congressional districts in a way that raises serious concerns about fairness, transparency, and equal representation. So, I ask why. What problem is this solving that the current map does not?

And if it is not about impacting representation, then what is its true purpose? Redistricting determines who has a voice and who does not. When communities are divided without meaningful input, it weakens that voice and erodes trust in this process. Floridians deserve transparency, they deserve fairness, and they deserve to be a part of decisions that directly impact their vote. If inclusion is not part of this process, then I respectfully oppose SB-8D, and I ask you to oppose it, and this map be redrawn with honesty, transparency, and accountability. Thank you.

Chair Passidomo: Thank you for your comments. Ma'am, you're next.

Beverly Cassius: My name is Beverly Cassius, and I'm coming from Orlando. I'm a member of Florida Rising. And basically, we're here to talk about this redistricting and how it is basically taking power in our voice from the Black and Brown community. The only thing I'm requesting of you is to go ahead and honor the Constitution, enforce it, give the Constitution the power here, and say no. Thank you so much.

Chair Passidomo: Thank you for your comments.

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Deborah Courtney: Hello, my name is Deborah Courtney. I'm from Jacksonville, Florida, and my question for all of you is why are you doing redistricting now? I doubt that your phones have been ringing off the hook from your constituents going, "Hey, we need some new maps." And if you notice, the people in this room, I don't think one person has talked in favor of this map. So, it's my understanding that you represent us, not the people in Washington who have called for this redistricting. So, I'm asking you to please represent your constituents, honor the fair districts map and the legislation that we all voted for, and vote down this partisan, gerrymandered map. Thank you.

Chair Passidomo: Thank you for your comments.

Catherine Ashby: Hello, good afternoon. My name is Catherine Ashby, and I'm here to urge you to vote against SB-8. No court has ordered new maps. No census has been taken. The only thing driving this process is a political calculation, not legal necessity. Mid-decade redistricting is not prohibited, but redistricting to benefit a political party is. That's exactly what's happening here. First, the governor's rationale fails because even if the FDA is deemed unconstitutional, there is no court order requiring new maps. Second, any improper consideration of race was supposedly remedied in 2022 when the governor redrew the congressional maps.

Third, police has not been decided, and until it is, the governor's entire rationale is merely conjecture. The United States Supreme Court in *Rucho v. Common Cause* cited the Fair Districts Amendment as a model for how states can address extreme partisan gerrymandering. And in the *League of Women Voters v. Detzner*, the Florida Supreme Court held that once a redistricting process is tainted by improper partisan purpose, the burden shifts to the legislature to justify the map. That burden will be yours to carry for a map you didn't even draw.

I urge you to vote against SB-8. Thank you.

Chair Passidomo: Thank you for your comments.

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T. Guzman-Pagan: Hello. Good afternoon. My name is Teresa Guzman-Pagan. I have the pleasure of serving as the Director of Expanding Democracy at Florida Rising. And I live in Florida's 27th District, and here it puts me with the Keys, which is mind-boggling to me. None of you want to be here. None of you really believe in this. Please pass a budget. Address the affordability crisis. Please don't do this to our constituents. It's an election year. If you vote yes on this, it will be your stamp of approval, and you'll suffer the consequences this November. Thank you.

Chair Passidomo: Thank you for your comments.

Asia Diaz: My name is Asia Diaz. I'm an Orlando resident and a proud staff member of Engage Florida. I work on the ground with Florida youth, registering them to vote and hearing about what matters to them. Speaking to students, we've noticed a decreased faith in our government because of unconstitutional actions like this from our very representatives. This redistricting will worsen the pattern we see. Our taxpayer dollars should be spent on addressing the needs of your constituents, not on the governor's map. I stand here strong, proud, and uplifted by the voices of my community to say we oppose this unconstitutional mid-decade redistricting. Thank you.

Chair Passidomo: Thank you for your comments.

Chloe Scott: Hello. My name is Chloe Scott speaking for Engage Florida, the University of Central Florida's League of Women Voters chapter, and honestly, young people everywhere. Having done extensive partisan outreach in both my community and my college campus, honestly, I'm very troubled by all of this. It's just discouraging. My generation's outlook on politics and their faith in the institution of government is severely damaged, and bills such as this are only going to worsen it. It's because of this that we came here today to call on our representatives of this beautiful state to please do the right thing because we deserve better. Thank you.

Chair Passidomo: Thank you for your comments. Oh, I watched you in the house.

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You're going to be a little --

M. Grucholski: I'll be a little bit more chill in here.

Chair Passidomo: I appreciate that. Thirty seconds is hard to go on.

M. Grucholski: It is. It is a little bit. It is a little bit. Welcome, committee. Good morning, everybody. My name is Matthew Grucholski, and every single morning I wake up in the heart of downtown Orlando where I see a perfect view of the courthouse, and every single day I wonder about the true justice that happens in that room. And today we're not seeing true justice through this process. What we're seeing today is the erosion of our democracy. We saw in 2018 when Amendment 4 passed, and then the legislature stole some of those rights.

We saw it when the legislature attacked direct democracy right after Amendment 3, Amendment 4 just because the governor did not like those issues. And now, we're seeing it today because the governor is so scared of unemployment that he wants to get a Trump cabinet position, but instead I think he should seek employment at Waffle House with his bestie, James Fishmack. So, today, I implore all of you to vote against the rigging of our maps and to not stand for the continued rigging of our democracy here in the state of Florida.

Chair Passidomo: Thank you for your comments.

Rob Woods: Good afternoon. I am Rob Woods. I was born and raised in Pinellas County, bringing greetings from the Suncoast. I bought in from elementary school all the way up through college that we're supposed to be this cohesive, everyone get along, let's make a bill, let's do something that helps everyone else. I was also told that the No. 1 rule in politics is that you need to know how to count. Apparently, one side is counting a little bit harder than the other, and I'm asking that that don't happen. It seems as if we are back in that period of reconstruction, moving back to Jim Crowism, and it's unfortunate.

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I'm not here to pull a race card. I'm just here because I serve this country. Having bought in, I pay my taxes. I'm just an ordinary guy, no special organization or anything, just asking you guys to do the right thing. Please remember, no means no. Thank you.

Chair Passidomo: Thank you for your comments. One more. I do want to say to those of you who are here in this room or who are up in the other rooms, the brevity was really appreciated, and also so many of you that switched to waive. After he's done, I'm going to read all of those into the record.

Robert Blumen: Good afternoon, good evening. My name is Robert Blumen from Tallahassee, Florida. I wasn't originally going to speak, but seeing everybody up here, how this has motivated people, it's transcended races, it's transcended ages, genders, sexualities, everything. I think that we have to understand that the first document created in this country was the Mayflower Compact. That was created to create just and equal laws for everybody, and I cannot come to understand how it's just and equal for 40% of the population to rule over 60% of the population. I don't understand how the minority can control the majority.

It doesn't make any sense to me, and if anybody can explain to me why we think that's okay, they can be more than happy to, but I just wanted to say that. I think that this country was founded on self-governance and the policy of us being free and having liberty and justice for all. Thank you.

Chair Passidomo: Thank you. Thank you for your comments. Anyone else who has an appearance card with them? I am going to go through these. Gloria Colvin waives against. Deborah Morningstar waives against. Nila Money waives in support. Susan Horowitz waives against. Madeline Bowman waives against. Mary Dehoney waives in support. Pamela Birchfort from the NAACP waives against. Linda Bell waives in support. Rigueline Thomas waives against. Christian Gonzales Orbegasa, I'm really bad at this, I apologize, waives against. Damarian Jones waives against. Tiasha Goosby waives against.

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DeZellis Douglas waives against. Marius Williams waives against. Marvin Douglas waives against. Jeremiah Birch waives against. Amber Woods waives against. Rebecca Parsons, against. Oliver Torres, against. Mary Wynn, League of Women Voters, against. Barbara Harris, against. Princess Ogano, against. Antoine Williams or Antoine Williams, against. Sarah Peacock, against. Ray Alcantara, against. Laurence Ratcliffe, against. Zion Alford-DeBee, against. Larry Hannan, against. Taquita Leone, against. Oh, boy, this is one. That's a great name, but I can't say it. They're against.

Heidi White, against. Allison Clark, against. Margaret Siminos, against. Douglas Curry, against. Maria Clopez, against. Denise Webb, against. Anthony Bridgeforth, in support. Ruby Bridgeforth is against. Must be a family thing. So, I'd like to hear your dinner conversations. Daryl Alfred, against. Terry Condos, against. Kathy Fitzpatrick, against. Mary Jo Kilcullen, against. Melanie or Malcolm, last name. Merlene, that's a pretty name, against. Michelle Dela Cruz, against. Joanne Brooks, against. Joey Arellano, against.

Jessica Kelly, against. Marcia Dabrowski, against. Jenny Paolo, against. Linda Bridge, against. Barbara Turner Delasai, against. Abe Renchin, against. Judy Sherkland, against. Becky Pepper, against. Carol Brady, against. Joy Burgess, against. Zion Foreman, Jr., against. Nadine Huey, against. Jonathan Burgess, against. Jessica Velono, against. Jessica Ransom, against. Charlita Sowell, against. That's all public testimony. We are in debate. Who would like to debate? The word quickly.

Senator Pizzo: It's a relative term, ma'am.

Chair Passidomo: Yes, relative. You're recognized.

Senator Pizzo: E equals MC squared. Couple of just sort of like housekeeping things on a debate. President Gaetz, I mean, there's a reason why you were asked to do this because you're just an absolute gentleman and have incredible, impeccable moral and ethical code.

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So, your summer is not wasted answering a bunch of unnecessary inquiries, nobody, I don't think, on either side of the aisle thinks that you had any prior knowledge of this whatsoever, participation, communication, contact, whatever.

I know that might seem insignificant in passing, but having some prior experience with litigation post-session, it could be a very big deal. That's No. 1. And 2.) I'm very interested to see the FDLE investigation as it relates to the leaking of map information that was produced at the executive branch that somehow made its way to national media. I really want to know that our systems and IT is secure. Somehow that map got to national media and got leaked, so I want to be sure that we keep that on our radar to make sure that we have secure servers and devices. There's really nothing new in this.

Some of us may recall that after former Senator Rodriguez, now Chancellor Rodriguez, had worked pretty diligently on maps before to the point that he got rid of a smartphone and went to a flip phone because he didn't want to receive any text messages, the governor tweeted, "This map is dead on arrival." And then. we knew it, we had to redo it all over again. It's nothing new and novel that we got something handed to us from the Governor's Office. It's happened on a number of bills. Some of us on this dais have received language and had to backfill an idea that was announced or said.

But let me say this, in other states, they're celebrating the same idea inversely of what happened. We talk about configurations and shapes and all that stuff. The Virginia map looks violative of many of the concerns that people have here. Here's where we are. I'm going to borrow a phrase from not the patriarch, but let's say the avuncular figure of my former party. Don't boo, vote.

This should result in an overwhelming number of the 4,052,000 Democrats or the disenfranchised 3,338,000 NPAs or the 478,000 minor party members like this gentleman from the forward party to get out and show in great, huge, great, rigorous numbers a

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voracious statement signaling that this is violative of everything that we hold to be dear and true that we learned in first grade. So, don't boo, vote. Come out in huge numbers in November.

Chair Passidomo: Any other debate? You want to save this for tomorrow? No, you're recognized.

Senator Berman: Thank you, Madam Chair. And I think a lot of us are saving a lot of things for tomorrow, but I do want to talk a little bit about what we found out today because it was actually kind of shocking, some of the things that came out from the map maker. We all know that when we've done this project before, we've spent countless hours. In 2022, we dedicated eight hours to educating members on redistricting law, nine hours considering thirteen different map options, and four more hours for final deliberation with public comment at every stop. And here we are with 24 hours of having a map. And that's it.

That's all we've done. So, this process is wrong. We shouldn't be doing a map, be giving a map, having been given a map 24 hours. We heard the map maker's been working on it for two weeks. And yet we get it 24 hours and we see it first on Fox News in color and they have no idea how that happened. So, there's so much wrong with this process. But what I really object to is that it's violative of the Fair District Amendment that 63% of us passed in 2010.

And we said, "We don't want maps that are gerrymandered. We don't want maps that are drawn to favor an incumbent or a political party. We want them to be drawn to give racial and language minorities equal opportunity. We want them to be contiguous. We want them to be compact. We want them to make use of existing city, county and geographical boundaries." And this map does none of that. And the thing I'm also the most shocked about is that we heard today that they used partisan data when they drew the map.

They told us that, that they use partisan data. And the reason why they can't say that Fair Districts doesn't have to be struck down is

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because Fair Districts says, “Do not use partisan data.” This is clearly unconstitutional. And we heard that today. And I just have so many problems with the procedure and the illegal violation of our constitution. And this is gerrymandered, map rigging, and I don’t see how anybody can support it. Thank you.

Chair Passidomo: Senator Jones.

Senator Jones: Thank you so much, Madam Chair. This is the epitome of playing in American people’s faces and also Floridian’s faces. I don’t know if you all did, but I did. And I listened intently for a reason to the map drawers and what they were saying and how they were answering questions because, Members, I don’t care what’s happening across the country. Based off of what we’ve voted on in 2010, the people of Florida basically told us, even they’re telling us now that we had a deal. And the deal was that we weren’t going to do what we’re doing now. But the fact that map drawers, he came up and I wrote it down because I want us to understand what we’re doing because it’s dangerous.

He said that what was voted on by the Floridians, 2010, he said it was constitutionally basically not right. I don’t know the legal term. Senator Pizzo, you can help me later. Confirmed. Informed. Members. So, what the people voted on, the map drawers basically just said that Floridians were wrong, so wrong that Supreme Court didn’t even challenge it, y’all. And I asked the question. There is and there was nothing wrong with the Voting Rights Act of 1965. There is and there was nothing wrong on July 19, 1868, when the Equal Protection Clause was brought forth. There is and there was nothing wrong with the 2010 Fair Districts Act.

And I’m just gonna be honest with you all because you all heard the same testimony I did. The map drawer just said himself that they did use partisan data to draw the maps. So, nobody up here can say that this is not politically motivated because it just would not be true. He said it himself. But to take it a step further, let’s be honest on why we’re doing this. We’re doing this because this is the national temperature and conversation that’s happening. And

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the governor himself said that he would follow suit. Last week was canceled, whether they wanna say they were waiting on Virginia or not.

It was canceled because they wanted to see what the outcome of Virginia would be. And it just so happened that now we are in legislative session to add four seats. And I'm gonna pause here. Fox News receiving a map before us, the legislators, is wild to me. And Members, Democrats and Republicans, y'all should be pissed off because it's crazy that Fox News got the maps before we, the elected body, got the maps. We should all be upset with the Governor's Office. Yes, he can draw the maps, but it's crazy and wild that the Governor's Office sent the maps to the news station before they even bought it to us.

Y'all know what that means? He has no respect for us. The governor has no respect for us who are duly elected just like him, who released maps to a news station before he released maps to 40 members of the Florida Senate. Guys, we're not here because the Constitution is wrong. Guys, we're not here because there's something wrong with the Fair Districts Act. We're not here because the Florida Senate or the Florida House said that they wanna draw maps. We are here because the President of the United States gave an order, and this is the direction that we're going in.

But the one thing that should block Florida is that the people of this state said that they did not want it. Shame on us, my colleagues. Shame on us for listening to Washington, DC before you listen to the 24 million people in this state. And I end with this. I don't even know where this vote is going to go today because I haven't spoken to anybody because I don't wanna be subpoenaed by nobody. But here's what I will tell my colleagues. I hope and pray that this is not the precedent that we are setting for the breaking down of our democratic process.

Hear me when I tell y'all, and I mean it with every fiber of my being, I don't care what party you in, and to my Republican colleagues, you win. You were already winning. So, there was no

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need, there is no need for this. Let's respect the will of the people. My daddy used to always tell me, not used to because he's still alive, thank God. My daddy always said that there is one thing about a lie. It has no legs. Guys, we cannot let this walk because we're not being honest with Floridians and we're not being honest with the American people.

Chair Passidomo: Any other debate? Senator Bradley, you're recognized.

Senator Bradley: Thank you, Madam Chair. And I know everybody says this, but I really wasn't planning on debating. I represent the same number of folks that everybody here represents. And being a senator and being in an elected office carries a tremendous responsibility. And I don't have the pleasure, I don't sit here as a senator, looking at a map saying, "Boy, that map looks great for the hours." I don't sit here with the luxury of saying, "Boy, that map looks good or that map looks bad," picking the map that I that I think would be helpful. I have a duty to uphold the constitution that I swore to defend.

And the attorneys came before us and they said that without the Calais decision, we are operating on a signal from the Supreme Court. As the current state of the law, that is unconstitutional. And on top of that, it also rests on a legal theory that the Supreme Court has not even opined on or heard that the Fair Districts Amendment would be entirely voided. That's a big deal. I would love to hear, I would love for that decision to come out, for the governor to get an advisory opinion on the effect of the Fair Districts Amendment, and then let's do this. I can't do it. It's just unconstitutional and it's a tough one, but I'm a no.

Chair Passidomo: Any other debate? Senator Gaetz, you are recognized for any final comments?

Senator Gaetz: Thank you, Madam Chair. I appreciate the debate and I appreciate the extensive public testimony. Regardless of what we may believe personally or our opinions, the fact is that the governor has a constitutional role in congressional redistricting. He has the

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authority and he has the right to propose congressional redistricting when he believes that it is appropriate. There are seven other states in the country where congressional redistricting is being done in the middle of a 10-year period, in the middle of a decade. And we've done it ourselves four times before for various purposes.

It is true that as Senator Pizzo said, I received my map just a few seconds before you received yours. I had no previous knowledge of any other maps that were drawn. But I will tell you that the governor did not violate any rule of the Senate in the timing that he used. My understanding, and I defer to Madam Chair, is that technically, amendments would be available up to four hours before the Rules Committee proceeds or goes into session. So, even though the governor came to us, what we would consider many of us less time than we would have liked to have had, the governor did not violate any Senate rule.

So, it fell to me as Chairman of Ethics and Elections to bring the bill to you and I bring the bill to you out of respect and deference to the governor who has the authority and the responsibility to offer a proposal for our consideration. I ask that you give the governor's proposal your thoughtful and respectful consideration as I know you will. I ask that you take into account the authority that he has not to tell us what to do, but to propose items in the area of redistricting for congressional districts that he can. There are extraordinary issues at play here.

Probably the greatest one is the potential conflict or the real conflict between what some view as the clear definition of the 14th Amendment in this case and what some view as the clear imperative of the Fair Districts Amendment on the other side. My guess is that no matter what this legislature does, if we pass the governor's proposal, that it will nonetheless be litigated. I think we could all bet the farm on that. And either if it passes and without litigation or whether it passes and it is litigated, I believe this issue will come to the fore.

The issue will be ripened by the action of this legislature to

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determine whether or not the equal protection laws of the 14th Amendment obviates the need for any race-related redistricting or not, or whether the Fair Districts Amendment or part of it may be obviated by action, court action that has occurred since it was adopted. With that, I ask you to please consider sending this legislation to the floor of the Senate so that all of our members would have the opportunity to debate it, to consider it, and to cast their votes on it. Thank you, Madam Chair.

Chair Passidomo: Thank you. Cindy, please call the roll on SB-8D.

Cindy: Senator Avila, Senator Berman, Senator Boyd, Senator Bradley, Senator Brodeur, Senator Burgess, Senator Burton, Senator Davis, Senator DiCeglie, Senator Gaetz, Senator Garcia, Senator Grall, Senator Harrell, Senator Hooper, Senator Martin, Senator Osgood, Senator Pizzo, Senator Rodriguez, Senator Rouson, Senator Simon, Senator Trumbull, Senator Wright.

Senator Wright: Yes.

Cindy: Vice Chair Jones.

Senator Jones: No.

Cindy: Chair Passidomo.

Chair Passidomo: Yes. By your vote, SB-8D is reported favorably. Again, to the members of the public, thank you so much for your patience and your comments. Is there any Senator, I guess everybody's here that voted. Is there any other business before the committee? What is your business?

Senator Pizzo: Happy birthday to Lieutenant Governor Jay Collins. It's his birthday today, and I wanna thank publicly Tom Wright for engineering and coordinating a really cool charity donation last week.

Chair Passidomo: All right, without any other business, Senator Jones moves we

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adjourn. If there's objections, seeing none, show the motion adopted, we are adjourned.

[End of Audio]

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President Albritton, Secretary, Dr. Doug Stauffer, Senator Gaetz, Senator Rouson, Senator, Sharief, Senator Smith, Senator Jones, Senator Berman, Senator Polsky, Senator Arrington, Senator Davis, Senator Bernard, Senator Nathan, Senator Pizzo, Chair Passidomo, Senator Osgood

President Albritton: [00:00:00] The Senate will be in order. Good morning, good morning, good morning. The Senators and guests in the gallery, please rise for the opening prayer be given by Dr. Doug Stauffer of Faith and Dependent Baptist Church in Niceville. Dr. Stauffer is sponsored by the Senator of the Second District, Senator Trumbull. Welcome, Pastor.

Dr. Doug Stauffer: [00:00:24] Thank you. Let's pray. Heavenly Father, we come before thee acknowledging our weaknesses and human frailties. We confess that without thee we can do nothing. Lord, we thank thee for the privilege of service in this great state of Florida. As these Senators gather for this special session, we recognize the seriousness of the work before them, decisions that will shape representation and impact both this state and the nation. We pray for each Senator, for President Albritton, for Governor DeSantis and his Cabinet.

Grant each of the state leaders wisdom beyond their expectations, discernment beyond political pressure, and courage beyond personal ambition. Help them to do what is right for Florida and what is right for this nation. Give them clarity to act in a manner that preserves liberty, protects the voice of the people, and strengthens the foundations of this Republic established 250 years ago. Empower them, Lord, not merely with authority but with godly convictions. Remind them that leadership is not personal preeminence but stewardship, not self-interest but service to the people they represent.

May they, like the founders of this nation, seek thy guidance and acknowledge thy hand in the affairs of this nation. Give them reverence for truth, a respect for law, and a commitment to that which is right. Let the decisions made in this chamber align with the Constitution, and may their work be sound, just, and able to withstand examination by the courts. May the work accomplished in this special session bring stability, fairness, confidence to the people of Florida and serve as an example of principled governance to this nation.

We commit this session, these leaders, and this state into thy hands, oh, Lord. In Jesus' name I pray, amen.

President Albritton: [00:02:12] Amen. Please remain standing for the Pledge of Allegiance to be led by Senator Burgess from his desk.

[Pledge of Allegiance]

President Albritton: [00:02:32] We'll now continue with the order of business. Are there reports of committees?

Secretary: [00:02:35] None on the desk, Mr. President.

President Albritton: [00:02:37] Are there motions relating to committee reference?

Secretary: [00:02:40] None on the desk, Mr. President.

President Albritton: [00:02:41] Are there messages from the Governor or other executive communications?

Secretary: [00:02:44] None on the desk, Mr. President.

President Albritton: [00:02:46] Are there messages from the House of Representatives?

Secretary: [00:02:48] None on the desk, Mr. President.

President Albritton: [00:02:50] Are there matters on reconsideration?

Secretary: [00:02:51] None on the desk, Mr. President.

President Albritton: [00:02:53] Pick up the special order calendar, read the first bill.

Secretary: [00:02:55] Senate Bill 8D, a bill to be entitled an act establishing the congressional districts of the state.

President Albritton: [00:03:03] The Senator of the First District, Senator Gaetz, you're recognized to explain the bill.

Senator Gaetz: [00:03:11] Thank you, Mr. President. At 11:15 a.m. Monday, I received an email from the Governor's legal counsel containing Governor DeSantis' plan for congressional redistricting, and here we are two days later on the Senate floor considering that plan. Some people say we should have had more notice, more time, and I feel that way, too. But of all the folks who came yesterday to the Rules Committee to protest the Governor's proposal, I doubt any of them would have stayed home if they had just had a few more days to think about it.

The Governor cut it close. He could have sent the email earlier, but

he played by the rules, our Senate rules that prescribe the lead time for items to be presented to the Rules Committee. All I know about the Governor's proposal is what those who came to the Rules Committee yesterday know, and that is what we learned from the Governor's representatives. The Governor's proposal is not unprecedented. There is no federal or state law prohibiting mid-decade congressional redistricting. In fact, Florida has done it four times before for various reasons.

Seven states are redistricting now in the middle of a decade, some blue states, some red states, and in Florida the Governor has a constitutional role in congressional redistricting. He can propose a redistricting plan anytime mid-decade as he has successfully done before. Some may not like that he can do that or that he is doing it, but he can do it. In his letter of transmittal, the Governor told us why. He gave us two reasons. First, to redress what he says is an imbalance, an illegal imbalance of one person, one vote.

The Governor argues that disproportionate surges in population in a state that is surging in population have left some voters with diminished electoral rights. And Mr. Parada, representing the Governor, says he has drawn maps to make those districts precisely equal and to redress those inequities. The second reason the Governor gives for proposing this plan to us is that any district lines drawn with a racial preference are unconstitutional. So, Mr. Parada, again on the Governor's behalf, has drawn districts which he says are race neutral, taking no account of race whatsoever.

The Governor has laid out his legal and constitutional theory, plainly declaring that the Tier 1 racial preferences in the Fair Districts Amendment are, in the Governor's view, unconstitutional and inconsistent with the 14th Amendment to the United States Constitution. I am not here to prove his theory of constitutional law or to prove that it will prevail. That proof was offered in testimony yesterday by the Governor's representatives and was explained by his legal counsel and was questioned and debated by brilliant lawyers who are in this chamber. But it is the Governor's prerogative to make his case.

The Governor has called us into special session to receive and to consider his congressional redistricting plan and now it's ours to vote it up or down. The Governor has made his case and, Mr. President, I ask that the senate thoughtfully and respectfully

consider that case and that is the bill.

President Albritton: [00:06:40] Other amendments?

Secretary: [00:06:41] None on the desk, Mr. President.

President Albritton: [00:06:43] Are there questions? Seeing none. No, no, no, no. Senator Rouson had questions. You're recognized, sir.

Senator Rouson: [00:06:54] Thank you very much, Mr. President. And President Gaetz, in explaining this bill, you spent a lot of time talking about the process by which we received this bill and considered it. Do you recall in 2011 when you chaired the redistricting committee that some of us members who are sitting on this floor right now served on and the number of public hearings we had so that the public could give adequate input?

President Albritton: [00:07:40] Senator Gaetz.

Senator Gaetz: [00:07:41] Thank you, Mr. President. Thank you, Senator Rouson. I can show you the wound in my side. I can remember those days well. My recollection is, sir, that we had 26 public hearings around the state and you were there for a number of them.

President Albritton: [00:07:55] Senator Rouson.

Senator Rouson: [00:07:56] Thank you very much, Mr. President. Did the public, in your opinion, get adequate time to research, analyze, and provide input to the map that we're considering today?

President Albritton: [00:08:13] Senator Gaetz.

Senator Gaetz: [00:08:14] Thank you, Mr. President. I suspect that that's a matter of a personal view as to whether you believe that you had time or that any member of the public had time to review the map. The notion of congressional redistricting mid-decade is not a new notion, even though the map was presented to us just prior to this session. The debate and the discussion about congressional redistricting mid-decade has gone on for several months. I don't think it's news to anyone in Florida who is interested in the issue and follows the issue.

President Albritton: [00:08:54] Senator Rouson.

President Albritton, Secretary, Dr. Doug Stauffer, Senator Gaetz, Senator Rouson, Senator, Sharief, Senator Smith, Senator Jones, Senator Berman, Senator Polsky, Senator Arrington, Senator Davis, Senator Bernard, Senator Nathan, Senator Pizzo, Chair Passidomo, Senator Osgood

Senator Rouson: [00:08:56] Thank you very much, Mr. President. Well, isn't it a fact that as we stand here or sit here today, the current map is constitutional?

President Albritton: [00:09:08] Senator Gaetz.

Senator Gaetz: [00:09:10] Thank you, Mr. President. I don't propose to opine on the constitutionality of any map. I would only say that the map that we have today is the law until it's changed. And I would suspect, deferring to competent counsel present, that it's constitutional until some court says it's not.

President Albritton: [00:09:34] Senator Rouson.

Senator Rouson: [00:09:38] Thank you, Mr. President. Well, isn't it a fact that we're doing this proposed map on a signal from the Supreme Court that they might declare Fair Districts unconstitutional?

President Albritton: [00:10:02] Senator Gaetz.

Senator Gaetz: [00:10:02] Thank you, Mr. President. I've received no signal from the United States Supreme Court. The only signal I received was at 11:15 in the morning on the 26th of April. I received an email from the Governor's legal counsel presenting the Governor's proposal and a letter of transmittal. That is the only provocation that I know of for us being here today. There may be other influences about redistricting that are occurring around the country or in the minds of people in this state, but I've received no signal from the United States Supreme Court.

President Albritton: [00:10:40] Senator Rouson.

Senator Rouson: [00:10:41] Thank you very much, Mr. President. Well, you were in committee yesterday when the Governor's legal counsel indicated that they were doing this based upon signals that they had received from the court and assumptions that they were making. Is that correct?

President Albritton: [00:11:00] Senator Gaetz.

Senator Gaetz: [00:11:01] Thank you, Mr. President. I heard the same comments that you did from the legal counsel, and I certainly could not characterize those comments or embroider them in any way. They

stand as they were stated.

President Albritton: [00:11:17] Additional questions? Senator Sharief in question.

Senator Sharief: [00:11:24] Thank you. Senator Gaetz, outside of a new census or a court order, what objective event or legal necessity justifies altering the district lines that voters relied upon in the last election cycle?

President Albritton: [00:11:39] Senator Gaetz.

Senator Gaetz: [00:11:40] Thank you, Mr. President. There is no law, there's no state law, there's no federal law that prohibits a mid-district redistricting, mid-census or mid-decade redistricting. And so, there does not need to be a particular provocation other than the Governor's reasons that he gave, which were, first, to redress what he said was a one-person, one-vote imbalance caused by a disproportionate surge in population, and secondly, to deal with the Governor described as an unconstitutional racial bias in Tier 1 of the Fair Districts Amendment.

President Albritton: [00:12:22] Senator Sharief.

Senator Sharief: [00:12:25] How does changing district boundaries mid-decade respect the expectations of voters who cast ballots under a different district structure and representation?

President Albritton: [00:12:35] Senator Gaetz.

Senator Gaetz: [00:12:37] Thank you, Mr. President. With respect, Senator, could you please repeat the question?

President Albritton: [00:12:42] Senator Sharief.

Senator Sharief: [00:12:42] How does changing district boundaries mid-decade respect the expectations of voters who cast ballots under a different district structure and representation?

President Albritton: [00:12:53] Senator Gaetz.

Senator Gaetz: [00:12:54] Thank you, Mr. President. If I understand the question, it occurs whenever we change district lines that voters find themselves in a different congressional district or, in the case of

legislative redistricting, in a different House or Senate district. Their House didn't move, but the lines moved, and they find themselves in a different district voting for perhaps different candidates than they did before. That is not a creature of this redistricting proposal. Rather, it occurs every time there is redistricting.

Thousands, if not hundreds of thousands of people in our State and in other States find themselves in different districts.

President Albritton: [00:13:39] Senator Sharief.

Senator Sharief: [00:13:41] So, in your opinion, does this proposal ensure that voters are not treated differently based on shifting district lines mid-cycle, particularly in light of the equal protection principles under the 14th Amendment?

President Albritton: [00:13:57] Senator Gaetz.

Senator Gaetz: [00:13:58] Thank you, Mr. President. I cannot improve upon nor would I try to characterize or defend the legal analysis provided by the Governor's legal counsel in response to that question yesterday.

President Albritton: [00:14:11] Additional questions? Senator Sharief.

Senator Sharief: [00:14:14] So, if this is permissible today, what prevents it from becoming a standard practice tomorrow?

President Albritton: [00:14:19] Senator Gaetz.

Senator Gaetz: [00:14:21] Thank you, Mr. President. The Governor can propose a mid-decade redistricting, and the Governor can provide a rationale for why he proposes it. It is then up to the legislature to determine whether or not it is timely and appropriate to do so. And that's why the Governor can propose, but we must dispose, and that's why we're here on this floor today.

President Albritton: [00:14:47] Senator Sharief.

Senator Sharief: [00:14:51] So, in light of the statements that were made yesterday from the Governor's staff in regards to taking into account partisan principles when redrawing these district maps, how can we ensure

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that all voters are respected and treated equally when these lines are redrawn for redistricting purposes?

President Albritton: [00:15:18] Senator Gaetz.

Senator Gaetz: [00:15:20] Thank you, Mr. President. The Governor's representatives indicated yesterday that they did not use partisan information in a way that was different from the usual fashion that redistricting is done and that functional analysis is done. But the safeguard, obviously, to make sure that people's rights are not violated is, if there are individuals who believe that the Governor's plan, if it is adopted, violates any constitutional or legal stricture in our State or nationally, is to go to court.

President Albritton: [00:16:04] Additional questions? Senator Sharief.

Senator Sharief: [00:16:07] So, basically, based on the polls that we have that come from my district in Broward County and the polls in Broward County in general, we know that there are a larger number of Caucasian Republicans than there are Black Republicans. And so, when you say that you're using partisan data but not taking into consideration race, I challenge that principle. And so, I want to know, do you have data different than what occurs in my county throughout the state that would make partisan data appropriate to be used versus race?

President Albritton: [00:16:45] Senator Gaetz.

Senator Gaetz: [00:16:45] Thank you, Mr. President. I have no data other than the information that was provided to you and to me in the Rules Committee yesterday by the Governor's representatives.

President Albritton: [00:16:55] Senator Sharief.

Senator Sharief: [00:16:57] President.

President Albritton: [00:17:00] Senator Smith in question.

Senator Smith: [00:17:02] Thank you, Mr. President. President Gaetz, I appreciate your comments as you opened today's discussion specifically around how you're not here to prove or disprove the Governor's Office and their theories. But as you know, President Gaetz, all of their theories are based on an assumption that the Supreme Court

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will rule in a certain way and that the way that they will rule will undermine the entire Fair Districts Amendment. My question for you is, and this is breaking news, we have just heard that the Supreme Court has dropped a decision on the Louisiana case.

None of us have had the opportunity to read it or understand the full implications of this ruling. Do you believe that it's in the best interest of Florida voters and our Constitution to temporarily postpone this bill until we fully understand this ruling?

President Albritton: [00:18:06] Senator Gaetz.

Senator Gaetz: [00:18:07] Thank you, Mr. President. That's certainly your prerogative. It is the prerogative of the legislature to postpone consideration of this legislation, if you will. My understanding, as is yours, Senator, is that the Calais decision has been rendered by the Supreme Court. But also, as we heard yesterday in the Rules Committee, it is the legal theory of the Governor that the Calais decision, no matter how it goes, does not by itself obviate the need for his proposal, but rather that there are other legal cases that the Governor's representatives quoted yesterday, which they believe provide sufficient legal justification for having race-neutral lines drawn.

But I take your point that the Calais decision is one that could be studied and might have an effect on the vote that any individual Senator might make today.

President Albritton: [00:19:06] Senator Smith in questions.

Senator Smith: [00:19:08] Thank you, Mr. President. And I appreciate that authentic response in real time. If that's the case, I do believe it would be the responsible thing as a chamber for us to temporarily postpone this bill. I move that we temporarily postpone this bill.

President Albritton: [00:19:29] There's a motion on the floor. This is a voice vote. All those in favor of the motion, signify by saying yea.

Group: [00:19:34] Yea.

President Albritton: [00:19:35] All those opposed, no.

Group: [00:19:36] No.

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President Albritton: [00:19:38] Show the motion fails. Additional questions? I'm not waiting 30 minutes for you to find 5 hands. You had two up when the motion was done, and so we're moving on. All right, five hands. Let's go to the board. We'll open up the board. All those in favor of the motion, I'm sorry. Clerk will unlock the board. All those prepared to vote on the motion? Clerk will lock the board and announce the vote.

Secretary: [00:20:05] Twelve yeas, twenty-three nays, Mr. President.

President Albritton: [00:20:09] The motion fails. Additional questions? Senator Jones, Senator Smith, additional questions? I'm sorry, hang on just a second. Senator Jones.

Senator Jones: [00:20:18] Thank you, Mr. President. I don't think the intention was for us to go into that direction. I think what Senator Smith was trying to convey is to see if we as a body can pause for two seconds. Considering that this decision just came out, no one in this body has been able to read what the ruling was, which pertains directly to what we're dealing with today. So, Mr. President, both, we're just asking if we can pause for two seconds so we can talk to our team, you all can talk to your team so we can make sure that we're asking the right questions for the Floridians who are watching this. That's all we're asking.

President Albritton: [00:20:56] Procedurally understood. We took up the motion and we voted and it was defeated. And so, we will continue on. Senator Smith in questions.

Senator Smith: [00:21:10] Thank you, Mr. President. Excuse me, I'm just trying to collect and reassess some of my questions because I have a ruling in front of me that I have not read. So, please forgive me in advance if any of these questions may be obsolete. We're just going to power through here. So, first I want to start, President Gaetz, with the map as it impacts the district that I represent in Central Florida, Senate District 17.

I've taken a look at the current Congressional District 9, which is a majority-minority district that is compact and it provides a fair opportunity for the Hispanic population, the Puerto Rican population there to elect a representative of their choice in compliance with the Voting Rights Act. But when I compare it to the proposed Congressional District 9 in the map before us, I can

clearly see that the new lines were drawn to split this compact, politically cohesive Latino population into four or five different Congressional Districts, CD9, CD10, 11, and 18.

President Gaetz, do you believe it's legal for the legislature to approve a map that effectively eliminates Hispanic voting power in Central Florida and prevents them from electing the candidate of their choice?

President Albritton: [00:22:45] Senator Gaetz.

Senator Gaetz: [00:22:47] Thank you, Mr. President. Senator, as I indicated before, I don't intend to nor would I have the credentials to opine legally on a question of the sort that you've described. I can only say that the Governor's representatives, as you saw yesterday in the Rules Committee, presented a plan which they say does not take into account race in any way, shape, or form in the drawing of any lines, but rather deals with the surge in population and where that disproportionate surge exists in their mind based on EDR analysis. But I cannot opine, obviously, on a legal question of the sort that you've raised.

President Albritton: [00:23:33] Senator Smith.

Senator Smith: [00:23:34] Thank you, Mr. President. And with deference and respect to you, President Gaetz, many of my questions are actually to you because of your experience. You actually chaired and led the redistricting effort for the Florida Senate in 2010. You gained a great deal of experience from that. And so, I say that because I value your insights as more experience than mine. So, my question is specifically your understanding with that expertise, with the law as it currently stands, does cracking the Latino population in this way, does that comply with the Federal Voting Rights Act and the Fair Districts Amendment?

President Albritton: [00:24:23] Senator Gaetz.

Senator Gaetz: [00:24:25] Thank you, Mr. President. All I can tell you in response, Senator, is that the Governor's representatives and his legal counsel yesterday made the case, which you can judge for yourself, that their map does indeed comply with the Voting Rights Act and that their map complies with all Federal legislation, particularly with the 18th Amendment. The Governor's

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representatives have made it clear that they believe that there is a conflict between some parts of the Fair Districts Amendment and the 18th Amendment to the Constitution.

And so, consequently, they believe that in a case like that, the Federal requirement or the Federal statute would prevail in the case of any such conflict.

President Albritton: [00:25:16] Senator Smith.

Senator Smith: [00:25:17] Thank you, Mr. President. Thank you, President Gaetz. So, the same proposed congressional District 9, it actually stretches north from my Senate District 17 in Orange County, including the city of Belle Isle and the Orlando International Airport, MCO, we all are familiar with that airport, and Lake Nona. And then, it goes down south all the way through Osceola County, Polk County, Highlands, Glades, and Okeechobee. Do you, President Gaetz, in your expertise, do you understand why this district is roughly 120 miles long from its northern and southern border, stretching from Orlando as far south as where Riviera Beach currently is in Palm Beach County?

Although it doesn't include Palm Beach County, it is as far south as Riviera Beach.

President Albritton: [00:26:10] Senator Gaetz.

Senator Gaetz: [00:26:11] Thank you, Mr. President. If you say that it stretches 120 miles, I certainly would not dispute your statement. I have no particular opinion as to whether the construction of that district, as proposed by the Governor, meets qualifications that you think it ought to meet. All I can tell you is that the compactness scores that the Governor's representatives have provided indicate that their compactness scores are roughly the same as those of the underlying current map. I could not offer any additional information beyond what the Governor's legal counsel and map drawer provided on the Governor's behalf yesterday.

President Albritton: [00:26:55] Senator Smith.

Senator Smith: [00:26:57] Thank you, Mr. President. Thank you, President Gaetz. Let me ask a question about process. Of course, I am not a member of the Rules Committee, but I was there with you yesterday and

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tried to absorb as much of the comments as I could. I missed the very beginning. The Governor's Office made many claims that there was a race-neutral nature of their map. They claimed that they drew it in a race-neutral way and that that race was not considered in any way. Did they make any of these claims under oath? Were they required to make their statements under oath in front of the Senate Rules Committee, sir?

President Albritton: [00:27:39] President Gaetz.

Senator Gaetz: [00:27:40] Thank you, Mr. President. The Governor's representatives were not placed under oath.

President Albritton: [00:27:47] Senator Smith, if you could just hang on one second. Appreciate that. Listen, considering the development that's happened here in the past few minutes, we're going to take a 30-minute break so that our colleagues can review the decision and adjust their questions if they would like. We're going to take a 30-minute break. We will be back here. Let's come back in at 11:00. We'll be on break. The Senate will be in order. We're going to go back to questions. Leader Berman, you'd be first. You're recognized.

Senator Berman: [00:28:32] Thank you, Mr. President. We've had quite the morning. We do want to focus on the Calais decision. So, my first question to you on the Calais decision is are you aware that the Calais decision does not strike down Section 2 of the Voting Rights Act?

President Albritton: [00:28:56] President Gaetz.

Senator Gaetz: [00:28:57] Thank you, Mr. President. Leader, I received at 11:19 a.m. this morning a transmittal from the general counsel to the Governor, and that transmittal goes to the question that you're asking. And with the President's permission and with your indulgence, Leader, I'll read this brief transmittal from the Governor's legal counsel, copies of which have already been transmitted to you both in writing and also electronically. And I read it, this is the Governor's legal counsel, his words.

"The court concluded that Louisiana's creation of an additional majority-minority district to comply with federal courts' construction of Section 2 of the Voting Rights Act was an

unconstitutional racial gerrymander. Notwithstanding that the district was created for the purpose of complying with a court order, the Supreme Court held that the enactment, ‘triggered strict scrutiny because the state’s underlying goal was racial.’ ‘Intentional compliance with the court’s demands constituted an express acknowledgement that race played a role in the drawing of district lines.’”

The Governor’s legal counsel goes on to say, “Florida’s intentional compliance with the FDA would constitute such an acknowledgment and, therefore, would require Florida ‘to satisfy the extraordinarily onerous standard of proving that its use in race was narrowly tailored to further a compelling government interest.’ As explained in my transmittal letter of April 27, Florida cannot do so. We, therefore, continue to urge you to enact the proposed congressional map transmitted therewith. David Axelman, General Counsel to the Governor.”

President Albritton: [00:30:53] Leader Berman.

Senator Berman: [00:30:54] Thank you, Mr. President. So, does anything in what you just read state that the court is striking down Section 2 of the Voting Rights Act?

President Albritton: [00:31:03] President Gaetz.

Senator Gaetz: [00:31:06] Thank you, Mr. President. Again, I’m not a lawyer. I’m reading from what the general counsel’s provided. And according to the information that we’ve received, the court has concluded that Louisiana’s creation of an additional majority-minority district to comply with a federal court construction of Section 2 of the Voting Rights Act was unconstitutional and a racial gerrymander.

President Albritton: [00:31:28] Leader Berman.

Senator Berman: [00:31:30] Thank you, Mr. President. So, I have a copy of the opinion in front of me. On the third page, I guess, of the opinion, the bottom of the second page, it says that they answer the question that compliance with Section 2 as properly constructed can provide such a reason. Are you disagreeing with the actual wording of the agreement of the opinion where it says that the Voting Rights Act can be used to provide an opinion that minority districts can be still upheld?

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President Albritton: [00:32:10] President Gaetz.

Senator Gaetz: [00:32:11] Thank you, Mr. President. My understanding, Leader, is that what the court has said is that in order to justify a racially constructed district, there has to be a compelling record of egregious racial discrimination that immediately precedes and causes the construction of that district. And consequently, Leader, those conditions, as far as I know, and I'm not a lawyer, would not apply in the case of Florida or any Florida district that is under discussion.

President Albritton: [00:32:47] Leader Berman.

Senator Berman: [00:32:49] Thank you, Mr. President. So, I think you and I are somewhat saying the same thing, and that is that you still, under Calais, cannot discriminate against minorities in the redistricting process and that they are laying out what the requirements for strict scrutiny is in Calais. Would you agree with that?

President Albritton: [00:33:12] President Gaetz.

Senator Gaetz: [00:33:14] Thank you, Mr. President. Again, I'm not a lawyer, but I would particularly agree with the second part of what you said, and that is that the court has said that there have to be certain conditions in existence in order to justify the creation of a district that's drawn with racial intent or racial lines. And those conditions are that there has to be an immediate record of egregious racial discrimination that precedes and provokes the necessity for the creation of that district. I don't believe that it goes further than that. That, I believe, is the black letter of the opinion.

President Albritton: [00:33:52] Leader Berman.

Senator Berman: [00:33:54] So, I just want to try it. This is very much the heart of a lot of what we're doing today, so I want this to be as clear as we can on this issue. So, are you aware that the Supreme Court in Calais held that compliance with the Voting Rights Act can, in fact, be a compelling state interest?

President Albritton: [00:34:16] President Gaetz.

Senator Gaetz: [00:34:18] Thank you, Mr. President. Yes, under the strict scrutiny conditions that the court refers to, none of which apply in Florida.

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President Albritton: [00:34:27] Leader Berman.

Senator Berman: [00:34:29] Thank you, Mr. President. President Gaetz, does any part of the Calais decision explicitly address the legality of Florida's fair district amendment?

President Albritton: [00:34:44] President Gaetz.

Senator Gaetz: [00:34:46] Thank you, Mr. President. Again, not being an attorney, let me qualify what I'm about to say with that and say, not to my knowledge. To my knowledge, the Calais decision does not impact what we are attempting to do here on the floor of the Florida Senate, and it does not impact the Governor's plan in any negative way.

President Albritton: [00:35:11] Leader Berman.

Senator Berman: [00:35:12] Thank you, Mr. President. But does it impact the actual words of our Florida Constitution under the Fair Districts? Does it change the interpretation in any way of the constitutional amendment?

President Albritton: [00:35:29] President Gaetz.

Senator Gaetz: [00:35:31] Thank you, Mr. President. I think now you've asked me to go deep into legal analysis that's beyond my scope. I would simply say that the Governor's legal counsel has rendered his opinion and his description of the effect of the Calais decision, which is to say that the Calais decision, if anything, sets a much, much higher standard for the creation of a district that is drawn with reference to racial lines, a much higher standard than because of the preconditions necessary for that standard to be met, none of which apply in Florida.

But beyond that, Leader, I don't believe that I'm competent to go as deep into the legal nuances as your question would suggest.

President Albritton: [00:36:23] Leader Berman.

Senator Berman: [00:36:24] Thank you, Mr. President. So, interesting that you said none of which apply in Florida. Have we actually done the deep dive that we normally do with redistricting, where we go around and look at maps and make decisions? Or we were just given one

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map by the Governor without the opportunity to really do a deep dive to show that there is no a reason why we should have certain districts in Florida?

President Albritton: [00:36:54] President Gaetz.

Senator Gaetz: [00:36:56] Thank you, Mr. President. No, we did not do a series of hearings around the state as we did in previous years. But I believe that if you or anyone else is suggesting that the conditions that would have to be precedent to the drawing of a district with racial lines exist in the state of Florida, and remember what the Supreme Court has said, there have to be an egregious record, an immediately existent, egregious record of racial discrimination that require the development or use of district lines drawn with racial intent.

If you believe that to be the case or anyone else does, I believe you have the burden of proof.

President Albritton: [00:37:43] Leader Berman.

Senator Berman: [00:37:44] Thank you, Mr. President. I just want to understand, just want to clarify also. So, based on the Calais decision, are you of the opinion that we could have a statute in Florida that still says you can't discriminate on based on partisanship?

President Albritton: [00:38:14] President Gaetz.

Senator Gaetz: [00:38:18] Thank you, Mr. President. Yes, I believe so. And I believe so long as that statute was written, and narrowly tailored in the way that the Supreme Court's decision has indicated, not the way that we commonly have used racial boundaries in redistricting in the state of Florida. But rather, we would have to prove someone will have to lay out the proof. And that proof, I think, is not existent, at least on the floor of the Senate today and nowhere that I know of in the state of Florida. There would have to be a huge, weighty amount of proof in order to meet the Supreme Court's strict scrutiny standard.

And if so, we ought to include that in Florida statutes. It's not there now, we'd have to rewrite the statute.

President Albritton: [00:39:10] Leader Berman.

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Senator Berman: [00:39:11] With respect to what you just said previously about that we haven't done the strict scrutiny to see if there should be a minority district, don't you think that should be handled on a court level also?

President Albritton: [00:39:31] President Gaetz.

Senator Gaetz: [00:39:32] Thank you, Mr. President. I'm not an officer of the court, so that's beyond my competence to determine. My assumption as a layman and as a citizen is if there is, if there are lines drawn and districts created in violation of what the Supreme Court has said, and that is that in order for a racially drawn district to be drawn with racial lines, that there has to be these serious, egregious conditions precedent.

If you or anyone else believes that the district lines have been drawn in violation of now what the Supreme Court has said, and you bring a case in court, then obviously the courts would have an opportunity to decide that case. Yes, ma'am.

President Albritton: [00:40:19] Leader Berman.

Senator Berman: [00:40:20] Thank you, Mr. President. So, I do just want to go back to the Fair Districts Act, our constitution, and because this is so important, that still the provisions in the Fair Districts Act that apply to not doing maps on a partisan basis are still in effect after Calais.

President Albritton: [00:40:54] President Gaetz.

Senator Gaetz: [00:40:56] Thank you, Mr. President. Again, I fear that you're asking me for a legal opinion that's beyond my competence, so let me refer you to what the Governor's counsel said in the Rules Committee. The Governor's counsel said in response, "Because race-based provisions in Article 3, Section 20 are inconsistent with Federal law, the next question becomes, what about the rest of Article 3, Section 20?" That has other things in it of the kind that you've described. The Executive Branch position on this is that the rest of Article 3, Section 20 cannot be saved.

It is inseverable from the other provisions. As you will recall, Leader, we had a robust discussion in the Rules yesterday about severability, and I'm not sure that we came to a conclusion that

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entirely satisfied me. My own personal belief as a Senator is that there are many aspects of Fair Districts, particularly all of the Tier 2 provisions, as well as not drawing districts where the entire intent and purpose of the district is to draw a district that has lines that would promote one political party or one candidate or another, that those aspects of Fair Districts ought to be saved.

I would respectfully take that position as a member of the Senate.

President Albritton: [00:42:26] Further questions? Senator Smith.

Senator Smith: [00:42:29] Thank you, Mr. President, and thank you, Mr. President Gaetz, for opining on that. I'm trying to square what you just mentioned to Leader Berman in my own assessment of the bill because going back to my line of questioning before, I respect your experience and your leadership as someone who knows redistricting very well.

So, I don't want to belabor the point, but my question is based on your opinion then, if you could make clear for the Senate, do you buy this argument that race-based requirements in the Fair Districts Amendment cannot be severed, that they cannot be severed from other requirements in the Fair District Amendments, specifically as it relates to the current prohibition on partisan gerrymandering, which is the current law and the current Constitution that we were sworn to uphold?

President Albritton: [00:43:35] Senator Gaetz.

Senator Gaetz: [00:43:38] Thank you, Mr. President. As I attempted to explain to Leader Berman a moment ago, there was a lively discussion, and I think you were there, you observed it in the Rules Committee, about this very topic. There were those in the room who appeared to take the position that there are aspects of the Fair Districts that could be, that are, and ought to be not necessarily thrown out or excluded, no matter what happens with federal court decisions, no matter what happens with this bill that's before us.

But the Governor's counsel has said the executive branch position is that the rest of Article 3, Section 20, cannot be saved, and it's inseparable. I believe that that's a topic for later construction by this legislature. And speaking only as one senator, I believe, as I said to Leader Berman, that there are aspects of the Fair Districts

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that are different from, that are separate issues from drawing lines with racial intent, and that those separate parts of the Fair Districts Amendment should be and ought to be contained in Florida law. And as one senator, I would vote to do so.

President Albritton: [00:44:59] Senator Smith.

Senator Smith: [00:45:00] Thank you, Mr. President. President Gaetz, so squaring that with what we all heard yesterday in the Rules Committee, you witnessed the same thing that I witnessed, but I just want to get some clarification. The Governor's Office yesterday did, in fact, openly admit that they did consider partisan criteria in drawing this map. Is that correct?

President Albritton: [00:45:30] Senator Gaetz.

Senator Gaetz: [00:45:31] Thank you, Mr. President. Yes, the Governor's Office indicated that the map drawer, Mr. Parada, said on behalf of the Governor that political data was used, along with all other data. He stated in the Rules Committee yesterday that it was not the dominant or controlling data that was used, but it was used.

President Albritton: [00:45:57] Senator Smith.

Senator Smith: [00:45:58] Thank you, Mr. President. Thank you. And yesterday, from my perspective, they made a lot of stunning assertions. Do you agree with the Governor's Office's repeated assertions yesterday in the Rules Committee that the legislature "doesn't need to comply with any provisions of the Fair Districts Amendment?" You just said, President Gaetz, that it is a topic worthy of the consideration at a future date, but with all due respect, aren't we considering it right now with this map that does admittedly include partisan considerations?

President Albritton: [00:46:42] Senator Gaetz.

Senator Gaetz: [00:46:43] Thank you, Mr. President. With respect, Senator, no. First of all, I was not stunned. And secondly, I believe that the Governor's position is one which has been clear, and that is that the Governor does not believe that racial preference should be any part of the drawing of any line. For the last two years, I've sat in this chamber and I've listened to bill after bill, amendment after amendment, speech after speech about how we ought to be treating

people in the state of Florida based on their merit, on the quality of their character, on what they do, not on the color of their skin.

And the Governor has taken the position, in my view, that that is the case in drawing lines for congressional districts, just as it is in other matters. And so, consequently, I'm not troubled by that position on behalf of the Governor. I believe that we can pass these maps and we can still have a belief that some of us in the room may believe that there are aspects of Fair Districts that still ought to be included in Florida law. And in answer to a question that I asked the Governor's legal counsel yesterday, I said, "Do you need to win that point? Do you need to win the point that all of Fair Districts has to go in order for you to prevail in your legal theory?"

And the answer to that question, I think, was, "Well, no, not really."

President Albritton: [00:48:13] Senator Smith.

Senator Smith: [00:48:15] Thank you, Mr. President. I'm also not an attorney, President Gaetz. I just play one on the Florida Channel. My question for you is, do you believe that by passing a map that admittedly was drawn using partisan consideration in current violation of the Fair Districts Amendment to Florida's constitution, that that would be a violation of the oath that we all took to uphold and defend Florida's current constitution as it is currently written?

President Albritton: [00:49:01] Senator Gaetz.

Senator Gaetz: [00:49:02] Thank you, Mr. President. There's an assumption in your question, and the assumption is that it would be proven that the use of partisan data was a controlling factor in the drawing of those lines by the Governor's map drawer. I think that would have to be proven in court. And if it were proven in court, then obviously, it would be illegal, in my judgment, as a non-lawyer, based upon the law in Florida as it exists now. But that would have to be proven in court.

There is no proof that I've heard or seen in the presentation made in the Rules Committee yesterday or in any discussion or debate on the floor today that the lines that were drawn by the Governor's map drawer were drawn with a controlling interest in partisan gerrymandering.

President Albritton: [00:49:50] Senator Smith.

Senator Smith: [00:49:54] Thank you, Mr. President. Thank you for the clarification, President Gaetz. I want to ask you about this language, which is new language to me as it relates to Article 3, Section 20A of the Constitution, that somehow the Florida Constitution only bans considering partisan interests in map drawing if it's some sort of prevailing or predominant consideration. That's new information to me. I have the Constitution in front of me, and it says, "No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent."

I didn't read anywhere in there anything about a predominant motivation or interest. I just read you the black and white text. Doesn't the Constitution say we can't consider partisan interest at all?

President Albritton: [00:50:56] Senator Gaetz.

Senator Gaetz: [00:50:59] Thank you, Mr. President. No, I don't think that what you read said that we can't consider partisan interest at all. I think what you read said that that lines cannot be drawn "with the intent." And I think then and, again, you and I are not lawyers, Senator, but I would guess that that very sharp litigators would be determining and parsing through what the intent means. Does it mean that that is the controlling intent? Does it mean that is what occurred? Or does that mean it was one of fifteen different data points that was used?

This is beyond my competence, Senator. I'm not a lawyer, but my guess is that if this is a ripe issue, if the ones you're raising is a ripe issue, and I dare say it may be that that will be decided in court.

President Albritton: [00:51:45] Senator Smith.

Senator Smith: [00:51:48] Thank you, Mr. President. So, I appreciate the fact that you continue to say that a court needs to decide. We don't have a court order here. We just have black and white text of the Constitution that tells us what the law is. This chamber has repeatedly undergone intentional years-long efforts to engage in redistricting in a way that does not consider partisanship because

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we have respected the Constitution. Suddenly, this new notion that, well, maybe we just can consider it after all and let the court decide is something that's new to me.

Help me understand. Are we simply to ignore our constitutional oath just because we're persuaded by an argument today, even if we don't have a court order that tells us that we can ignore the Constitution?

President Albritton: [00:52:51] Senator Gaetz.

Senator Gaetz: [00:52:52] Thank you, Mr. President. No, with all respect, Senator, I don't believe that we are being asked to violate our oath, nor do I believe that we are in a different world with respect to the use of partisan data than the world in which we have lived for the last 15 or 20 years in redistricting. Partisan data has always been a part of or a subtext of redistricting that has occurred, either in terms of its use among the many data points that go into redistricting or the criticism that might be made afterwards having to do with the effect of redistricting.

But I do not believe we've entered into any kind of new troublesome era in which the maps that the Governor's Office has presented to us are drawn with any more partisan domination than any maps that we've seen in the past.

President Albritton: [00:53:54] Senator Smith.

Senator Smith: [00:53:55] Thank you, Mr. President. President Gaetz, I heard you this morning and yesterday when you described your role in this, which is, of course, as the chair of the Senate Ethics and Elections Committee, you were respectfully asked to file the bill, and you believe the Governor, I'm paraphrasing, of course, is constitutionally entitled to be able to present a map. And we're just doing him the courtesy of considering that map that he has given us.

My question for you is, while he has that authority, as you have described, what is the urgent need for the Florida Senate to adopt this map? Don't we also have the constitutional authority as an institution to consider this map and just reject it?

President Albritton: [00:54:45] Senator Gaetz.

Senator Gaetz: [00:54:47] Thank you, Mr. President. Yes.

President Albritton: [00:54:49] Senator Smith.

Senator Smith: [00:54:50] Thank you, Mr. President. What is the urgency behind adopting this congressional map in particular, especially in the context of a new court decision where we do not have an updated staff analysis that helps us fully understand all of the implications of the ruling? What is the urgency, Mr. President?

President Albritton: [00:55:15] Senator Gaetz.

Senator Gaetz: [00:55:16] Thank you, Mr. President. The Governor's legal counsel said in the Rules Committee yesterday, and I quote, "The Governor's stated reasons for redrawing the congressional plan now are twofold. 1.) It's to account for the greater population growth between 2020 and 2025 in the suburban and exurban communities throughout the state. And 2.) it is to ensure that the state has a race-neutral congressional plan.

President Albritton: [00:55:44] Senator Smith.

Senator Smith: [00:55:46] Thank you, Mr. President. Of course, it's not a secret that it is my strong belief that the actual intention for this redrawing is partisan favor for the majority party. But has the Governor called on the Florida legislature to redraw our state Senate maps and our state House maps since we have had a population change and all of the things that he asserted also apply to our legislative maps?

President Albritton: [00:56:16] Senator Gaetz.

Senator Gaetz: [00:56:16] Thank you very much, Mr. President. No. And the reason is because the Governor has a constitutional prerogative with respect to congressional maps, and the Governor has no constitutional prerogative with respect to state Senate or state House maps.

President Albritton: [00:56:33] Senator Smith.

Senator Smith: [00:56:34] Thank you, Mr. President. I want to make sure for the record, no one gets it twisted. I am not advocating for us to redraw our state Senate or state House maps. Just wanted to put that out

there. However, if the legislature believes in the Governor's argument that we must urgently redraw these congressional maps for the stated reasons that you just described, doesn't that rationale also apply to our legislative maps?

President Albritton: [00:57:02] Senator Gaetz.

Senator Gaetz: [00:57:03] Thank you, Mr. President. I have not been provided with a rationale, an argument, or a plan that would support such a contention.

President Albritton: [00:57:13] Senator Smith.

Senator Smith: [00:57:15] Thank you, Mr. President. On process, was the map drawn by the mapmakers that we heard from by hand, or did they use any sort of outside algorithms that you are aware, Mr. President?

President Albritton: [00:57:33] Senator Gaetz.

Senator Gaetz: [00:57:35] Thank you, Mr. President. Yesterday, the map drawer, Mr. Parada, was asked and answered on behalf of the Governor that he drew the map himself, that it was a map that was drawn in iterations, and that no one else drew the map. He drew every single line, although he consulted with legal counsel and other members of the executive office of the Governor.

President Albritton: [00:58:00] Senator Smith.

Senator Smith: [00:58:02] Thank you, Mr. President. Thank you, President Gaetz. I know that the mapmaker we heard from is very talented. He's very experienced. He knows very well what he's doing. Did he draft any alternate maps for us to consider? And if he didn't, why didn't he give us a menu of options to choose from?

President Albritton: [00:58:25] Senator Gaetz.

Senator Gaetz: [00:58:26] Thank you, Mr. President. The Governor's Office and the Governor's representatives did not present any map or any proposal other than the one that was transmitted to me, which I, in turn, had transmitted to the entire Senate, which is before you now.

President Albritton: [00:58:41] Senator Smith.

Senator Smith: [00:58:42] Thank you, Mr. President, and thank you, President Gaetz. I understand that you received the transmittal of the Governor's map and you've not been involved in the process. I fully understand that, and I think the timestamp was 11:15 a.m. yesterday morning. However, President Gaetz, do you have any personal knowledge of any other map that was drafted by the Governor's Office recently that was shared with members of the legislature?

President Albritton: [00:59:14] Senator Gaetz.

Senator Gaetz: [00:59:15] Thank you, Mr. President. I have had no contact with anyone in the Governor's Office about congressional redistricting. The only communication that has occurred has been the communication that occurred electronically, which I, in turn, shared through the President with all members of the Senate. I've had no other contact with anybody in the Governor's Office about any map drawing of any kind.

President Albritton: [00:59:38] Senator Smith.

Senator Smith: [00:59:39] Thank you, Mr. President. President Gaetz can you help us understand why this specific map, this version and no other version, was selected by the Governor's Office and transmitted to you at 11:15 a.m. on Monday?

President Albritton: [01:00:00] Senator Gaetz.

Senator Gaetz: [01:00:01] Thank you, Mr. President. All I can do is repeat what the Governor's representative said, and that is that they believed that the product that they provided on behalf of the Governor met the standards that were necessary for congressional redistricting and met the Governor's two objectives, and that was to take into account population surges and also to ensure that there would be no lines drawn with racial intent. Beyond that, I certainly can't comment on what else the Governor's Office may have done or thought about.

President Albritton: [01:00:36] Senator Smith.

Senator Smith: [01:00:38] Thank you, Mr. President. I know that very famously, the Governor first shared this map with Fox News before it was shared with the office of the Senate President and before it was

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shared with your office, President Gaetz, and the map that was shared with Fox News is not what was transmitted to us. It was a color-coded red and blue map to detail how red performing this map is.

Are you aware of any other map that maybe has been provided to the Senate or that has been provided to other media outlets that shows us where the incumbent members of Congress in Florida live in these districts and whether any of them were drawn out of their districts?

President Albritton: [01:01:28] Senator Gaetz.

Senator Gaetz: [01:01:28] Thank you, Mr. President. Let me repeat what I said before, Senator, and that is I have no knowledge of any map or any map drawing or any work in drawing maps other than what was transmitted to me, which I, in turn, through the President, had transmitted to all members of the Senate. And so, therefore, the answer to your question is no.

President Albritton: [01:01:49] Senator Smith.

Senator Smith: [01:01:52] Thank you, President Gaetz.

President Albritton: [01:01:54] Additional questions? Senator Polsky.

Senator Polsky: [01:01:56] Thank you, Mr. President. Just one more question on the severability so we can be totally clear. Are you aware that the non-severability argument has not been adopted by any court?

President Albritton: [01:02:12] Senator Gaetz.

Senator Gaetz: [01:02:14] Thank you, Mr. President. I am not aware of any court's action with respect to severability as to this matter.

President Albritton: [01:02:22] Senator Polsky.

Senator Polsky: [01:02:24] Thank you, Mr. President. You mentioned just before that the Governor said one of the reasons for making this map are population surges. What data are those population surges based on, and how were they used to create this map?

President Albritton: [01:02:40] Senator Gaetz.

Senator Gaetz: [01:02:41] Thank you, Mr. President. Senator, I can refer to Mr. Parada on behalf of the Governor and his comments at the Rules Committee yesterday, and I believe that his comments are responsive to your question. Mr. Parada has said that the Office of Economic Research and Demographic Research, through the use of the American Community Survey, which is a rolling sample provided by the US Census Bureau, where they sample one to three percent of the US population every year, was used by the map drawers in the creation of their map.

The Governor's representative went on to say that based upon that analysis, Florida gained approximately nine percent of our population over the last five years, a nine percent increase over five years, which translates to just over 1.8 million people on top of what we already had in 2020.

President Albritton: [01:03:40] Senator Polsky.

Senator Polsky: [01:03:41] Thank you. I've heard it said by various people that Florida was gypped in the last census, meaning that we should have had one more additional congressional seat. Obviously, this map does not do that. It changes the formation of the map within our 28 congressional seats. So, how does this population data rearrange the citizens so that they are more fairly distributed?

President Albritton: [01:04:10] Senator Gaetz.

Senator Gaetz: [01:04:13] Thank you, Mr. President. Senator Polsky, you're exactly right, and that is that the Governor's proposal does not provide for an additional congressional seat for the State of Florida. That's beyond the purview and jurisdiction of the Governor and the Legislature of the state of Florida. That's a determination based on the census, and the census showing in the division of 435 members of Congress how many members of Congress would be assigned to each state.

And there are those who believe that we should have had an additional member of Congress assigned to us based on the 2020 census. I'm not a demographer, and so, consequently, I don't have an opinion about that. Obviously, as a citizen, it would be nice if Florida had more representatives in Congress, but I believe that that has to be the function of the census, not a function of my opinion.

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President Albritton: [01:05:06] Senator Polsky.

Senator Polsky: [01:05:08] Thank you. But how does the data that you referred to before affect how these districts have been changed by this map? In other words, what does it have to do with dividing the City of Tampa into three sections? What does the data have to do with making a seat from Palm Beach County from the Atlantic Ocean to the Gulf of Mexico? How does that happen? Where is that data to prove that those districts are more correctly distributed?

President Albritton: [01:05:35] Senator Gaetz.

Senator Gaetz: [01:05:36] Thank you, Mr. President. The representatives of the Governor have indicated that the maps that they have presented to us are based on the 2020 census, and they also have used information from the Office of Economic and Demographic Research through the American Community Survey, which is a rolling sample by the US Census Bureau. And as provided to us by Mr. Parada at the Rules Committee yesterday, Mr. Parada said that changing populations are based on EDR's estimate.

We cannot assign them to census blocks or equalized population based on those estimates. But, and these are his words on behalf of the Governor, we can certainly know which counties are growing faster than others, which counties are growing faster than the state average or slower than the state average, and then account for those in the orientation of the district so that those populations can be accounted for.

President Albritton: [01:06:35] Senator Polsky.

Senator Polsky: [01:06:37] Thank you, Mr. President. So, the census that was initiated by Trump in 2020 and was monitored by this current Governor between 2020 and 2022 to create the map that he gave us in 2022 based on that census data, he believes now, five years later, six years later, is incorrect. Is that true?

President Albritton: [01:07:04] Senator Gaetz.

Senator Gaetz: [01:07:05] Thank you, Mr. President. With respect, Senator Polsky, I don't believe that President Trump initiated this 2020 census. I think the 2020 census was going to occur no matter who is President of the United States. And secondly, what the

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Governor's representatives have said is that since 2020, there has been a nine percent increase in the population of the state of Florida. That's 1.8 million more people, and that that constitutes with EDR's analysis of that research and which counties are growing, which counties are growing faster than other counties, that provides them the basis then for making the map determinations that they have made.

President Albritton: [01:07:45] Senator Polsky.

Senator Polsky: [01:07:46] Thank you, Mr. President. So, that additional 1.8 million people, well, first of all, we weren't supposed to use partisan data. But if we are, and he admitted to that, are they all Republican? Why is the map so red, especially the one that was sent to Fox News?

President Albritton: [01:08:07] Senator Gaetz.

Senator Gaetz: [01:08:09] Thank you, Mr. President. In my dreams, they would all be Republicans. But I don't believe that that is the case. The map that was sent to Fox was not sent by me. When we asked the Governor's representatives and the Rules Committee yesterday where that map came from that was sent to Fox, they said they didn't know. They said they didn't send it. And, therefore, I only know what they said with respect to what they said they didn't do. All I can tell you is that I had nothing to do with sending a map to Fox. Let me go, however, one step further.

It is not unprecedented that chief executives, when they are auditioning a new public policy, go to the public or go to the media before they go to the legislative body. This occurs with presidents of the United States, with Governors, with mayors. The chief executives will say, "This is what I'm thinking about doing." And they audition it through leaks to the media or through actual presentations to the media or actual tours around the state or tours around the country saying this is what I'm about to do.

And then, they submit the bill that happens. And I know that we would like as legislators to be the very first ones who are told what the Governor or the President or the mayor want to do. And we perhaps get our noses out of joints speaking only for myself if I'm not the first one to be told. The fact is that chief executives do that all the time. I have no idea how Fox News got that map. But

regardless of how they got that map, it is certainly within the Governor's prerogative to audition his public policy initiatives in any way he wants to and then come with a piece of legislation to the to the Florida legislature.

President Albritton: [01:09:54] Senator Polsky.

Senator Polsky: [01:09:56] Thank you. That actually wasn't my question. I just was pointing out how the map turned out. So, if population growth is neutral, as far as registration goes, why does this map that this Governor put out, our only map that we could consider, why does it favor Republicans so much and so out of sync with voter registration numbers, which should have given Democrats even potentially more seats than they currently have based on registration numbers?

President Albritton: [01:10:29] Senator Gaetz.

Senator Gaetz: [01:10:30] Thank you, Mr. President, Senator Polsky. And I say this most respectfully, I didn't draw the map. I didn't draw the map that was colored red. I didn't see that until it was on Fox News. And so, I have no idea why it was done that way, or what the intent was, if there was an intent. And so, therefore, I can't improve upon my answer to that question.

President Albritton: [01:10:53] Senator Polsky.

Senator Polsky: [01:10:53] Thank you, Mr. President. I'm not asking about the map that was sent to Fox News. I'm asking about the map that we are voting on before us. If it is supposed to be a change from the map that this Governor gave us in 2022 because of certain population growth, that's the justification, why is it so out of sync with our voter registration numbers?

President Albritton: [01:11:17] Senator Gaetz.

Senator Gaetz: [01:11:18] Thank you, Mr. President. I don't know that it is. The 1.8 million new people who moved to Florida in the last 5 years. I don't know what their voter registration is. I suspect that information could be obtained. I don't know the answer to that question. And so, therefore, I don't know why other than some sort of an analysis that you or anyone else might conclude that that gives Republicans an advantage or a disadvantage. I'm not sure

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that it does. I'm not sure that this map necessarily gives Republicans an advantage.

President Albritton: [01:11:54] Senator Polsky.

Senator Polsky: [01:11:56] Thank you, Mr. President. If you believe and the Governor's Office believes that this map does not violate the Fair Districts Amendment that was passed overwhelmingly by the voters, what would be an example of something that would violate the Fair Districts Amendment?

President Albritton: [01:12:13] Senator Gaetz.

Senator Gaetz: [01:12:15] Thank you, Mr. President. What I believe is probably inconsequential to this debate. What the Governor believes, and I'm quoting from the Governor's legal counsel in his remarks to the Rules Committee yesterday, "Because race-based provisions in Article 3, Section 20 are inconsistent with federal law, the next question becomes, what about the rest of Article 3, Section 20? The executive branch position on this is that the rest of Article 3, Section 20 cannot be saved. It is inseverable from the other provisions."

We've talked about severability. If you're asking me as a layman what violation of the Fair Districts or what action with respect to the Fair Districts Amendment could be considered a violation other than using race as a dominant reason for drawing lines, obviously, it would be creating districts that look like Rorschach blots on the map, which has occurred sometimes in the past in Florida and in other states. I believe the lack of compactness, if there was a lack of compactness, that would be a reason why the Fair Districts Amendment, assuming part of it could still be retained in law, and I believe it can be, might be violated.

And that's why I'm comforted by the Governor's map drawer indicating that in the compactness scoring, the compactness scoring for the maps presented by the Governor is the same in compactness as the underlying map that we have right now.

President Albritton: [01:13:51] Senator Polsky.

Senator Polsky: [01:13:52] Thank you, Mr. President. With respect to compactness, I'm thinking of a district that was drawn that goes

from Miami through Broward up to Palm Beach along the coast. That has not been the current state of that sort of district. Three very large counties, very dense, very urban, that would cause a particular congressperson to have much huger area to represent. So, you may say the compactness numbers are the same, but there are no districts like that now. There's no districts that go from the east coast to the west coast.

So how is that compact? How is that similar communities, how does that even make sense for a congressperson to represent their area fairly?

President Albritton: [01:14:37] Senator Gaetz.

Senator Gaetz: [01:14:38] Thank you, Mr. President. That's a question that should be presented to the Governor's map drawers because it is a technical question as to why they drew lines in a particular way and how the drawing of those lines figure into the calculus that the Governor's Office uses when they make the evidenced claim that the compactness overall of the map is the same as the compactness of the underlying map, the one that we have right now. But I can't answer the question with respect to a specific district because I didn't draw the lines.

President Albritton: [01:15:12] Additional questions. Senator Arrington in questions.

Senator Arrington: [01:15:14] Thank you, Mr. President. And good afternoon, President Gaetz. Just to follow up kind of on a question that Senator Polsky had just asked a few moments ago about the partisan information being used to draw the maps. So, approximately, and we had talked about what maybe that data is, approximately 41% of Florida's registered voters are Republicans. Yet the map that we are voting on today creates 24 out of the 28 districts to be Republican leaning. Do you believe that outcome is consistent with the Fair Districts Amendment?

President Albritton: [01:15:51] Senator Gaetz.

Senator Gaetz: [01:15:51] Thank you, Mr. President. With very clear and due respect to my friend and colleague, Senator Pizzo, I believe that a minority can be a majority. I think that if you have 41% of the population, who all are members of one political party, and then you have the rest of the population divided up among several

different political initiatives or political parties, that that minority can be a majority because it becomes the plurality, it becomes the dominant feature because not all of the other minority-minority parties or constituencies all vote the same way. If they did, then I think your question would be much more poignant.

But the answer to the question is I see no particular problem in 41% of the people of Florida being able to elect members of Congress, so long as they represent the majority of the individuals who show up at the polls and vote in those elections.

President Albritton: [01:17:02] Senator Arrington.

Senator Arrington: [01:17:03] Thank you, Mr. President. And thank you for that answer, President Gaetz. And I don't want to put words in your mouth, but in my understanding from what you've said previously, that it's your assumption that the legislature or the Governor can redraw maps at any point.

President Albritton: [01:17:18] Senator Gaetz.

Senator Gaetz: [01:17:20] Thank you, Mr. President. No, I would certainly not think so. I would think that in order for the Governor, or for any member of the legislature to propose a congressional redistricting, that there would have to be reasons why. There would have to be a rationale for why to do it. It could not be done flippantly or just any day of the week. I believe the Governor has provided what he considers to be an appropriate, and he said compelling rationale for why to do it now. And one is to deal with the disproportion of population surges in the state of Florida, and the resulting inequity in terms of one person, one vote.

And secondly, to ensure that no lines are drawn with a racial bias.

President Albritton: [01:18:00] Senator Arrington.

Senator Arrington: [01:18:03] Thank you, Mr. President. And President Gaetz, you mentioned earlier, I believe, four times you mentioned that we've done mid-decade redistricting. But I don't know if we've dialed in on the reasons for those other ones. Have any of those been because the Governor or the legislature has called for that?

President Albritton: [01:18:20] Senator Gaetz.

Senator Gaetz: [01:18:21] Thank you, Mr. President. No. And that's why, as I've described those four mid-decade redistrictings, I said they have been done for other reasons. And the reasons in the case of those four have been court actions. Similarly, or in the same context, you have seven states other than Florida that have already done mid-decade redistricting, and their mid-decade redistricting, say that quickly, have been done for various reasons. There have been various provocations in those states.

But in answer to your question, to my knowledge, there's been no gubernatorial initiative in the case of the four prior mid-decade redistrictings in the state of Florida.

President Albritton: [01:19:14] Senator Arrington.

Senator Arrington: [01:19:15] Thank you, Mr. President. That is a mouthful. I'm having a hard time even saying that myself. My last question for you, President Gaetz, we heard yesterday Governor's Office, executive staff were, were around or were present for the map drawing. We didn't get answers on who those folks were. Do you know or have you heard of any external consultants that were used for the map drawing and if so, who they were and how they were paid?

President Albritton: [01:19:40] Senator Gaetz.

Senator Gaetz: [01:19:41] Thank you, Mr. President. That question was asked yesterday of the representatives of the Governor. And Mr. Parada answered on behalf of the Governor, saying that there were no outside consultants used. And that the only individuals who he used, other than himself, were legal counsel in the office of the Governor, and certain members of the Governor's executive staff who he declined to name.

President Albritton: [01:20:07] Additional questions. Senator Tracie Davis in questions.

Senator Davis: [01:20:09] Thank you, Mr. President. Senator Gaetz, yesterday, I believe you talked about when you received the maps on Monday at 11:15. And thank you, by the way, because I think you mentioned that as soon as you got it, you forwarded on to the legislature and you got it out of your hands and into our hands. But just want to make sure for clarity purposes, the map that you

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received was not color coded. Or was the map color coded that you received?

President Albritton: [01:20:47] Senator Gaetz.

Senator Gaetz: [01:20:48] Thank you, Mr. President. The map that I received is the same map that you received. There were no other codes or colors other than the maps that I received, which were exactly the ones that I forwarded on to you.

President Albritton: [01:21:01] Additional questions. Senator Tracie Davis.

Senator Davis: [01:21:04] Thank you. And I have tried really hard to mark off the questions that you've already answered, but I may have missed some things. So, forgive me on that. Offer some grace. The email from Mr. Axelman to President Gaetz said the proposed redistricting plan is race neutral, complies with the US Constitution, allocates equal protection, and compact and contiguous. That statement specifically omitted compliance with the Florida Constitution. Is this an admission that the proposed plan violates the state Constitution?

President Albritton: [01:21:41] Senator Gaetz.

Senator Gaetz: [01:21:42] Thank you, Mr. President. No. Rather, the Governor's legal theory is that the Fair Districts Amendment violates the federal Constitution.

President Albritton: [01:21:53] Senator Tracie Davis.

Senator Davis: [01:21:54] Thank you. Thank you, Mr. President. Did you yourself or the staff analyze partisan performance metrics when drawing these lines?

President Albritton: [01:22:12] Senator Gaetz.

Senator Gaetz: [01:22:14] Thank you, Mr. President. Since I drew no lines, the answer to the question is no.

President Albritton: [01:22:19] Senator Tracie Davis.

Senator Davis: [01:22:21] Fair answer. Thank you, Mr. President. Did your staff analyze partisan performance metrics?

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President Albritton: [01:22:28] Senator Gaetz.

Senator Gaetz: [01:22:29] Thank you, Mr. President. No.

President Albritton: [01:22:30] Senator Tracie Davis.

Senator Davis: [01:22:38] Thank you, Mr. President. What specific safeguards did the mapmaker implement to avoid repeating violations of partisan intent thinking about the case in the League of Women Voters versus Detzer?

President Albritton: [01:22:56] Senator Gaetz.

Senator Gaetz: [01:22:57] Thank you, Mr. President. I apologize. I don't know. You would have to ask the mapmaker or the Governor's Office that question as to what safeguards they may have had in mind as they were drawing the maps.

President Albritton: [01:23:09] Senator Tracie Davis.

Senator Davis: [01:23:11] Thank you. Thank you, Mr. President. Do you know if there were any safeguards? Do you know that they considered any safeguards?

President Albritton: [01:23:19] Senator Gaetz.

Senator Gaetz: [01:23:20] Thank you, Mr. President. All I know is what the rest of us know. My entire knowledge of the mapmaking process, what was in the maps and why they were there, and the occasion for the maps was contained in the Governor's presentation before the Rules Committee yesterday.

President Albritton: [01:23:37] Senator Tracie Davis.

Senator Davis: [01:23:39] Thank you, Mr. President. As the sponsor of this bill, did you obtain a formal legal opinion affirming this map and affirming that it meets the Florida Supreme Court standards?

President Albritton: [01:23:50] Senator Gaetz.

Senator Gaetz: [01:23:51] Thank you, Mr. President. No, I have received no legal opinion other than the opinions that I have shared with you.

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President Albritton: [01:23:58] Senator Tracie Davis.

Senator Davis: [01:23:59] Thank you, Mr. President. How does this map preserve communities of interest, rather than fragmenting them from political outcomes?

President Albritton: [01:24:09] Senator Gaetz.

Senator Gaetz: [01:24:10] Thank you, Mr. President. The whole notion of communities of interest is an interesting topic. It is one that I was involved in debating years ago following the 2010 census, and I can tell you that we lost that argument. We had much advocacy in favor of communities of interest, particularly, I can think, for example, of the panhandle where I live, and we lost that argument because it was deemed more important that we follow the Fair Districts Amendment.

The Fair Districts Amendment, in this respect, was more concerned with compactness than it was concerned with communities of interest. Communities of interest, for example, in the panhandle may run along the coastline for 100 miles or more. And there was, at one point, a state Senate district that I represented that ran all the way from Pensacola to Panama City and beyond. All the way to the Gulf County line. But it was determined that districts like that, notwithstanding the fact that they were arguably communities of interest, could not be sustained under the Fair Districts Amendment, which required compactness.

President Albritton: [01:25:32] Senator Tracie Davis.

Senator Davis: [01:25:33] Thank you. Which leads me to my next line of questioning. You brought me right to it, which is compactness. So, just based on your last answer, you are aware that the Fair Districts Amendment requires congressional districts to be compact and to utilize existing political and geographical boundaries where feasible.

President Albritton: [01:25:53] Senator Gaetz.

Senator Gaetz: [01:25:56] Thank you, Mr. President. Yes. And the mapmakers on behalf of the Governor have indicated that they believe that they have done so and have provided a comparative analysis of their compactness, of the compactness of the districts drawn by the

Governor's Office compared to the compactness calculus under the existing maps that we operate now. And the testimony of the Governor's Office yesterday was that they were the same calculus of compactness.

President Albritton: [01:26:27] Senator Tracie Davis.

Senator Davis: [01:26:30] Thank you, Mr. President. I want to clarify what you just said by way of an answer. Have you reviewed any analysis comparing the compactness scores of 2026 plan districts to those of the existing 2022 plan?

President Albritton: [01:26:46] Senator Gaetz.

Senator Gaetz: [01:26:48] Thank you, Mr. President. I have not done any analysis of compactness. I simply am referring you to the testimony that was given by the Governor's Office yesterday.

President Albritton: [01:26:59] Senator Tracie Davis.

Senator Davis: [01:27:01] Thank you, Mr. President. So, with that, I can assume that you are not aware that the 2026 plan is less compact than the 2022 plan.

President Albritton: [01:27:10] Senator Gaetz.

Senator Gaetz: [01:27:11] Thank you, Mr. President. I do not assume that and could not conclude that. Based on the information provided by the Governor's Office and their comparison of the scores, the compactness scores as being consistent between the existing underlying plan and the plan that they have presented, that would suggest to me that the only evidence before us is the evidence that indicates that the compactness scores are the same or similar, not that they are different.

President Albritton: [01:27:39] Additional questions? Senator Bernard in questions.

Senator Bernard: [01:27:43] Thank you, Mr. President. Senator Gaetz, you had mentioned in the Governor's letter that he had decided to do this map based on the population increase of 1.8 million voters. Senator Gaetz, is this map based on the population increase or is it based on the 2020 census?

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President Albritton: [01:28:11] Senator Gaetz.

Senator Gaetz: [01:28:11] Thank you, Mr. President. My understanding, based on the testimony from the Governor's mapmaker and legal counsel, is that the underlying numbers that were used were the 2020 census. However, the United States Census Bureau does a running three-year analysis, which I referenced from testimony that was given by the Governor's mapmaker yesterday, that that data was used in connection with the Florida EDR analysis that showed which counties were growing faster, which ones were growing slower, and that that information was used by the Governor's mapmakers.

President Albritton: [01:28:50] Senator Bernard.

Senator Bernard: [01:28:52] Thank you, Mr. President. You know, I wasn't on the Rules Committee, so I couldn't ask any questions to the Governor's mapmaker. Do we have the data from the mapmaker in terms of what he used from the ACS survey or the EDR so that way we can look at what he compared it to do these maps?

President Albritton: [01:29:14] Senator Gaetz.

Senator Gaetz: [01:29:15] Thank you, Mr. President. All we have, all I have, is the testimony that was provided by the Governor's representatives in the Rules Committee yesterday and in the transmittals that I have received and supplied directly to you in their entirety.

President Albritton: [01:29:31] Additional questions? Senator Bernard.

Senator Bernard: [01:29:35] So, how would we get the data from the Governor's Office to know exactly how he added additional residents to these districts?

President Albritton: [01:29:45] Senator Gaetz.

Senator Gaetz: [01:29:46] Thank you, Mr. President. If you are asking, and I believe you are, a technical question about how the population estimates were used and how the information about additional population coming in the last five years were distributed, one would have to ask the Governor's Office that question. I realize that you were not on the Rules Committee, but all I can say is in cases like this, we as Senators are very helpful to one another, and we are often asked, if we serve on a committee and another

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Senator doesn't, we are often asked, "Please, when this matter comes up, would you ask this question and get the answer on the record?"

I apologize to you if that was a question that you wanted on the record. I would have asked it on your behalf.

President Albritton: [01:30:39] Senator Bernard.

Senator Bernard: [01:30:40] Last question, Mr. President. Do we know if he used the partisan data to add the ACS information or the EDR information with the map that he drew?

President Albritton: [01:30:59] Senator Gaetz.

Senator Gaetz: [01:31:01] Thank you, Mr. President. And I apologize, Senator Bernard, but all I know about what the Governor's Office and their mapmaker used in developing these maps was what was provided in the Rules Committee yesterday. And my understanding and recollection and written record of what the Governor's representative said was that, yes, they used political data, like all mapmaking or nearly all mapmaking for the last 20 years has done, but that it was not a dominant feature in what they used. It was simply one more data point among many. That was their testimony, and that is all the information I have.

President Albritton: [01:31:42] Additional questions? Senator Nathan. Welcome. You are recognized, sir.

Senator Nathan: [01:31:48] Thank you, Mr. President. Thank you, President Gaetz, for your time. Did any legislator draw a single line for any district in this map?

President Albritton: [01:31:56] Senator Gaetz.

Senator Gaetz: [01:31:58] Thank you, Mr. President. And welcome to the Senate, Senator Nathan. It's good to see you here, and we welcome your questions, and we welcome your debate and your involvement in this and all issues. The answer to your question, as far as I know, is no.

President Albritton: [01:32:11] Senator Nathan.

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Senator Nathan: [01:32:12] Thank you, Mr. President. Thank you, President Gaetz. Did any legislator come up with any of the ideas expressed in the plan we're about to vote on?

President Albritton: [01:32:19] Senator Gaetz.

Senator Gaetz: [01:32:20] Thank you, Mr. President. To the best of my knowledge, no. I certainly didn't.

President Albritton: [01:32:24] Senator Nathan.

Senator Nathan: [01:32:26] Thank you, Mr. President. Is it correct that the Governor's Office is the sole map drawer for this map?

President Albritton: [01:32:31] Senator Gaetz.

Senator Gaetz: [01:32:32] Thank you, Mr. President. The Governor's Office presented the map, and the Governor's Office representative, Mr. Parada, indicated that he drew the map and that he alone drew the map, although he consulted with legal counsel and members of the executive staff of the Governor's Office. And as I explained previously, the Governor has a constitutional role in congressional redistricting, and so it is entirely within the Governor's prerogative to draw a map and present it to the legislature for us to consider.

President Albritton: [01:33:01] Senator Nathan.

Senator Nathan: [01:33:02] Thank you, Mr. President. Thank you, President Gaetz. So, am I correct to understand that the Governor's Office made every policy decision in this plan?

President Albritton: [01:33:10] Senator Gaetz.

Senator Gaetz: [01:33:11] Thank you, Mr. President. All I can tell you is that the Governor's Office is the only source of information about this map and about the Governor's accompanying documents with the map, as far as I know. I have no idea beyond that, other than what we received in the Rules Committee and what we received in electronic transmittals, which I in turn forwarded to you.

President Albritton: [01:33:34] Senator Nathan.

Senator Nathan: [01:33:35] Thank you, Mr. President. So, the Governor's Office

made every choice in how Floridians are to be represented if these maps become law?

President Albritton: [01:33:43] Senator Gaetz.

Senator Gaetz: [01:33:44] Thank you, Mr. President. Whoever draws maps is making choices. And in this case, the Governor's Office drew maps and are presenting them to the Senate. We have a process here that would have allowed any member of the Florida Senate to offer amendments. If you believe that there was something wrong with any of the maps, you believe that it should have been done in a different way or the choices were made wrong, you could have offered an amendment. No amendments were offered.

President Albritton: [01:34:13] Senator Nathan.

Senator Nathan: [01:34:15] So, how many individuals in the Governor's Office were making these decisions about representation? And how many of these people were elected by the residents of Florida?

President Albritton: [01:34:25] Senator Gaetz.

Senator Gaetz: [01:34:26] Thank you, Mr. President. I don't know.

President Albritton: [01:34:29] Senator Nathan.

Senator Nathan: [01:34:30] So, to be clear, the legislature is totally deferring to the Governor's Office for congressional representation. Is that correct?

President Albritton: [01:34:38] Senator Gaetz.

Senator Gaetz: [01:34:39] Thank you, Mr. President. Absolutely not. The Governor proposes, the legislature disposes. The Governor has done his part. He has used his prerogative as Governor to propose a map, and he has provided his rationale for that map. It is now in our hands. And we have the authority to accept it, to reject it, or to amend it. It is not the Governor's prerogative as to what the maps will be. It is ours now because the Governor's proposal is in our hands to dispose of by majority vote of this chamber.

President Albritton: [01:35:13] Additional questions? Senator Nathan.

Senator Nathan: [01:35:14] Last question. Thank you, Mr. President. So, this is the

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Governor's plan, and we are being asked to follow along. Is that correct?

President Albritton: [01:35:23] Senator Gaetz.

Senator Gaetz: [01:35:25] Thank you, Mr. President. This is the Governor's proposal. The Governor makes proposals about many things. Many general bills are proposed by the Governor, and we approve them, we vote them down, we amend them, we lay them aside, we take various actions through the legislative session. This is one more general bill that is proposed by the Governor, and we can dispose of it at the will of the Senate and House of Representatives.

President Albritton: [01:35:53] Additional questions? Senator Davis.

Senator Davis: [01:36:03] Thank you, Mr. President. Senator, we talked about the compactness. You talked about that a little bit, and I'm just going to say this. Do you feel like you're at a disadvantage having to defend this map?

President Albritton: [01:36:22] Senator Gaetz.

Senator Gaetz: [01:36:24] Thank you, Mr. President. I'm not defending this map. I'm transmitting this map and explaining the Governor's proposal as it was laid out to us in transmittals and also at the Rules Committee.

President Albritton: [01:36:35] Senator Davis.

Senator Davis: [01:36:36] Thank you, Mr. President. So, you're not defending, you're dealing with the transmittal. You talked over and over again about compactness, how this is equal to what was presented in the current map, and we all know, if you've paid any attention to this, that this map and the compactness scores that are used during redistricting, the REOC score, the Polsby-Popper score, and it's one other that I can't think of right now. This map that the Governor has presented to us have lower scores.

The gentleman, Robert Popper, which I talked about in committee, actually testified on behalf of the Governor's Office at one time to talk about his criteria and compactness scores. His scores, this map that we're looking at, those three criteria that I just talked about, the REOC score, the Polsby-Popper score, is lower. So, how do

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you keep saying that what we've been presented from the Governor's Office is about the same?

President Albritton: [01:37:53] Senator Gaetz.

Senator Gaetz: [01:37:54] Thank you, Mr. President. I refer you to Mr. Parada's remarks before the Rules Committee in which he said, "The smallest circle that can fit around a district." The average score for the 28 districts in this map is 0.46, which is consistent with the benchmark map. It is the same with the Polsby-Popper score and the REOC score. That is the testimony of the Governor's Office.

President Albritton: [01:38:23] Senator Davis.

Senator Davis: [01:38:25] Thank you, Mr. President. And what we've identified is, and you said 0.46, actually, by the way of the 2026, and that's why I questioned Mr. Parada, because in 2022, the REOC score was 0.47, and the Polsby-Popper score was 0.43. In the 2026 map, the REOC score is 0.46 as you stated, but the Polsby-Popper score is 0.41. Again, it feels like you're at a disadvantage with this transmittal and trying to explain how we are here dealing with a map that has lower compactness scores than what we already have currently. And how is that good for Floridians?

President Albritton: [01:39:18] Senator Gaetz.

Senator Gaetz: [01:39:18] Thank you, Mr. President. I apologize if I appear to be at a disadvantage. All I've ever wanted in my life is a fair advantage. But I will tell you this. I do not make the claim that we have lower compactness scores presented to us by the Governor in his map than exists now. All I am doing is reporting to you and repeating what the Governor's representative said, who indicated that the average score for the 28 districts in the Governor's map is 0.46, which is consistent with the benchmark map. Now, if you are drawing distinctions between 0.46 and 0.47, you've gone down a rabbit hole that is beyond my competence.

President Albritton: [01:40:05] Additional questions? Senator Davis.

Senator Davis: [01:40:09] Thank you, Mr. President. I'm not going to ask you those questions anymore about compactness because I don't want to do that to you. We talked about St. John's County yesterday. And in your opinion, Senator Gaetz, in your opinion, not from

what was said, in your opinion, we heard that we are dealing with this new proposed map for race neutrality and population basis. The Governor has said over and over, and my colleagues have stated it, that we're at 1.8 million of a population growth and we need to address that.

So, again, dealing with that premise that we're dealing with race neutrality and population, population being the first, foremost of the important one, St. John's County is the fastest growing county in the state. But we didn't do anything, and yesterday I correct myself, I said CD6 and CD7, it's actually Congressional District 5 and Congressional District 6. If we are actually addressing population in this map, why do we not go from, and I tried to get the mapmaker to talk about this, why do we not take his initial start district and go all the way up from the south to the north because the northeast Florida is not touched at all?

President Albritton: [01:41:42] Senator Gaetz.

Senator Gaetz: [01:41:43] Thank you, Mr. President. You are now asking questions about the technique of map drawing, and if one is trying to draw a map that is consistent with an increase in population, where should you start? Should you start at the top of the state, at the bottom of the state, or in the middle of the state? And I believe that Mr. Parada provided his best analysis or his only answer to that question in committee. I have no way to improve upon his answer. I'm not a map drawer.

I didn't draw any of the lines on this map, so I don't know whether it would have made sense to start with one of the counties in the state that is the fastest growing that happens to be in my neck of the woods in northwest Florida, or to start with St. John's County, or to start anywhere else. The question is, how did it end up? And the answer that the Governor's Office has provided is that we end up with a map that is compact as compared to the map that is the underlying and existing map that we have now, and a map that does not use racial bias in the drawing of any lines.

And that is the Governor's testimony.

President Albritton: [01:42:49] Senator Davis.

Senator Davis: [01:42:52] Thank you, Mr. President, and I promise I don't have

President Albritton, Secretary, Dr. Doug Stauffer, Senator Gaetz, Senator Rouson, Senator, Sharief, Senator Smith, Senator Jones, Senator Berman, Senator Polsky, Senator Arrington, Senator Davis, Senator Bernard, Senator Nathan, Senator Pizzo, Chair Passidomo, Senator Osgood

too much more. I beg to differ, Senator Gaetz, and I beg to differ in the stance that what I said yesterday, I stand by it, and I made the comment yesterday that the publisher of the map, in my opinion, was not the person that completed that map. It is not the person's work that was standing in front of us because the map that was presented to us was not drawn in a traditional redistricting way. And I say that to say it is less compact.

President Albritton: [01:43:37] Senator Davis, is there a question and not debate?

Senator Davis: [01:43:39] It is. It is. It is less compact, it splits more counties, and it deviates from existing boundaries more frequently used as case law has directed us to do when we're drawing maps. So, I said all that to paint the picture to ask Senator Gaetz, how do Floridians trust the fact that we are now about to vote on a map that's even more Republican-leaning than the current map, but it also doesn't address the things that I just laid out with traditional redistricting criteria?

President Albritton: [01:44:19] Senator Gaetz.

Senator Gaetz: [01:44:20] Thank you, Mr. President. The map drawer testified yesterday, Mr. Parada testified on behalf of the Governor that he was the only drawer of the map, that he drew the map, he drew every line in the map, although he consulted with and was advised by legal counsel in the office of the Governor and other members of the Governor's executive staff. He answered that question, I think, several times in the same way. The thrust of your question appears to be, how could the people of Florida trust a map that is more Republican?

That's an interesting question. I think as you look at registration and the growth of registration in various political parties in the state, Republican registration has grown over the years. Florida has become more of a red state and less of a purple state. I think it was defined by Governor Bush as a purple state during his time, and now it appears more as a red state because of registration. But I believe it is presumptuous, very presumptuous, not of you, ma'am, not of you, Senator, but it's presumptuous of those who say that this is a Republican map.

It may be a Democratic map. I believe that the voters of Florida listen to what Senator Pizzo said in the rules yesterday. It is really

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up to the voters of Florida to decide, not only whether this map is correct, but on the public policies that underlie this map and provoke and inspire this map. And it's the voters who will decide. And I am not persuaded, as a Republican, as a lifelong Republican, as a partisan Republican, I am not persuaded that this map is necessarily beneficial to the Republican Party.

President Albritton: [01:46:12] Additional questions? Seeing none, President Gaetz, there is a House companion bill here. Please explain the differences if you plan to substitute.

Senator Gaetz: [01:46:21] Mr. President, it is identical.

President Albritton: [01:46:26] There we go, a little identical. Senator of the First District, Senator Gaetz moves to HB 1D, be withdrawn from committee, read the first and second time by title, and substituted for SB 8D. Is there objection? Seeing none, show the motion adopted, read the House bill the first and second time by title.

Secretary: [01:46:40] House Bill 1D, a bill to be entitled an act establishing the congressional districts of the state. House Bill 1D, a bill to be entitled an act establishing the congressional districts of the state.

President Albritton: [01:46:50] Are there amendments?

Secretary: [01:46:51] None on the desk, Mr. President.

President Albritton: [01:46:53] Other questions? The Senator of the First District, Senator Gaetz, moves the bill be read a third time. All those in favor of the motion signify by saying yea.

Group: [01:47:00] Yea.

President Albritton: [01:47:01] All those opposed? Show the motion adopted. Please read the bill a third time.

Secretary: [01:47:04] House Bill 1D, a bill to be entitled an act establishing the congressional districts of the state.

President Albritton: [01:47:10] To kick us off in debate, is that Senator Rouson? No, not yet. Oh, Senator Rouson, in debate. You are recognized, sir.

Senator Rouson: [01:47:25] Thank you very much, Mr. President. We are here for

two reasons, neither of which have been declared political. The first reason is because there is an increase in population. There have been changes or surges in population that need to be addressed with representation. And the second reason why we are here is to make sure that the districts are all race neutral. And that is what is proposed in this map.

I have a lot of concern about this map procedurally, substantively, and in terms of its impact on the people of the state of Florida, particularly the way the lines split and crack some of the communities I represent in Tampa Bay and how St. Petersburg gets tied to Hardy County. Procedurally, we have not undertaken the full due diligence of analyzing these maps to understand their impact. And I served on redistricting in 2011 and 2012 when we had 26 hearings around this state.

And some of you in this chamber right now accompanied me to these various locations so that we could do something novel, and that is get input, appreciate different versions of maps, and get input from the public. That has not taken place in this instance, I would argue. What we have instead is a map that, according to what we were told in committee, was worked on for two weeks and finished over the weekend and delivered to us twenty-four hours before we vote on it in committee.

Does that mean that this proposed map got a full vetting? And even if 90 people from the public signed up to speak and some waived their right, is that sufficient from the public to give adequate input that we should be considering? I have lived in and served Tampa Bay for decades, and I know these communities well. For example, East Tampa, a community that has faced decades of economic hardship, a community whose residents have fought long and hard simply to have their voices heard, is being cracked apart, despite being situated currently in a relatively compact and cohesive district.

These voters are being split from their neighbors and scattered into a district that stretches far away from them. Why is there such a sudden impetus to draw voters from Ybor City into the same district as Inverness and Citrus County? We were told repeatedly yesterday in committee that these districts were drawn in a race-neutral way. Is it race-neutral to split up communities made up largely of minority voters in ways that geographically make no

sense otherwise? Are we to understand that these race-neutral maps coincidentally split up predominantly Black voters in a way that just happens to be politically advantageous to one partisan group?

In fact, we were told yesterday in committee that the map we currently have is not unconstitutional. If that is the case, then why are we even here, except for political reasons? And look at St. Petersburg, my home city. It is stretched into a district that runs all the way out toward Polk County, then down towards DeSoto County. And we know this isn't necessarily due to any geographical quirk because for several years, as recently as 2020, we did have a district that was entirely in Pinellas County, Congressional District 13.

It was clean, compact, and uncontroversial, the easiest district in the world to draw, and it was electorally competitive. But now, the poorest neighborhoods in St. Pete that have already struggled to be heard will find themselves in a district contorted in such an unnatural way that they seem more like an addendum or an afterthought than full participants in the democratic process. Are those people, these constituents, really just numbers, just dots on a map, data points to be processed and manipulated?

That's not democracy. This is exactly why voters in 2010 passed the Fair Districts Amendments overwhelmingly. The voters had their say and their message was unambiguous. The map before us today is precisely what those amendments were designed to prevent. When we all took an oath to uphold the Constitution of the state of Florida, there was no fine print that said, except for parts we don't like. I don't think that's what the people of Florida elected us to do.

Why aren't we here debating issues that directly impact the lives of Floridians, issues like the cost of living or healthcare access or educational quality? That's where our focus should be. Colleagues, I urge you to join me in voting down, voting no. Again, I repeat, we're not here merely to address an imbalance in population or to decide race conscious or race neutral districts, but somehow we go from 20 to an increase of 24 Republican seats and the elimination of 4 Democratic seats. That's politically motivated. Thank you, Mr. President.

President Albritton: [01:55:19] Additional debate. Senator Bernard.

Senator Bernard: [01:55:27] Thank you, Mr. President. I rise in opposition to this map. This proposal to redraw Florida's congressional map is, in my view, an illegal and partisan gerrymanderer that violates both the United States Constitution and the Florida Constitution. This map is built on assumptions rather than facts. It assumes that the Fair Districts Amendment will be struck down by the US Supreme Court. It assumes population changes beyond the 2020 census. Redistricting should be grounded in verified data, not speculation, especially given the significant costs involved, including legal fees, administrative burdens, and the inevitability of litigation.

And make no mistake, litigation is exactly where this is headed. Recent legal reasoning makes clear that Section 2 of the Voting Rights Act must be understood as an enforcement mechanism of the 15th Amendment's prohibition on intentional racial discrimination. Properly interpreted, Section 2 is constitutionally sound when it is congruent with that prohibition. While it does not require direct proof of intent, it imposes liability when the circumstances create a strong inference that intentional discrimination has occurred.

For example, in the Calais case, which was 92 pages long and we received a 1-page response by the Governor's Office, the Supreme Court stated, "If a state's redistricting process produces multiple maps that include majority-minority districts, and the state cannot provide a legitimate reason for rejecting all of them, that raises a strong inference of racial motivation. In those circumstances, liability may attach without requiring courts to engage in a difficult task of determining the subjective intent of a legislative body."

At the same time, the Supreme Court noted, "We know that the race-based decision making in redistricting triggers strict scrutiny under the Constitution." The United States Supreme Court has recognized only two compelling interests sufficient to satisfy that standard, avoiding imminent risks to human safety in prisons and remedying specific identified instances of past discrimination. The court has now held that compliance with Section 2 of the Voting Rights Act, when properly interpreted, may also qualify as a compelling interest, but that requires a careful and faithful reading of the statute grounded in evidence, not conjecture.

This proposal does not meet that standard. Equally troubling is a process by which this map has been brought forward. Now, in 2010, I served in the Florida House, and I was on the redistricting committee in 2011 that went to 26 different public meetings across the whole state. Now, Senator Rouson went to some of the meetings. I went to every redistricting committee all across the state, from Pensacola to the Keys. We listened to communities in Jacksonville, the Villages, Lakeland, Wesley Chapel, Wauchula, Boca Raton at FAU, Miami, Key West, Tampa, Sarasota, and Naples, and other places throughout the state.

And at that time, the chair of the Senate redistricting committee stated, "Redistricting is a historic event that occurs only once every 10 years, and it is our goal to engage every Floridian in this fundamental exercise of political rights." And the chair went on to state that, "The purpose of those meetings was to listen, to truly understand the unique characteristics of communities across Florida." And as we're sitting here today, standing here today, the chair was our President, Senator Gaetz. I think it is fair to state that the current process does not meet that standard.

This map that is before us was provided to our Senate members 24 hours before being heard in a committee. Our constituents in the state of Florida have barely had 48 hours to review this map before we're passing it today. That is not meaningful public engagement. That is not transparency, and that is not how we should conduct an exercise as fundamental as redistricting. Furthermore, this map raises serious concern under the Fair Districts Amendment. Many would argue that it reflects an effort to predetermine electoral outcomes, allowing politicians to choose their voters rather than the voters choosing their representatives.

That is not how a representative democracy is meant to function. Finally, we are being asked to set aside funds to defend this map in court at a time when Floridians are struggling with real everyday challenges. The rising cost of living, fuel prices, grocery bills, property insurance, and access to healthcare remain pressing concerns for families across our state. Those are the issues that deserve our focus, and I would simply say to my colleagues, if we're fully addressing those concerns, there would be far less incentive to redraw maps in search of a political advantage. Thank you, Mr. President.

President Albritton, Secretary, Dr. Doug Stauffer, Senator Gaetz, Senator Rouson, Senator, Sharief, Senator Smith, Senator Jones, Senator Berman, Senator Polsky, Senator Arrington, Senator Davis, Senator Bernard, Senator Nathan, Senator Pizzo, Chair Passidomo, Senator Osgood

President Albritton: [02:03:29] Thank you, Senator Bernard. Additional debate? Senator Nathan in debate.

Senator Nathan: [02:03:34] Thank you, Mr. President. Mr. President, I'd like to talk about duty and obligation. Now, 24 hours ago, I stood right there, and I took an oath to support, protect, and defend the Constitution of the state of Florida and the Constitution of the United States of America. This is the same oath that each one of us took when we assumed our office. And that phrase, to support, protect, and defend, that phrase exists in the oath of enlistment I took when I joined the United States Navy. And now, with this map, you are asking me to violate that oath.

There is nothing supporting, protecting, or defending about our Constitution in this map. So, Mr. President, I rise to reject this abrogation of our duty to defend the Constitution, this abandonment of the obligation we all took. My colleagues from the legal profession have done and will continue to do an admirable job explaining exactly why to everyone in this chamber and at home, exactly why Florida does not need to engage in mid-district, mid-decade redistricting. We've heard about compactness tests, the REOC ratio, Convex Whole, Polsby-Popper scores, and these statistical measures of strangeness, and that is what they are.

They're attempting to hide a simple truth, that this map is illegal, it is unconstitutional, and all the statistical trickery in the world cannot hide that. No one is asking for illegal partisan gerrymandering. My constituents aren't banging on the door to my office, they're not calling my office, asking for congressional lines to be redrawn. My constituents elected me by 405 votes because they believe there's more to life than just surviving. So, what are we here to address today? We're here because of two people. The President asked explicitly for more Republican districts, and the Governor is only too happy to oblige.

So, because none of this, what we are undertaking today, solves the real problems that my colleagues have mentioned, both Senator Rouson and Senator Bernard. It doesn't address housing, it doesn't address education, it doesn't address the insurance crisis, and it certainly does not tackle property taxes. And those are the issues we should be focused on because those are the issues I'm hearing about every single day. So, I want to take a quick look at Tampa. It's where I'm from, it's in my district. It has been sliced and diced

to serve the Governor to deliver this map.

It's one of the largest and fastest growing metro areas in the state. It is now covered by no less than three districts, 12, 14, and 15 under this map. And those districts cover four counties, Hillsborough, Pasco, Hernando, and Citrus. MacDill Air Force Base in Tampa is now shoved in with Plant City on the opposite side of the county. Ybor City, a 10-minute drive from downtown Tampa, in that district that is now in Plant City, is somehow connected to Crystal River, three counties away.

Five minutes from my house, West Chase, now will share a representative with Hudson, over an hour away. Communities in my district and around the state deserve true, fair representation, and instead, all we are witnessing is the silencing of voices. This is patently undemocratic. It's illegal. My constituents, my neighbors, hell, my own family, we're tired of being divided into red and blue. Mr. President, this comes down to one question. Are we going to honor the oath we took, or are we going to ignore it when it becomes inconvenient? I got here because I know who I work for. It's the people I represent.

I'm here to serve them, to lower the cost of living, to address fair wages, and to move our state in a better direction, and this map does none of that. So, I ask all my colleagues to please vote this down. Thank you.

President Albritton: [02:07:59] Additional debate. Senator Tracie Davis in debate.

Senator Nathan: [02:08:03] Thank you, Mr. President. I know we are in a Senate and we don't clap, but if I could clap, I'd give my colleague a round of applause. I just want to start by saying the Calais decision did not invalidate the Voting Rights Act, full stop. It did not. So, the Governor's theory that the map has to be race neutral is wrong. Now, let's level set and take a step back. We have all seen the national conversation. We've heard the pressure from Washington to gain midterm seats.

Many of us have seen the clip of the president from some months ago when asked by a reporter how many more seats Republicans should draw, and the president very clearly said five. He wants five more seats. So, let's not pretend that this is happening in a vacuum. Let's not pretend that this is a real process. This is about

acquiescing. This is about power. This is about relinquishing our power and giving it to the President. And we should all feel some kind of way that before it was presented to the legislature, it was presented on Fox News.

It was rolled out on national media, color coded in red and blue as if the outcome was already decided, as if our process did not matter, as if this body and the work we are supposed to do did not matter. Colleagues, we are relinquishing our agency. We are giving up our independence as an equal branch of government. We are allowing ourselves to become an extension of other branches of government instead of a check on it. Newsflash, we don't work at the pleasure of the Governor.

Newsflash again, we don't work at the pleasure of the President. We were elected to represent the people of Florida. So, let's talk about the process. There was a time when redistricting meant real public engagement. You heard it from Senator Rouson. You heard it from Senator Bernard. Statewide listening tours, communities showing up, people having a voice before the lines were drawn. But yesterday, we heard that one individual drew these maps in just two weeks.

Two weeks, one person determining the political future of millions without any public input. That should concern every member of this body. And to add insult to injury, the mapmaker, Jason Parada, stated clearly that partisan data was used. Partisan data. And at the same time, we are told this map is race neutral. So, let me understand this. We are neutral when it comes to race, but intentional when it comes to party. We are color blind, but politically calculated. We call ourselves fair in talking points, but biased in action.

That is exactly the kind of partisanship the Fair Districts Amendment were designed to prohibit. And those amendments are clear. The Constitution prohibits drawing maps with the intent to favor or disfavor a political party. So, let's call this what it is. This is gerrymandering, illegal mapmaking designed to favor one party over another, full stop. That's what this is. This map doesn't just tilt the scales. It shatters them. Moreover, we are here answering a question that no one asked us to answer while ignoring the questions people are actually asking because I don't know what calls you are receiving in your offices, but I can tell you what

people are calling me about.

They are calling me about affordability. They are calling me about rising rent. They are calling me about insurance they cannot afford. They are calling me about how hard it is to stay in the great state of Florida. They are calling me to fix education. Yesterday, we learned that Florida ranks 50th in the nation in teacher pay, 50th. We're at the bottom. And our students are near the bottom at SAT performance. These are the questions people are asking. These are the problems they expect us to solve. This is what we should be having a special session on.

But instead, we are here. And let me tell you what this is about. This is about fear. Not just any fear. Panic. The kind of panic that comes from 1600 Pennsylvania Avenue when the ground is shifting beneath you and you can't win in a fair fight. Fear of losing power. Fear of losing control. Fear so deep it changes the rules, bends the Constitution, and has the nerve to call it strategy because when you can't persuade the people, when you can't inspire the voters, when you can't defend your record, when you can't ignore the Epstein files, you change the map.

So, the plan becomes simple. If you can't win with the people, you cheat the people. And the impact of this is not abstract. It is targeted. Communities like the Puerto Rican communities in Central Florida where I live, communities that are stronger together are being split apart in five different districts. Black and Brown voices that have fought to be heard are now being weakened. That is not coincidence. That is design. So, to the people back home, let me speak directly to you. Senator Gaetz said one thing that I agree with. He said it's now up to the voters.

And he's right. Voters, you need to vote like your life depends on it because it does. I know it can feel like this is a fixed fight. I know it can feel like the outcome has already been decided. But the real question is, voters, what are you going to do about it? We cannot sit this one out. We have to stand up. We cannot stay home. We have to show up. And you have to vote. Floridians must reclaim our voice. And to my colleagues here in the chamber, you can redraw the lines on a map, but you cannot redraw the will of the people. Vote down this bill.

President Albritton: [02:15:01] Additional debate. Senator Smith.

Senator Smith: [02:15:06] Senators, I am not going to surprise you today by rising in strong opposition to this bill. My opinion has been made on this floor, in the halls of this building, on social media, on television, everywhere I can find to put the message out there because me and my colleagues feel very strongly that what is happening here today is illegal. And what we are being asked to do is not just pass some routine bill. It is not consistent with the oath that each and every single one of us members of the Florida Senate took to uphold and defend the Constitution of the state of Florida.

Let's be clear about what happened with these maps. This map was drafted in secret, outside of the sunshine, outside of the legislature, on purpose, so that lawmakers would not be deposed. I hate to break it to you, we're getting deposed. Drafted in secret, and they gave it to us 24 hours before the Senate voted on this bill in rules yesterday, 24 hours. How many of y'all got phone calls from reporters seconds after it was posted? "I need to hear your opinion, Senator. What do you think about this map?" None of us knew because we hadn't seen it. We hadn't had a chance to review it.

We still haven't had a chance to review it, folks. I can't tell you I'm an expert about this map because I just saw it five minutes ago and so did you. That alone should raise alarm bells for anyone who believes in transparency and the democratic process. But the real problem with this map runs much deeper. This is a map that is designed and intended to rig outcomes and to benefit one political party, the Republican Party. Donald Trump's Republican Party, in direct violation of Florida's Constitution. How do I know this? I have two eyes, I have two ears, and I have a brain.

We saw shifting justifications for why this map needed to move forward. I kind of lost count of how many excuses we were given for why we absolutely had to do a mid-decade redistricting process. First, it was a census undercount. All of you know that this doesn't address anything about an alleged census undercount. We're not getting an extra seat in Congress. That is a completely spurious point that the Governor's memo opens with. I don't know what the point of that statement was. We're not getting an extra congressional seat. This doesn't change that.

The other justification was, "Oh, well, there's a SCOTUS case that's going to be coming, and we have to get ahead of it because we're going to predict what the Supreme Court is going to say."

Then, the Supreme Court case never came. Then it came literally an hour ago in the middle of our discussion that we were trying to barrel through with this map regardless of what the ruling said. Then we were told, “Oh, no, no, no, this is actually about malapportionment, and so that’s the reason why we’ve got to do it.” I’ve got to give them credit.

The Governor and his team have been somewhat disciplined in making sure that they never said the quiet part out loud that the real reason this was happening is because, yes, Florida’s trying to rig these maps to keep Trump’s Republican Party in power. He was really careful never to say that out loud because he knows that that’s blatantly illegal. Of course, until yesterday, he sent his team to our committee to just openly tell us, Senators, we don’t have to comply. We don’t have to comply. That was stated over and over again. We don’t have to comply. We don’t have to comply.

We don’t have to comply. We don’t have to comply. What were they saying we didn’t have to comply with? The Constitution. That’s what they were telling us we didn’t have to comply with, which, by the way, they did this as a strategy on purpose to numb the public, to take the shock value out of what they were doing, to take the shock value out of the obvious criminality that is intertwined in this illegal map, the in-your-face lawlessness. It might seem less egregious if it is openly admitted in the Senate Rules Committee.

Senators, Article 3, Section 20A is not optional as it relates to complying. It explicitly prohibits partisan gerrymandering. And 63% of Florida voters approved this standard. It doesn’t matter if we agreed with it or not. They approved it. They didn’t make any exceptions. They didn’t give us any wiggle room. None. Zero. They didn’t ask us to, “Hey, can you reassess the Constitution? Can you reinterpret that?” What do you think might happen if a future court says maybe that’s not such a good idea? That’s not what they asked us to do. They didn’t ask us to ignore it. They told us clearly that drawing maps to benefit one party over another is illegal.

Have I mentioned this is illegal? Maybe I should mention it again. This is illegal, and that’s exactly what is in front of us today. Sad to say, this is also not a legitimate process. It is not. And 56% of voters recently, just in case any of y’all are wondering, well,

maybe the voters have changed their minds. Maybe they saw what California did, and maybe they saw what Virginia did, and now they're incensed, and they're like, "Oh, we have to respond. We have to respond to what the Democrat states are doing." Senators, 56% of Floridians recently polled said that they oppose mid-decade redistricting all together.

They don't care what happened in California. They don't care what happened in Virginia. They want us focused on real issues. They want us working on tackling rising property insurance. They want us to deal with skyrocketing utility bills, the cost of living that is squeezing families across the state, but instead we're here, we're debating in a rushed, legally questionable at best manner that divides our communities for political gain. And I do want to talk about those communities, namely the one I represent in Central Florida. We've heard repeatedly that this map is race neutral.

I call BS. I mean, I call much more, but this is the Florida Senate. That claim that this map is race neutral does not hold up to even the most basic scrutiny. In Central Florida, when you look at that map that I asked President Gaetz about, it goes out of its way to slice and dice the Puerto Rican and Hispanic and Latino community in multiple districts, breaks them up into four or five congressional districts rather than allowing the minority-majority district to stand. That is textbook racial cracking. It dilutes their voting power on purpose.

It weakens the power of the Hispanic community at the polls, and frankly, I think it's a slap in the face to some of the same Latino voters who gave Trump a chance, and it raises serious questions under the 14th Amendment. And by the way, that cracking of the Hispanic and Latino community in Central Florida is not accidental. It's intentional. That's why I think the bogus claim that these maps are race neutral is absolute nonsense, and we are here being asked to accept a legal theory that borders on absurdity. I'm not sure that it borders it. It is absurd.

The Governor's argument is he says the constitution is not constitutional. Make that make sense. I never heard that before. The constitution is not constitutional. Don't follow it. What? Are you kidding me? He's asking us to ignore the law, and yeah, we got the ruling just now. The SCOTUS case in Louisiana, it did not overturn Section 2 of the Voting Rights Act. Newsflash, it took us

a half an hour, an hour to figure this out, but breaking news, the Voting Rights Act is still the law, Senators. It's still the law. Oh, also, in case you missed it, the Fair Districts Amendment of Florida's Constitution is still the law. It's the law.

The legal foundation for this map does not exist. It blocks the Governor's legal theory, what just came from this ruling. So, what are we left with? We're left with an executive branch that hauled us to Tallahassee by force, telling us that we don't have to comply. We don't have to comply with the Constitution we all swore to uphold, a process that has sidelined our institution as an independent, deliberative body, even though map drawing is our constitutional responsibility. Sure, the Governor has a right to present his map.

Any member of the public has a right to present a map. It doesn't mean that we have to pass it. This map is clearly designed to entrench power rather than reflect the will of the people. I think it's important that we talk about the oath again, folks. We all swore an oath, and we heard earlier, repeatedly, "Hey, this map is a legal theory. It's a legal theory. Maybe we should let this legal theory play out." Senators, I took the same oath you did, and the oath that I took was not I, Carlos Guillermo Smith, swear to test a legal theory here in the legislature. That is not the oath I took.

Was it yours? I took an oath to uphold and defend Florida's Constitution. That's the oath that I took. My husband was smiling, just ear to ear. Other people didn't seem that happy when I was taking my oath, but that was the oath that I took. Senators, repeatedly telling us that we don't need to comply with the Constitution doesn't mean that we shouldn't. We are not here to follow orders. We are a co-equal branch of government, and I would say we must comply. We must comply with the oath that we took.

It doesn't matter what happened in Texas. It doesn't matter what happened in California. It doesn't matter what happened in Virginia. But, folks, if we really believe that this proposal is right and true, why haven't we taken it to the voters? Why haven't we asked the voters for approval, as they did in California, as they did in Virginia? It's because we know it will fail. This moment is about more than the lines. It's about whether we uphold the rule of law. I will not support a map that is illegal, that is rigged, in order

to appease an authoritarian who believes that he is king of the United States of America.

We don't have kings in this country. Our country was founded on that very idea. Senators, it actually only takes a few of you to stop this. I counted the votes. I saw the Rules Committee. I counted how many people are here in this chamber. Just three more. Just three more of you is what stops this from moving forward. Remember your oath.

To the people back at home who are watching, who are feeling hopeless, who believe that this rigged map intended to deliver more seats to Donald Trump's Republican Party means that they maybe should just give up or capitulate, I want you to remember what happened in Hungary. I want you to remember how the people of Hungary recently stood up against authoritarianism, how they overcame all of the obstacles and the rigged and illegal process that was put forward in front of them to actually take a stand for their country and for what's right.

They won, regardless of those obstacles. We need you to vote. There is hope, and we can save our state. Thank you, senators.

Chair Passidomo: [02:30:43] Any other debates? Senator Pizzo.

Senator Pizzo: [02:30:46] Thank you, Madam President. I want to apologize to my friend, President Gaetz, because I can't vote for this bill today. The reason why I cannot vote for this bill today is because I am not prepared. I fancy myself a fairly intelligent individual. I would venture to say that I would fare okay in a standardized test of the 90 pages released today, probably better than most, but I would fail. I don't know what I don't know. Recently, not to get into any detail, I took over pro bono as an attorney in a case, pretty complicated case, in your district.

And I begged the court for a continuance because I was not prepared. I had not been able to give proper treatment and deliberation to the volume and mass of information that was available. It's not just the 47 pages of dissent that follow the 37 pages of opinion. It's the cases that it talks about, that it implicates, that it includes. So, I am not prepared for class today. And I simply, for that reason, cannot vote no. I can't speak to the great certainty that many people have spoken here today with great

particularity and vigor. They're so certain about their legal positions having never gone to law school.

God bless you. I'm not prepared. I'm just not prepared. What I am prepared is for this. It doesn't matter how long Jason Parada took. We're about two months away from where a guy named Thomas Jefferson took the same amount of time to draft the Declaration of Independence. Two weeks is enough. I mean, Adams and Franklin made some edits, but it took him two weeks to do Declaration of Independence. He did it with candlelight and without a laptop. But with the same voracious debate and enthusiasm that those in opposition so far to this point have had in this bill, you just got handed a gift. You guys should just blue wave this midterm. You guys should be winning every seat.

I mean, if this is the ultimate, what I talked about three years ago, which has now been taken as a tagline for one political party. Three years ago, I sat right where I think Jen Bradley was on my left, where Tracie Davis is, and I was in the seat to the right. Shev was behind me over my right shoulder. Janet Cruz was behind me. We're talking about a bill. And I go, "Listen, the pendulum is going to swing. Might not be today, might not be tomorrow or next year or next decade, but it's going to swing."

And Senator Hooper was right in front of me. I think he actually agreed with me when I said this. "What you don't want is the gluttony and greed that you're exercising today just because you can. You don't want that to come back and bite you. You want to have grace and compassion and be fair." So, here's where we are. If it's so bad, if it's a violation of constitutional rights and what the voters wanted and all of those things, then you guys should clean up in November. I mean, you should win every seat that's up. Or maybe you won't.

Or maybe our voters will vote for a particular person or idea or who they think represents their feelings. Why does a majority White Republican district vote for a Black guy? Why does an overwhelming conservative district vote for a woman who drove a Subaru at the time? Can you believe that? Anything's possible. You know, I was going to fit that in at some point. So, let me just say this. I don't know what I don't know. And I'm smart enough and confident to know that I don't know what I don't know yet. And that's why I can't vote for it. I'm just not ready.

President Albritton, Secretary, Dr. Doug Stauffer, Senator Gaetz, Senator Rouson, Senator, Sharief, Senator Smith, Senator Jones, Senator Berman, Senator Polsky, Senator Arrington, Senator Davis, Senator Bernard, Senator Nathan, Senator Pizzo, Chair Passidomo, Senator Osgood

Maybe we should have not rolled this today. I don't know. I had this on my dance card until Friday. But Ben Sasse is dying of pancreatic cancer. And he's dying slowly the way my dad did. So, he's got great clarity. And he said on 60 Minutes, you should all watch it. It's really great. Doesn't matter who you are, where you're from. And he said, "Congress is right now just so unproductive. And they should be the deliberative, boring and trustworthy body." Let's get off social media, guys.

Let's not do these things for social media because he said that smackdown of social media is nonsense. Let's be boring, and trustworthy and deliberative. Let's read. Let's do our homework. I have not. I am not prepared. I can't vote for it. If you told me to come back in a week, I might change my mind. But I want to be honest with all of you. I'm not calling anybody out. I would do better on the test than you would. We're not prepared.

Chair Passidomo: [02:35:37] Senator Polsky.

Senator Polsky: [02:35:41] Thank you, Madam President. I'm going to try a different angle today. We're going to continue to talk about the oath because it's really important. So, I rise today to speak in opposition to this redistricting proposal. And I want to begin what we've heard before with a reminder that every single member of this chamber has taken an oath. We swore to uphold the Constitution of the state of Florida, not the Constitution when it's convenient, not the Constitution when it helps our party. The Constitution in full, without reservation.

And that Constitution, ratified not by politicians, not by lobbyists, not by party bosses, but by the people of Florida, in an overwhelming majority in 2010, contains a clear and unambiguous provision. Congressional districts shall not be drawn to favor a political party or an incumbent. That's not my opinion. That's the law of the state passed by Florida voters with more than 63 percent support. They didn't whisper it. They didn't suggest it. They enshrined it. And today, this body is being asked to tear it up. Let's be honest about where this proposal comes from because the trail isn't hard to follow.

Shortly before the Governor announced his push to redraw Florida's congressional maps mid-decade, Donald Trump issued an explicit call to Republican Governors across the country, only

Republican Governors, not a subtle nudge, not a quiet suggestion, an explicit call to redraw congressional lines for the clearly stated purpose of giving Republicans a better chance to pick up seats in the upcoming midterms. That was the stated purpose. Partisan gain said out loud. Now, the Governor of Florida has been careful not to repeat those words.

He's too savvy for that, but his justifications, every single one of them, have crumbled under the slightest scrutiny. First, we were told this was necessary because of a pending Supreme Court case, a case that was going to force our hand, a case that required urgent action, even though at the time, of course, we didn't have it. So interesting that the decision dropped today, isn't it? Interesting that this case, though they hoped for it to justify this redistricting, it does not, in fact. Does it make it harder? Yes.

But the Supreme Court did not overturn Section 2 of the Voting Rights Act. We all have to know that. It does not ban the consideration of race entirely from redistricting. So, then we were told this was about Florida's rapid growth. The state has grown, that's true, and if fair representation were genuinely the concern, it would be a worthy conversation. But that argument fails, and it fails on two separate grounds. First, we do not have mid-decade census data. The Census Bureau has not given us new numbers. We are still operating on 2020 figures.

If the Governor is truly concerned about accurate representation based on population, he does not have the data to draw the maps. The map, single map. You cannot justify a redraw on population growth. You cannot measure. And second, and this question deserves a direct answer from the other side of the aisle, if the Governor is genuinely worried about Floridians being fairly represented, why has he proposed redrawing congressional lines, but said nothing, not one word about redrawing state legislative districts?

Florida's state legislative districts were drawn from the same 2020 census data. They are subject to the same population shifts. If growth is the real concern, why does it only seem to affect the maps that determine who sits in the United States Congress? The selective nature of this proposal is not a coincidence, it is a confession. Madam President, I want to speak directly to my colleagues on the other side of the aisle because I know there are

members over there who have reservations about this, who understand in their hearts what this is. Political parties come and go. Majority shift.

The party that engineers the maps today may find itself on the other side of those maps tomorrow. But constitutional norms, once broken, are very hard to restore. And the trust of the people of Florida, once lost, is even harder to win back. The voters of this state looked at a political system they didn't trust, and in 2010, they took matters into their own hands. They said, "Not here, not in our state, you do not get to draw the lines that choose your own voters." That is how we differ from all the other states that have been discussed.

They said it clearly, they said it loudly, and they said it by a margin that left no room for reinterpretation. We took an oath to honor that decision. I am asking this chamber to keep that oath. Vote no on this redistricting proposal. Stand with the Constitution. Stand with the voters who put that provision out there. And stand with the principle that in the state of Florida, the people choose their representatives, their representatives don't choose them. I want to appeal to the Florida Supreme Court to follow the law.

You were all appointed to do just that, not to be political rubber stamps. This is potentially the most consequential vote any of us will make. When you put your head down on the pillow tonight, will you say to yourself, "I voted according to the Constitution, the laws and for the people of my district and the state," or will you say, "I voted for my political party?" Thank you, Madam President and fellow members for doing the right thing today.

Chair Passidomo: [02:42:10] Any other debate? Senator Sharief.

Senator Sharief: [02:42:16] Colleagues, I am prepared for debate. See, I am really good at math and good at pop quizzes, too. And I got the statistical card on this one. And so, I stand today in opposition of this map, not based on just the illegality of it, but it's about a contract. It's about a contract that we made between voters and the government. And we're changing that midstream. You can't do that because the consequences are not just prospective, they're retroactive because we're changing the value and the meaning of votes that were already cast.

It reaches backwards and it just distorts our elections and what's already happened. And when we talk about maps and we talk about looking at data in terms of partisan and not taking race into consideration, it's statistically impossible to not say that race doesn't play a part in partisanship. If we take the statistics of the state of Florida and we look at the Democrats, which represent 4 million registered voters, the Republicans represent 5.5 million registered voters, and the MPAs and others represent 3.3 million.

If you look at that and you look at those statistics and you proffer what's been said today, which is that the maps that we previously took into consideration were severely impacted by racial influence, then this chamber shouldn't look like this because if you take the statistics and the data and you have something that is severely impacted by a minority consideration, a Republican majority would not remain in the House and in the Senate. That would mean that there would be a different amount of Democrats. There wouldn't be 12 Democrats in 40.

And over in the House, you wouldn't have that supermajority. So, what does this mean when you say that race is not a factor? Partisanship dictates that under the Democratic Party, with the 4 million voters that I just talked about, Black and African Americans represent 80 to 90% of those. White non-Hispanics represent 30 to 40% of those. And Hispanic and Latino, which is often rolled into the White vote, is 40 to 50%. Asians are a very small percentage of that. The Republican vote is 5.5 million. Only 10% of those are Black people or African American.

White non-Hispanic votes represent 55 to 65% of Republicans. Hispanic and Latino, 45 to 55%. And Asians are a very small percentage. NPAs have 3.3 million. Black and African Americans are represented by a very small margin. White and non-Hispanic by a moderate percentage. And Hispanic and Latino is very high in the NPA, no party affiliation or other. That's the number that we have to look at when we are talking about this particular map because we already knew where the Democrats were when you drew the map and you drew the boundaries.

We knew where they were because we can see from the map that they've been isolated in certain pockets. And then in others, they've been diluted by carrying a tip of a majority-minority neighborhood into it. But Hispanic and Latino populations had to

be split multiple times because they represent the 3.3 million that became the determining factor of whether or not these districts were able to be turned purple or whether they were able to be solidly red. And what you saw on Fox News when they put the colors up was exactly this.

This is why the map looks the way it looks on Fox News. They don't have a crystal ball. They have math. They have statistics. And numbers don't lie. Numbers can be manipulated to your favor, but numbers don't lie. When you go into your driver's license place and you register for your driver's license and they ask you to register to vote, they ask you your race, they ask you what your party affiliation is, what your address is, and your date of birth. And you give it to them and the data is determined by what you've given and what you put in the system.

And so, if I consider myself an African-American female and I go in and I register as an African-American female and a Democrat, then you can pretty much tell where I'm at. You know where my address is. So, when you're doing these maps for data purposes and you look for an address of a Black woman who's a Democrat, going to pull me up really easily and I don't have to say a word. And you can say you took my address into consideration and not race, but you also said, and they said it three times in committee yesterday, that they took partisan data into consideration when they made the maps.

So, when I went home, I do what I always do. I like math. So, I sat down and I looked at the math. And this math doesn't lie. And so, if we're talking about not taking race into consideration, then you shouldn't have taken partisanship into consideration either because that is a telltale sign of race. And you cannot deny it because the numbers don't lie. It's on the state system right now. If you pull up the Florida Division of Elections Office right now, and you pull up the Democrat party and Republican party affiliation, and you look at race and you break it down, those numbers do not lie.

And when I looked at the Broward County map, they didn't lie. And so, when I first came in here today, I was just debating based on the numbers and the situation and the results of the Calais case didn't change my debate today. That's why I'm prepared. If the prior maps were truly dominated by race as the primary factor, we would have expected electoral outcomes to reflect that influence

across the map and it did not. But what we actually see is a sustained Republican super majority in both chambers. That's not evidence of a system overly driven by race.

It's evidence of a system where race was considered in limited legal required ways while partisan outcomes remain dominant. The 14th Amendment, if it still stands when I walk out the door today, that law does not prohibit consideration of race. It prohibits predominance of race without justification. Compliance with voting rights protections requires that race be considered in certain circumstances that is not unconstitutional. It is required. In a state where party registration is divided and millions of voters are unaffiliated, the existence of a strong Republican majority is not consistent with a system supposedly skewed to favor minority representation through race.

If anything, it demonstrates that race has not overridden broader electoral dynamics. It worked in your favor. And now, you're going to redistrict midstream to change it. If it doesn't scream illegal to you, it ought to just scream unfair and unjust. And in a place where I stand, where my ancestors stood, and where I have over six generations of representation to get to this point with that little Black girl from a place in Miami standing to be a state senator before you today, if I can do it with these things in my way and these obstacles that have been put before us for many, many years and many decades, then you can survive this. All of us can.

But what we can't do is change the law to favor our preferences. That's what makes this illegal. And that's what makes it unjust. And for that reason, I'm asking you colleagues to please vote down on this today. Thank you.

Chair Passidomo: [02:52:11] Further debate? Senator Berman.

Senator Berman: [02:52:14] Thank you, Madam President. So, we did hear a lot about taking our oath. And yesterday, we're so proud to have sworn in a new senator. And I'm sure we can all remember when we were there, we raised our hand, we took our oath. And our oath wasn't just to the United States Constitution but to the Florida Constitution as well, the same Florida Constitution that we are being asked to trample today. We asked the Governor's people why in their letter, they didn't refer to the Florida Constitution. And they didn't really give us an answer.

And the reason is because they were asking us to violate the Florida Constitution. They're asking us to violate the Fair Districts Act. I have not heard one person say that this is a legitimately good map that would benefit our state. I've heard it's a map, not high praise. I've heard that it follows the US Constitution, but that not that it's good, not that it's needed, and not that it will give more voice to the voters who should be electing their politicians and not the other way around. How could it be? It was drawn by one person in secret. Not one of my constituents asked for a map.

My constituents are asking for the things that you heard about here on this floor. They're asking about affordability. They're asking about their property insurance. They want to make sure they have healthcare, that they can pay their utilities, their rent, that their children get a great education. That's what we should be spending time on, not on this. And I want to talk a little bit about some of the wonkier legal issues because I think we have to set the table a little bit so that we understand everything about how we got here.

So, yesterday in committee, the lawyers were asked a key question. And the question was, is that the Governor's map is based on a legal theory underpinned by two ifs. 1.) If Calais comes out and makes consideration of race unconstitutional. And 2.) that the Florida Supreme Court agrees that the racial minority part of Fair Districts are non-severable from the partisan gerrymandering. The Governor's lawyer agreed that his case supporting the map depended on these two ifs. Well, Calais came out today and the first if was a no.

Calais does not make considering race in redistricting unconstitutional. That is very, very clear. It doesn't change that part of the law. So, the Governor's legal theory fails on the first if. And so, by their lawyer's own admission, the legal theory underpinning the maps fails. Fair Districts, including the ban on partisan gerrymandering, is still the law of the land. What was true before this morning that Section 2 of the Voting Rights Act was the law is still true this afternoon.

What was true before this morning that Fair Districts was the law is still true this afternoon. We have seen the clear language in Fair Districts, and that is that partisan gerrymandering is prohibited under the law. And while the Governor didn't come out and say it, other members of his party did. And then yesterday, his own staff

came out and said they prepared the maps using partisan data. So, there is no question that what was done is clearly unconstitutional and illegal. No one has said that the previous map is unconstitutional.

There's no reason we have to be here today. When we've done mid-decade redistricting, we have done it for the purpose that the courts ordered us to do this. That is not the case here. We don't have to do anything. There is no requirement that we do this here today. I would love to see us stand up as the co-equal branch of government that we are and say to the Governor, "No, we are not going to do this illegal activity." You know, I think that there was a little bit, I guess it's called a malapropism when we heard today about what we should do with this map. But I am going to ask all of you to do that.

And what I would like everybody here to do is dispose. Dispose meaning discard this map. And I ask all of you to vote no and dispose of this map. Thank you.

Chair Passidomo: [02:58:16] Any other debate? Senator Osgood.

Senator Osgood: [02:58:19] Thank you, Madam President. And thank all of you for sharing your opinions and your stance today. For me, I stand today at the intersection of democracy and dignity. I have to remember the oath I took, but I also have to remember who I'm in covenant with as I live from day to day. And I think what we are witnessing is not just a simple policy shift. It's a coordinated restructuring of democracy itself. When we think about the map that we have now, I combined it with the federal executive order ensuring citizenship verification and integrity in federal elections, our own Florida version of the SAVE Act.

And I think, collectively, they represent a dangerous convergence of power, politics, and voter suppression. I believe that the Florida Constitution through the Fair Districts Amendment explicitly prohibits partisan gerrymandering. That's packing and cracking of any group of people regardless if they're White, Black, or Hispanic. And yet, we have this proposed map shifting Florida's delegation. To be specific to Broward County, we are losing two Democratic seats in Broward County. It's like if I have my hand and somebody just cut off two fingers for no reason.

Whole hand working, no complaining, good strong hand, and then I just lose two fingers for no apparent reasons. I can't explain that to the voters, but community like mine feel some kind of way when these things happen by government. Feel like they're being targeted and attacked. And I'm not going to presuppose or insult anybody by trying to determine what they're thinking. I have a background in public administration, not psychology or psychiatry or any of that. But I listen at people and how they feel and what they share.

And what's difficult for me is regardless of what political party you're in, when people say government, y'all, that's inclusive of all of us. They see us all together. And as we find ourselves in this moment with these maps, we have to really ask ourselves, is political power that important? So. important that we prioritize it over people? I think we're setting a dangerous precedent. Redistricting is supposed to occur once a decade. And we can argue, I let you lawyers do what you do. I'm not a lawyer if it's legal, unconstitutional.

But for me, I ask myself, is it moral? Is it the right thing to do? I go through these series of questions and I'm sure you do, too. Is it politically motivated? Is it nationally coordinated? What about the timing? Eliminating two congressional districts in Broward County, how do I reconcile that to voters in my county? I keep hearing us say a lot about race. It really, really confuses me because I believe that God created us in his image. I wish we could just get away from all of this race stuff. What does it really mean? Does it mean Black people and White people?

Does it mean Black, White and Hispanic? It's relevant when we're talking about whatever we're talking about. But I can tell you that it keeps us divided and it keeps us in a position that we have a system that has this whole notion of this value gap, where we use this bad word called race to determine who gets what, when, and why. And it's not God's thing. He created us all in his image. We're all his children. Really wish I could ban that word. Causes a lot of harm. Causes a lot of us to be at odds when we shouldn't be.

If we saw all ourselves as equal people and equal value, and we work to provide for each other what we want for ourselves, I think we could govern better. And as I continued to think about this whole time of where we're at, and for me, I connect the dots. So,

the March 2026 executive order mandates federal involvement in voter verification system. Now, to me, this undermines the fundamental principle that states, not the federal government, administers elections. It raises serious constitutional concerns about government overreach and coercion.

I'm required because of the covenant, who I'm in covenant with as I live from day to day. So, let me just say it like this. I'm required to act justly, love mercifully and walk humbly with God. And what we're doing here today for me is not just, it's not merciful, and it's certainly not about being humble. It's about using power to gain more power. Let me move to our Florida version of the SAVE Act that we went through in the original legislative session that requires proof of citizenship and expand verification systems. But in practice, it removes voters that cannot quickly verify documentation.

It disproportionately impacts, I believe, seniors, Black and Brown voters, women, and low-income residents. For me, it's a clear signal that we're sending a message that we're trying to stop voters. And when we combine these things collectively, the government, federal government, state government, local government, most people don't even know what the roles of each are. It's just the government. When we combine the gerrymandered map, the federal voter verification mandates, and state level citizenship restrictions, we create a certain kind of system.

We create a system where districts are predetermined, voters are filtered, and outcomes are engineered. And for me, brothers and sisters, that's an erosion of democracy. This guy Amos, they had a nickname called Prophet, talks about justice rolling down like water and righteousness like an ever-flowing stream. When we make decisions like we're making today in the way that we're doing it, we set up political dams that keep water. We know when water flows, it nourishes everything it touches. But we continue to have public policy after public policy, decisions that are made that stops the water from flowing to certain places, certain groups of people.

So, again, for me, it's not just about the oath I took. It's about who I live in covenant with every day. And for those reasons, I cannot accept a future where maps choose voters, logs exclude citizens,

President Albritton, Secretary, Dr. Doug Stauffer, Senator Gaetz, Senator Rouson, Senator, Sharief, Senator Smith, Senator Jones, Senator Berman, Senator Polsky, Senator Arrington, Senator Davis, Senator Bernard, Senator Nathan, Senator Pizzo, Chair Passidomo, Senator Osgood

and power overrides principles. In a democracy, voters are supposed to choose their leaders. But actions like this suggest that we're using our authority to choose voters. And in closing, brothers and sisters, it's your decision. It's your choice. I wouldn't insult you by trying to tell you what choice to make. But remember, we're still writing history every day.

We're writing the days of our life. Some of us are living bold and beautiful. Others are living young and restless. Some are living as the world turn, one day at a time, they really don't care. But remember, your vote and your decision will say where you stood. Did you stand on the side of power? Will you stand on the side of power? Or would you stand on the side of the people? I'm voting no because I'm standing with the people.

Chair Passidomo: [03:08:30] Senator Arrington.

Senator Arrington: [03:08:33] Thank you, Madam President. Members, we are here today not to just debate and vote on a map, but to decide whether we will honor the Constitution of the state of Florida and pass a gerrymandered, partisan drawn map. If you look at the map in District 9, which is my area, you can look at how many rural counties are packed into that district. If you've been to Osceola or Orange County, where there's high growth has been and continues to be, why would you add Indian River County, Highlands County, Okeechobee County, and Glades County?

Do you think that your constituents in these rural counties want to be represented by someone in Osceola County or someone in Orange County? Or do you want them to be included with Osceola and Orange County's priorities? And coincidentally, in this district, a majority-minority district with over 55% Hispanic residents, it has been split between multiple districts to weaken their voting power, 4 to 5 districts. And this district, as Senator Smith talked about, spans over 120 miles. How long will it take their representative in Congress to attend an event or visit their counties and talk to their constituents?

These folks are not going to get representation. In 2010, Florida voters were clear. Our Republicans, Democrats, and Independents overwhelmingly passed the Fair Districts Amendment. They did so for one simple reason, to end partisan gerrymandering. The language is clear. Districts may not be drawn to favor or disfavor a

political party. That is not a suggestion. That is a constitutional mandate. And yet, the map before us today does exactly what the Constitution prohibits. It is being advanced in a mid-decade special session, you're right, Senator Gaetz, it's a mouthful, because of politics, because of power.

And we've all seen the map that's colored in red and blue blocks to represent the proposed districts that was released to Fox News before it was sent to us. And think about that. How many times are we going to keep cashing the Governor's check that he writes without even talking to us? It's embarrassing and it's disrespectful, as Senator Jones said yesterday in committee. This map is illegal. This map is expected to increase one party's representation by multiple seats. That outcome is not incidental, it is intentional. And when intent is to advantage one party over another, that is a direct violation of the Fair Districts Amendment.

This is not just about lines on a map that were supposedly drawn by one person over the last two weeks. As it was said, this is about whether voters choose their representatives or whether representatives get to choose their voters. And the people of Florida already answered that question at the ballot. They put it in our constitution. Our responsibility is not to reinterpret their will, our responsibility is to uphold their will. And if we pass this illegal map, we are telling Floridians that their vote, their voice, and even their constitution can be set aside for political gain.

I will not do that. I urge this body to reject this partisan-drawn, gerrymandered map and stand by the side of fairness, due process, transparency, and the rule of law. Thank you.

President Albritton: [03:11:58] Additional debate. Senator Davis in debate.

Senator Davis: [03:12:06] Thank you, Mr. President. Wow, you all have heard a lot and we appreciate you being attentive to that. But this is a heavy deal. I remember the redistricting in the House and now we're drawing new lines in the Senate. I stand up to say that I am probably one of a few people in this room that truly understand some or most of this terminology. And I agree with you, Senator Pizzo, when he says we're not ready. You're absolutely right. We're not ready because the last time the Senate did something like this, it was a combined eight hours specifically to just inform and educate senators.

Nine hours to consider the thirteen different congressional map options and another four hours for the final committee consideration. But yet, we were given a map in, what, a day, expected to understand it, go through it, understand how the lines were drawn, but most of us don't understand the terminology of packing and cracking and the Jingles, the Thornburg v. Jingles Part 1 and 2. We're not ready. And you've heard my colleagues say how we're getting ready to cash a check. You've heard my colleagues talk about power and that's what this is.

But all session, this chamber has talked about trust. Trust. Trust who? Who are we asking Floridians to trust? Because they're not going to trust us with what we're doing here for you to sit in this room and say, this isn't about partisan gerrymandering. This isn't about racial gerrymandering. This isn't about gaining more seats. This isn't about making a Republican leaning map more Republican leaning. This isn't about gaining more seats because we want to stay in power and in charge. Well, we have some articles here that say differently. And just like I have them, you should have them, too.

Let's start with a gubernatorial candidate that today I won't call the name, but I'm sure you know, says Florida should counter Democrats by redistricting. Should do it. Especially when they say that's illegal here. It is. You've already heard it. Leader Berman has already said the Fair Districts Amendment is still the law of the land. The Voting Rights Act is still the law of the land. Has not changed. The second article said but it's not about power. It's not about gaining more seats because we can stay in charge. DeSantis plots to run a Florida's law to create more GOP house seats. This is exactly what an illegal, partisan, gerrymanderer is.

Yeah, you all are looking at us straight in our face and saying, "No, that's not what this is." The reason I questioned Mr. Parada like I did is because I've worked with him before, just like many of you. I spent a lot of hours in his office along with Ms. Lita Kelly when we were drawing maps in the house. So, when I say to you that wasn't his work, I mean it. When I say to you that this map performs poorly, it does. And until you tell me different because no test has been done, that's where I'm going to stand. It performs poorly.

It's going to perform poorly than the current map. It's not

following any of the traditional criteria. None. It's less compact, though we went back and forth about that. I have the numbers. Everybody else should have them. It splits more counties and it deviates from existing boundaries. You've heard it. My colleagues have talked about Orlando. They've talked about how Tampa is split. And they also have talked about how Broward is split. It does.

And for this to be something we're doing without preparation, without going through, without hours of education, and just signing a blank check because that's what the Governor wants to do, I'm glad I'm standing on the other side of this illegal gerrymandering of a map because that's what it is. I'm going to say that word over and over again because for the people that are watching, this is a clip. And I want folks to understand that this is illegal, partisan gerrymander.

It's illegal. It's illegal because the Fair Districts Act still exists today. It's illegal because the Voting Rights Act still exists today. It's illegal. And if folks don't hear anything we say, they're going to know this is illegal. This is not about population. It's not about race neutral. This is a blatant, illegal, partisan gerrymander. I stayed on, I talked a lot about the REOC scores and the Polsby-Popper scores and Convex Whole, which I couldn't think of the name for. Again, terminology and formulas, most of us have no clue as to what that means and how it was used.

Probably wasn't, but it was told to us that's how we got the compactness scores. Those are formulas you use for the compactness scores. Mr. Popper was someone who testified before us. And this score and these maps are lower than his scores. A compactness expert is the point I'm trying to make. Besides that, that's the technical part of what I wanted to talk to you all about. We had a room of probably 100, 150 people come to say, "Do not do this. Don't do this." We have a tendency not to listen to our constituents when they come to talk to us.

But I appreciate our Rules chair for allowing everyone to speak yesterday. But I took notes and I want to remind you of some of the things your constituents came up to Tallahassee to say to you about this map. Don't change the rules. Don't take the power from the through this predetermined outcome. End this partisan practice. Stop wasting taxpayers' dollars that may have been mine.

Corruption when diversity of opinions are silenced. Listen to what the voters are saying.

You've heard the numbers all day. My colleagues have told you all day, voters, Republicans, Democrats, they don't like this. They gave you the number. I think 56%. This is not what our voters want us to do. Vote on a map to decide within 24 hours? Don't support this map. No regard to Florida Fair Districts Amendment, 56% of your voters surveyed do not want mid-decade redistricting. We want fairness, equal representation, Black, White, Brown, Yellow of all people. That was just some of the things they said. But we're moving forward. And we're going to do this.

And I know nothing I say will change anyone's mind. But I'm going to say this. Just because something is legal does not make it right. I'm also going to say this. We listened to Jason Parada who told us he published the map. I told you, I don't believe that. We also listened to the Governor's attorney who told you they don't have to follow the law. I will remind some of you that that is the same attorney that represented the Governor in opposition of one of our very own. In opposition of one of our very own saying she wasn't qualified to return to this chamber.

Obviously, his argument was unanimously rejected by the Florida Supreme Court. That's the same attorney. So, I ask you, why should we trust what he says about this map? Instead of doing what Floridians deserve, and that's allowing them to have freedom to choose their leaders because they know who best will look out for their future interests. You've heard it over and over. People who will take care of their children, their families, their communities. Not us. Not the politicians who are only looking out for their own political ambitions. But we talk about trust. They're not going to trust us.

They're not going to trust you. What we need to do is get back to the work of doing the job that we, Senators, we, us, were elected to do. Lowering costs, raising wages, and creating a more affordable, brighter future for all Floridians, not diluting or diminishing their voting power. And that's another subject I didn't even talk about. But we sit here, we decide this map, hopefully, it goes into litigation, which I know it will, and then what do the supervisors of elections do to make all of this happen for these very same voters?

How much is that going to cost us? We have a job to do. We have a job to do. And the job is to support the people who elected us to represent them. And this is not what we're doing here today.

President Albritton: [03:24:29] Additional debate. Senator Jones.

Senator Jones: [03:24:34] Thank you so much, Mr. President. And to members, I know the time here is late, so I'm not going to be long. I don't know if you all have ever read the book *Profiles in Courage*, John F. Kennedy. In 2015, Mr. President, I had the opportunity to go to the Harvard Business School for three weeks when I first got elected. And that was one of the books that they asked us to Democrats, Republicans, all within this room. And I always grew fond of a quote that was inside the book by John F. Kennedy.

And he said that, "The stories of past courage can define that ingredient. They can teach, they can offer hope, they provide inspiration." But here's the best part I love. It says, "But they cannot supply courage itself. For this, each man must look into his own soul." John F. Kennedy said that in *Profiles of Courage*. Then I thought about it, that when my cousins and I, when we were younger, Senator Rouson, we would go to the park and play, Jason Pizzo. And when we would go to the park and play, sometimes we would get into trouble because there'd be other individuals, my cousins, they probably wanted to fight us.

And we'd go back to my grandma. My grandma said, "Y'all go back to that park and you better not come back if y'all not going to win. And you better put up a good fight." That's what I'm telling you all about Washington, DC. What I'm telling you all about Washington, DC is we don't have to do this because Washington told us to. Cousins, Senate, we can go back, we can put up this fight and punch back for the people of this state. Why? Because I think I heard Senator Sharief said it, and I said it yesterday, because we had a deal with the people of Florida.

And I'll be very clear, I'm not going to go over many of the things that has already been said by many of my colleagues because you've got the point. But I don't want you all to think for two seconds that the speeches that you are hearing are speeches because this is just any kind of old bill that we're voting on right now. This is not just any kind of bill. What we're about to vote on today is America and the people of this state, and they are looking

at us to ask us the question, "Are we going to continue this testing of the breaking down of our democratic process?"

Nobody in this room can say that you don't see it. In 2010, you heard it, the people of this state, they signed a contract with us because they put what they wanted on the ballot, and they gave us their decision, 63% of them did. They passed the Fair Districts Amendment to stop partisan gerrymandering. You know the language, you know it, you know what section it's in because you've heard it since we've been down here. To prevent what? To prevent diminishment of minority vote districts.

Not politicians, not parties, the people. And those amendments are still the law today, and many of you have said it, and they were not suggestions. They were mandates from the people. Just like the 14th Amendment, it was a mandate. And just like our Constitution, it's a mandate. There's nothing wrong with our Constitution, I said it yesterday. There's nothing wrong with the 14th Amendment, I said it yesterday. And still to this day, Members, there is nothing wrong with the Fair Districts Act. And I get it.

And Senator Pizzo, you're right, I'm no attorney. Sometimes I wish I was one because y'all are good sometimes. But I do understand the letter of the law to the extent to not just how it was explained, but also what it is and how it reads on paper because I can read. And I know you all can, too. I'm going to skip a lot of this, what I was going to say, and I'm going to pull out one thing, and I'm going to close because, again, everything else already has been said and I debated yesterday. And that is the trust of this process with the people.

If you can't roll with me on anything else, roll with me on this, y'all. On the fact that your constituents have an expectation of us, and their expectation is that when we come inside this deliberate body, that we do right by them. If you have not read, this is also not popular with some Republicans. And I'm not even talking about in this room. I'm talking about outside these chambers. And it's reflected because 56 or 57% of the people of this state, they do not want any gerrymandered maps. So, I'll close with this because I'm hoping that I don't want to talk at you.

I don't want to do any of that but call us all in for the moment. And I've read somebody on Twitter said that y'all need to go after

President Albritton, Secretary, Dr. Doug Stauffer, Senator Gaetz, Senator Rouson, Senator, Sharief, Senator Smith, Senator Jones, Senator Berman, Senator Polsky, Senator Arrington, Senator Davis, Senator Bernard, Senator Nathan, Senator Pizzo, Chair Passidomo, Senator Osgood

Republicans. Listen, hear me what I'm telling you. And I don't care if you don't like me after I say it. This country and where we are right now, everybody has gone to their side of the wall and nobody is talking to nobody. And if I can't tell you all anything else, if you could hear me when I tell you, I don't have children yet. Many of you do. You have grandchildren, you have nieces and you have nephews.

There's going to come a time to where your children, your grandchildren, your nieces and your nephews are going to ask you the question, what did you do in this moment? I can't tell y'all what to do here. I can't campaign for you when you go back home for you to say why you voted for this. You got to give the reason why you voted for this. But what I hope you can do is answer your children, your grandchildren, your nieces and your nephews. And I hope you can tell them that, "I did this because it was the right thing to do."

I saw some of my colleagues yesterday take a page out of that book of *Profiles in Courage*. I'm not going to call them out because they know who they are. When that board light up, I hope some of you other ones, that you take a page out of *Profiles in Courage*, not because you're trying to follow what somebody is telling you to do, but you're doing it because it's the right thing to do. Thank you, Mr. President.

President Albritton: [03:32:32] Additional debate? Seeing none, the Senator of the First District, President Gaetz, you are recognized to close on the bill.

Senator Gaetz: [03:32:51] Thank you, Mr. President. My colleagues are absolutely correct that there's more to do and more we should do than talking about this issue. A whole host of issues that really affect how the people of Florida live and how they work and how they care for their families and their businesses. But let's not kid ourselves. We will have spent two days on an issue of congressional redistricting, which some folks in this room have said is a seminal issue that our grandchildren will demand to know how we voted on. So, it's pretty important.

But remember that we'll be back here in a few days with Chair Hooper and we will be discussing and working on and grinding through and solving, I hope, over a \$100 billion worth of issues that have to do with the kitchen table concerns of the people of

Florida. So, we're not just discarding those issues. We're not not dealing with those issues. We are. Believe me, Chair Hooper is going to lead us through a process where we'll have plenty of time to chew on every one of those things and there'll be great debate and there'll be great discussion and I hope great decisions.

And then, this Governor that some of us, some in this chamber, are so troubled by is also calling us back into special session to deal with another kitchen table issue and that's property taxes that affect people all over the state of Florida. Not an easy issue to solve. I've seen some suggestions come from this body, actually some pretty good suggestions, but I've not seen a plan yet, but there will be, I suppose, I suspect, I hope, a plan that will come from the Governor's Office and that will provide the basis for us to carry forward with a debate, a discussion on that.

The point I want to make is to those who may be listening and to all of us who deal with these issues every day, just because we're talking about redistricting of congressional districts for two days doesn't mean that we're not concerned about the other issues that we're dealing with because we have been and because we are and because we will be. So, be confident that you'll have plenty of opportunity to deal with all of that. Been a lot of things said today. You know, it really does call to mind the saying that everything has been said but not by everybody, but I think everybody said it today.

Everyone has had their opportunity. There's been good debate, been passionate debate, maybe even a little hyperbole here and there. It's not quite the end of the world. These are not the times where we have to make final choices about living and dying, I hope, in this issue. But the Governor has a constitutional role and responsibility in congressional redistricting. He doesn't in redistricting of House and Senate seats in this chamber and across the hall. And so, in answer to the question, "Well, why isn't the Governor asking us to redraw lines for Senate and House districts?" Why aren't we doing that?

It's because the Governor does not have a role in that and so we can't criticize him for not raising that issue and saying, "Well, because of population shifts, shouldn't we be redrawing Senate districts and House districts?" The fact is that's not his prerogative. That's your prerogative. It is the Governor's responsibility and he

has only a responsibility as to redistricting with respect to congressional districts. And so, he's proposed a map. And some people don't like the map very much because it may be bisects or trisects or slices or dices areas or communities that you think ought to be handled in a different way. And therefore, that always happens.

I can tell you, I've lived through three redistricting. I can show you the wounds in my side. And I can tell you that in every one of those cases, anytime anybody starts drawing lines across the cities and counties of the state of Florida, you're going to bisect and trisect some people and some communities. It always happens. It's inevitable if you're going to have compact districts and if you're going to follow the law. So, the Governor has a prerogative. He has followed that prerogative. He's proposed a map. The map meets the standards of compactness.

We've had a good discussion about that, but we also have testimony, testimony that I've referred to before and have quoted. And as the compactness calculus is defined, we have about the same compactness calculus in the Governor's proposed map as we do in the existing map that we have now. And then, there are the questions about cutting cities and counties. Yeah, cutting cities and counties every time you do redistricting. It's inevitable. And in the current map, there are 50 counties that are kept whole. In other words, there are counties with only one district. In the Governor's map, it's 48.

So, it's two more, but it's not the end of the world. And cities with only one district, well, there are 396 on the current map and 382 in the Governor's map. Again, a little bit of difference, but not the end of the world. So, let's not say here or say back home that counties and cities have been destroyed. The fact is it's pretty close to in terms of the cities and counties that are kept whole or sliced and diced about the same as the current map. Why in the world is the Governor doing this? He gave us two reasons.

His reasons are 1.) that we have a disproportionate population influx in some parts of the state. And the Governor's map drawers have used what they say are the only invalid numbers that they could, the 2020 census. And then, the United States Census Bureau provides, on a three-year basis, an analysis because they look at population, about three percent of the population, of where their

shifts might be. And the Governor has used the EDR analysis and come back and said, "Well, here are the counties that have gotten bigger and the counties that haven't gotten as big."

And there's been no criticism, no debate, no proof, no evidence offered on this floor in the Rules Committee that any of the EDR analysis is wrong. And so, that's what we have. We have the evidence before us that there's population shifts. Some parts of our state because of the significant growth we've had, nine percent growth, one point eight million people, that those people are somewhere. And because they are somewhere, the question that arises, is there equal representation?

If there are more people in a congressional district on the north side of the railroad tracks and fewer people in the congressional district on the south side of the railroad tracks, the fact is there is not equal representation. There is not one person, one vote. And so, the Governor's proposal is to try to remedy that, and his maps are represented to remedy that. And as the map drawer explained, there are exactly the same number of individuals, citizens, in each one of the congressional districts that the Governor's Office has proposed.

And we can't really deny that there are 1.8 million more people, and we can't really deny that if more people move into congressional district next door that you have a diminishment of electoral power if you have more people in one district and fewer people in another. And that's what we have. So, what do you do in a situation like that? Well, you can do mid-decade redistricting. It's been done before. It's been done as a result of court order. It's been done as a result of impetus from legislatures and from Governors.

And there are seven states that have done it already, and four times we've done it in the state of Florida because we've been required to do so. And so, therefore, mid-decade redistricting is not uncommon. It's not unprecedented. It can be done. And what would be a good reason to do it? A good reason to do it would be that we have an extraordinarily unique situation in Florida with this tremendous additional number of people who moved to our state and have been disproportionately placed in different parts of the state.

That would be the reason to do it, to ensure that as soon as possible, and that's why the Governor says do it now, as soon as possible, we can really get closer to, as close as we possibly can to one person, one vote. And the second reason he says is because he wants, he believes, and I think in this chamber there has been extraordinary support for that belief as it pertains to other public policies, that race ought not to be an issue that defines or divides us. And, therefore, he doesn't want lines that define or divide us on the basis of race, not only does he not want it, he thinks it's unconstitutional and he offers a legal theory.

We talk about our oath and I think it's good we talk about our oath. It's an oath to preserve and protect the Constitution of the state of Florida and of the United States of America. Well, the Governor's legal theory is that the Constitution of the United States provides equal protection and the Constitution of the state of Florida may not. Now, that'll be a case that will ripen and go to the courts, but that's his legal theory.

So, when you pledge an oath to the Constitution of our state and of the United States, and if there is a conflict, and sometimes there is a conflict between state law and federal law, and between state constitutions and federal constitutions, and the Governor's legal theory is that there is, and that there ought not to be lines drawn on the basis of race, and that it is unconstitutional with respect to the United States Constitution.

What do you do when you have a conflict like that? Well, you could look to the courts to decide it, you can look to history to guide it. The last time I looked, Lee offered his sword to Grant at Appomattox, not the other way around. So, the supremacy clause suggests that when there is a conflict between the federal constitution and the state constitution, the federal constitution dominates, and that's the Governor's legal theory, that is his theory of the case. And then, of course, we come to the case of Louisiana, which, interestingly enough, gets dropped in our lap today.

And you can look at that case, and you can read it. I truly believe that Senator Pizzo would be ready today. My guess is that he's read the whole doggone thing, and he'd be ready to go toe to toe with any one of us on that issue. But I will say this, no matter how you read it, you know that that Supreme Court opinion that dropped today does not make it easier to draw lines based on racial

preference. It makes it harder. It raises the standard. It says that the only time you can do it is when you have an egregious practice that has to be remedied by changing the lines.

And in the state of Florida, there is no evidence that's been presented in the Rules Committee or presented on this floor, evidence, not even an argument, that suggests there is that kind of egregious discrimination that requires us to draw lines on the basis of race. So, there are members here today who've said, "Well, we need to decide what's right and wrong." And this comes down to the oath that you took, and the beliefs that you have.

And I become persuaded, even more so, being back in this chamber in the last two years, that we need to do less and less in dividing our state and dividing each other and dividing issues on the basis of race, and we need to do more and more to make sure that race is not a dividing issue. And we've made all sorts of choices in this chamber in the last two years to do that. And now, the Governor has asked us, he's told us, that in his judgment, in his legal opinion, that the United States Constitution requires us to not draw lines on the basis of race.

And there are many things about the Governor's proposal that I have tried as carefully as I can to explain are the Governor's proposal. They're not Don Gaetz's proposal. They're the Governor's proposal. But I will tell you this, I agree with the Governor that we should not be drawing lines on the basis of race. I agree with the Governor about that. I think it's the strongest part of his of his argument. Now, the Governor's legal team and I disagree about this. And, of course, I'm not a lawyer. And they're probably going to make all kinds of cases and all kinds of arguments about why I'm wrong.

But 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. And there's no evidence that has been presented on this floor that this map does that. There's argument, there's contention, there's opinion, but no evidence. I believe that we should be required to follow all of the other demands of the Fair Districts Amendment.

If it turns out that defining and writing and drawing lines 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. And as one senator, I will do everything I can to keep all of those provisions in law, whether or not my own party agrees with me. So, what are we left with? Well, some members in this body say that we're being dictated to. I don't know all of you as well as I'd like, but I know all of you to some extent.

I don't know any of you who like to be dictated to. You're a pretty independent group of cusses. I don't think that you do very well being told. And I will tell you this, I've not been dictated to. Nobody from the White House told me that I ought to stand up here today and make the arguments that I'm making and that I had to place my name on this bill. Nobody in the Governor's Office asked me to. The Governor didn't call me. He didn't say, "Hey, Don, I need you to do this for me, buddy." He didn't do that.

Instead, I have a responsibility like each one of you do. Each one of you, I have responsibilities in your committees. Many of you are committee chairs or vice chairs. And if it falls to you because of an issue that is within the jurisdiction of your committee who present legislation on behalf of the Governor or on behalf of the senate itself, I mean, you'll make that choice. I did, too. I was asked if I would present this bill that the Governor transmitted to us. And I said I would.

I said I would because I think it's my responsibility to make sure that when the Governor of the state of Florida, whether I like him or not, whether he's my party or not, when he asks us within his authority and jurisdiction to take up a general bill, I think it's the least we can do to take it up thoughtfully and respectfully and debate it carefully and thoroughly and then vote our conscience and vote as we will. And that's what we've done. So, I want to compliment my fellow senators. I know that maybe the rhetoric has gotten a little away with some of us.

But by the same token, I thank you for your thoughtful and considered debate. I thank you for taking the Governor's proposal seriously. Some of you very, very seriously, seriously enough to think it's close to the end of the world. And others of you to take it seriously because you believe, as I do, that drawing lines on the basis of race is wrong and unconstitutional. But whatever you believe, it's not the Governor's bill anymore. Now, it's our bill.

President Albritton, Secretary, Dr. Doug Stauffer, Senator Gaetz, Senator Rouson, Senator, Sharief, Senator Smith, Senator Jones, Senator Berman, Senator Polsky, Senator Arrington, Senator Davis, Senator Bernard, Senator Nathan, Senator Pizzo, Chair Passidomo, Senator Osgood

Now it comes to this floor and to the floor of the of the House. The House has already acted.

And so, we have the House bill before us. And we have the final decision, we have the final vote. And so, this is not the Governor's decision. It sure is not the President's decision. It's not any political party's decision. Nobody told me to do this. Nobody told you how to vote. But it is your decision. And this is why it's such an honor to be a Florida senator because at the end of the day, nobody will tell you what to do in this vote. At the end of the day, you will decide what's logical, what's rational, what's thoughtful, what will work, and what is moral and right. And you'll vote your conscience.

And that's what I ask you to do. Thank you, Mr. President.

President Albritton: [03:52:19] Secretary will unlock the board and, Senators, proceed to vote. Have all senators voted? Lock the board, record the vote.

Secretary: [03:52:29] Twenty-one yeas, seventeen nays, Mr. President.

President Albritton: [03:52:32] So, the bill passes. Before I recognize the Rules Chair for a motion, are there any announcements? Rules Chair Passidomo, you're recognized.

Chair Passidomo: [03:52:43] Thank you, Mr. President. I move that the Senate adjourn sine die.

President Albritton: [03:52:50] Without objection, show the motion adopted. The Senate is now adjourned sine die.

[End of Audio]

Duration: 233 minutes

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Cord Byrd, Secretary of State of the State of Florida, do hereby certify that the attached are true and correct copies of the English and Spanish constitutional amendment ballot language for 2010, as shown by the records of this office.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the twelfth day of May, A. D. 2026.*



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

Updated version (09-03-10)
Amendments 3, 7, and 9 removed by court order.

PROPOSED CONSTITUTIONAL AMENDMENTS

NO. 1 CONSTITUTIONAL AMENDMENT ARTICLE VI, SECTION 7

Repeal of Public Campaign Financing Requirement

Proposing the repeal of the provision in the State Constitution that requires public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

YES

NO

NO. 2 CONSTITUTIONAL AMENDMENT ARTICLE VII, SECTION 3 ARTICLE XII, SECTION 31

Homestead Ad Valorem Tax Credit For Deployed Military Personnel

Proposing an amendment to the State Constitution to require the Legislature to provide an additional homestead property tax exemption by law for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The exempt amount will be based upon the number of days in the previous calendar year that the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The amendment is scheduled to take effect January 1, 2011.

YES

NO

NO. 4
CONSTITUTIONAL AMENDMENT
ARTICLE II, SECTION 7

**Referenda Required For Adoption And Amendment Of Local Government
Comprehensive Land Use Plans**

Establishes that before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, the proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency, consideration by the governing body and notice. Provides definitions.

The amendment's impact on local government expenditures cannot be estimated precisely. Local governments will incur additional costs due to the requirement to conduct referenda in order to adopt comprehensive plans or amendments thereto. The amount of such costs depends upon the frequency, timing and method of the referenda, and includes the costs of ballot preparation, election administration, and associated expenses. The impact on state government expenditures will be insignificant.

YES
NO

NO. 5
CONSTITUTIONAL AMENDMENT
ARTICLE III, SECTION 21

Standards For Legislature To Follow In Legislative Redistricting

Legislative districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

The fiscal impact cannot be determined precisely. State government and state courts may incur additional costs if litigation increases beyond the number or complexity of cases which would have occurred in the amendment's absence.

YES
NO

NO. 6
CONSTITUTIONAL AMENDMENT
ARTICLE III, SECTION 20

Standards For Legislature To Follow In Congressional Redistricting

Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

The fiscal impact cannot be determined precisely. State government and state courts may incur additional costs if litigation increases beyond the number or complexity of cases which would have occurred in the amendment's absence.

YES
NO

NO. 8
CONSTITUTIONAL AMENDMENT
ARTICLE IX, SECTION 1
ARTICLE XII, SECTION 31

Revision Of The Class Size Requirements For Public Schools

The Florida Constitution currently limits the maximum number of students assigned to each teacher in public school classrooms in the following grade groupings: for prekindergarten through grade 3, 18 students; for grades 4 through 8, 22 students; and for grades 9 through 12, 25 students. Under this amendment, the current limits on the maximum number of students assigned to each teacher in public school classrooms would become limits on the average number of students assigned per class to each teacher, by specified grade grouping, in each public school. This amendment also adopts new limits on the maximum number of students assigned to each teacher in an individual classroom as follows: for prekindergarten through grade 3, 21 students; for grades 4 through 8, 27 students; and for grades 9 through 12, 30 students. This amendment specifies that class size limits do not apply to virtual classes, requires the Legislature to provide sufficient funds to maintain the average number of students required by this amendment, and schedules these revisions to take effect upon approval by the electors of this state and to operate retroactively to the beginning of the 2010-2011 school year.

YES
NO

NONBINDING STATEWIDE ADVISORY REFERENDUM

Balancing the Federal Budget A Nonbinding Referendum Calling for an Amendment to the United States Constitution

In order to stop the uncontrolled growth of our national debt and prevent excessive borrowing by the Federal Government, which threatens our economy and national security, should the United States Constitution be amended to require a balanced federal budget without raising taxes?

YES

NO

Updated version (09-03-10)
Amendments 3, 7, and 9 removed by court order.

Versión actualizada (09-03-10)
Enmiendas 3, 7, y 9 quitadas por mandato judicial.

ENMIENDAS CONSTITUCIONALES PROPUESTAS

Nº. 1

**ENMIENDA CONSTITUCIONAL
CAPÍTULO VI, ARTÍCULO 7**

Revocación Del Requerimiento De Financiamiento Público De Campañas

Se propone revocar la disposición de la Constitución del Estado que requiere el financiamiento público de las campañas de los candidatos a cargos estatales electivos que acepten los límites a los gastos de campaña.

SÍ
NO

Nº. 2

**ENMIENDA CONSTITUCIONAL
CAPÍTULO VII, ARTÍCULO 3
CAPÍTULO XII, ARTÍCULO 31**

Crédito En Los Impuestos Ad Valorem Sobre Bienes De Familia Para Personal Militar Desplegado

Se propone reformar la Constitución del Estado de modo de requerir a la Legislatura que ofrezca por ley una exención adicional al impuesto sobre los bienes de familia para los integrantes de las fuerzas militares o las reservas militares de los Estados Unidos, de la Guardia Costera de los Estados Unidos o sus reservas o de la Guardia Nacional de Florida que reciban una exención por bien de familia y que hayan sido desplegados para prestar servicio activo durante el año anterior fuera de la región continental de los Estados Unidos, Alaska o Hawai en apoyo de operaciones militares según designe la Legislatura. El monto de la exención se basará en la cantidad de días durante los que dicha persona haya sido desplegada para prestar servicio activo durante el año calendario anterior fuera de la región continental de los Estados Unidos, Alaska o Hawai en apoyo de operaciones militares según designe la Legislatura. Se prevé que la reforma entrará en vigencia el 1.º de enero de 2011.

SÍ
NO

Nº. 4
ENMIENDA CONSTITUCIONAL
CAPÍTULO II, ARTÍCULO 7

Referéndums Requeridos Para La Implementación Y Reforma De Planes Integrales De Uso De Tierras De Los Gobiernos Locales

Establece que para que un gobierno local pueda implementar un nuevo plan integral de uso de tierras o reformar el existente, el plan o la reforma propuestos deberán someterse a votación del electorado del gobierno local por referéndum tras su preparación por parte de la agencia local de planificación, su análisis por parte del órgano de gobernante y su notificación. Ofrece definiciones.

No es posible estimar con precisión el impacto de la reforma sobre los gastos del gobierno local. Los gobiernos locales incurrirán en costos adicionales debido al requerimiento de realización de referéndums para la implementación o reforma de planes integrales. El monto de dichos costos depende de la frecuencia, el momento y el método de referéndum, e incluye los costos de la preparación del referéndum, la administración de las elecciones y los gastos asociados. El impacto sobre el gasto del gobierno estatal será mínimo.

SÍ
NO

Nº. 5
ENMIENDA CONSTITUCIONAL
CAPÍTULO III, ARTÍCULO 21

Normas Que La Legislatura Deberá Respetar Para La Redistribución Legislativa

No podrán establecerse distritos legislativos ni planes de redistribución legislativa para favorecer ni perjudicar un partido político o un titular. No podrán establecerse distritos para negar a minorías raciales o idiomáticas la igualdad de oportunidades de participar en el proceso político y de elegir a los representantes de su preferencia. Los distritos deben ser contiguos. Excepto si se requiriera lo contrario, los distritos deben ser compactos, tener la mayor semejanza posible en cuanto a población y, de ser posible, tener en cuenta los límites existentes de ciudades, condados y geográficos.

No es posible determinar con precisión el impacto fiscal. Es posible que el gobierno y los tribunales estatales incurran en costos adicionales en caso de un aumento de los litigios que exceda la cantidad o la complejidad de los casos que hubieran tenido lugar de no existir la reforma.

SÍ
NO

Nº. 6
ENMIENDA CONSTITUCIONAL
CAPÍTULO III, ARTÍCULO 20

Normas Que La Legislatura Deberá Respetar Para La Redistribución De Distritos Electorales

No podrán establecerse distritos electorales ni planes de redistribución electoral para favorecer ni perjudicar un partido político o un titular. No podrán establecerse distritos para negar a minorías raciales o idiomáticas la igualdad de oportunidades de participar en el proceso político y de elegir a los representantes de su preferencia. Los distritos deben ser contiguos. Excepto si se requiriera lo contrario, los distritos deben ser compactos, tener la mayor semejanza posible en cuanto a población y, de ser posible, tener en cuenta los límites existentes de ciudades, condados y geográficos.

No es posible determinar con precisión el impacto fiscal. Es posible que el gobierno y los tribunales estatales incurran en costos adicionales en caso de un aumento de los litigios que exceda la cantidad o la complejidad de los casos que hubieran tenido lugar de no existir la reforma.

SÍ
NO

Nº. 8
ENMIENDA CONSTITUCIONAL
CAPÍTULO IX, ARTÍCULO 1
CAPÍTULO XII, ARTÍCULO 31

Modificación De Los Requisitos Sobre Tamaño De Los Cursos Para Escuelas Públicas

Actualmente, la Constitución de Florida limita la cantidad máxima de alumnos asignados a cada docente en las aulas de las escuelas públicas de acuerdo con las siguientes agrupaciones de años: desde pre-kinder hasta 3º grado, 18 alumnos; desde grados 4º a 8º, 22 alumnos; y desde grados 9º a 12º, 25 alumnos. Conforme a esta reforma, los límites actuales a la cantidad máxima de alumnos asignados a cada docente por aula de escuela pública se convertirían en límites a la cantidad promedio de alumnos asignados a cada docente por clase, según la agrupación especificada de años en cada escuela pública. Esta reforma también adopta nuevos límites a la cantidad máxima de estudiantes asignados a cada docente por aula individual, a saber: desde pre-kinder hasta 3º grado, 21 alumnos; desde grados 4º a 8º, 27 alumnos; y desde grados 9º a 12º, 30 alumnos. Esta reforma especifica que los límites al tamaño del curso no se aplican a las clases virtuales, exige a la Legislatura que suministre los fondos suficientes para mantener la cantidad de estudiantes requerida por esta reforma y establece que las modificaciones entren en vigencia tras la aprobación de los electores del estado y tengan un efecto retroactivo al inicio del año escolar 2010-2011.

SÍ
NO

REFERÉNDUM ESTATAL CONSULTIVO NO VINCULANTE

Un Presupuesto Federal Equilibrado Referéndum No Vinculante Para Reclamar Una Enmienda A La Constitución De Los Estados Unidos

Con miras a poner fin al crecimiento descontrolado de nuestra deuda nacional y prevenir el excesivo endeudamiento del gobierno federal que pone en riesgo nuestra economía y nuestra seguridad nacional, ¿deberíamos enmendar la Constitución de los Estados Unidos para exigir un presupuesto federal equilibrado sin aumentar los impuestos?

SÍ
NO

*Versión actualizada (09-03-10)
Enmiendas 3, 7, y 9 quitadas por mandato judicial.*

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State of the State of Florida, do hereby certify that the attached is a true and correct copy of the initiative petition form for petition 07-15, as shown by the records of this office.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the eleventh day of May, A. D. 2026.*



Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

CONSTITUTIONAL AMENDMENT PETITION FORM

Under Florida Law, it is a first degree misdemeanor to knowingly sign more than once a petition or petitions for a candidate, a minor political party, or an issue. Such offense is punishable as provided in s. 775.082 or s.775.083. [Section 104.185, Florida Statutes]

NAME:

(Please print name as it appears on Voter I.D. Card)

RESIDENTIAL STREET ADDRESS:

CITY:

ZIP:

COUNTY:

Date of birth: / / **(or) Voter registration number:**

I am a registered voter of Florida and hereby petition the Secretary of State to place the following amendment to the Florida Constitution on the ballot in the general election:

ARTICLE AND SECTION BEING CREATED OR AMENDED: Add a new section 20 to Article III

BALLOT TITLE: STANDARDS FOR LEGISLATURE TO FOLLOW IN CONGRESSIONAL REDISTRICTING

BALLOT SUMMARY: Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

FULL TEXT: Add a new section 20 to Article III

Section 20. STANDARDS FOR ESTABLISHING CONGRESSIONAL DISTRICT BOUNDARIES

In establishing Congressional district boundaries:

(1) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(2) Unless compliance with the standards in this subsection conflicts with the standards in subsection (1) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(3) The order in which the standards within sub-sections (1) and (2) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

X

SIGNATURE OF REGISTERED VOTER

DATE SIGNED

Paid Political advertisement paid for by

FairDistrictsFlorida.org

P.O. Box 330868, Miami, FL 33233

RETURN SIGNED PETITIONS TO THIS ADDRESS

Paid petition circulator: Name:

Address:

RESERVED FOR BAR CODE

DATE APPROVED: 08/07

SERIAL NUMBER: 07-15

App. 272



FLORIDA STATE CONFERENCE NAACP
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

P.O. Box 101060
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flanaacp@aol.com www.flanaacp.org

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Mr. Willie Williams

Mr. T. H. Poole, Sr.
President Emeritus

April 14, 2010

Senator Mike Haridopolos
420 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Representative Dean Cannon
422 The Capitol
402 South Monroe Street
Tallahassee, FL 32399

Dear Senator Haridopolos and Representative Cannon:

I am writing in my capacity as immediate past President and current Chairman of the Legislative Committee of the Florida NAACP.

I have just had an opportunity to review the proposed constitutional amendments that were released by the Legislature yesterday as SJR 2288 and its companion House bill. The potential impact of these proposed amendments on minority voters in the state of Florida is deeply troubling.

Contrary to the repeated claim made by you and other members of the Legislature who are involved in the redistricting process that you seek to enhance minority voting rights, it seems that you actually intend the opposite. Insofar as minority voters are concerned, the proposed amendments are a sham. The notion – as the proposed amendments state – that the Legislature would be limited during redistricting to "tak[ing] into consideration" minority voting interests is preposterous on its face. Moreover the proposed amendments contain no language that would give rise to non-retrogression rights designed to protect current minority districts. I can only conclude that this omission was not an oversight.

I am attaching for your information copies of a two-page statement that the Florida NAACP released yesterday endorsing the efforts of Fair Districts Florida. I urge you to read the statement and reflect on the reasons for the Florida NAACP's endorsement. In our view, the constitutional amendments proposed by Fair Districts Florida set forth redistricting standards that are balanced, non-partisan and easily interpreted. Also, from the perspective of the Florida NAACP, the proposed amendments do all that is reasonably possible to protect the interests of Florida's minority voters.

5 and 6

Sincerely,

Leon W. Russell
Leon W. Russell

cc: Governor Charlie Crist
Members of the Florida Legislature

MEMBERSHIP: "LIFEBLOOD OF THE NAACP"

EXHIBIT

Q



FLORIDA STATE CONFERENCE NAACP
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

P.O. Box 101060
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April 13, 2010

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**FLORIDA NAACP ENDORSES
FAIR DISTRICTS FLORIDA**

1. What is Fair Districts Florida?

It is a citizen-sponsored ballot initiative that has successfully placed two measures dealing with redistricting on the ballot for Florida's Nov. 2 general election. One of the measures deals with redistricting Florida's congressional districts; the other deals with redistricting Florida's state legislative districts. If the measures are approved by 60% of the voters, they will become amendments to the Florida Constitution and will provide fair standards for how the Legislature draws electoral districts in the future.

2. What is the main purpose of the proposed amendments?

The main purpose is to stop the abusive practice, known as gerrymandering, of drawing electoral districts designed to favor one political party over the other or to give incumbent officeholders an unfair advantage over non-incumbents.

3. If the ballot measures are approved by the voters and become amendments to the Florida Constitution, will it lessen the ability of Florida's black voters to elect candidates of their choice?

Absolutely not. Both ballot measures contain language making it clear that electoral 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 language mirrors the key language of the Voting Rights Act.

4. Is it possible that the language in the ballot measures will enhance the rights that minority voters presently have under the federal Voting Rights Act?

Yes. While the courts have not yet had an opportunity to interpret the new redistricting standards, attorneys for the NAACP and other voting rights experts believe it is likely that the new standards will give Florida's minority voters even more protection than they presently have under the federal Voting Rights Act.

5. What are some of the ways in which the rights of minority voters might be enhanced by the new redistricting standards?

Several of the more significant enhancements are the following:

(a) The Supreme Court, interpreting Section 2 of the Voting Rights Act, recently held that in order to establish a claim for vote dilution in a redistricting case, a minority group must prove that it makes up more than 50% of the voting age population in the relevant geographic area. Bartlett v. Strickland, 129 S. Ct. 1231 (2009). Under

MEMBERSHIP: "LIFEBLOOD OF THE NAACP"

this ruling, states are not required to draw "crossover" districts in which the minority group makes up less than a majority of the voting age population even though it is large enough to elect a candidate of its choice with the help of non-minority voters who cross over the racial divide to support the minority's preferred candidate. This places a significant limitation on the ability to protect "crossover" districts under the Voting Rights Act.

By contrast, the language in the amendments to the Florida Constitution proposed by Fair Districts Florida is broader and more inclusive than Section 2, and would protect such "crossover" districts. Therefore, it likely will provide greater minority rights than federal law, including the rights of a minority group to block the dismantling of "crossover" districts.

(b) Section 5 of the Voting Rights Act prohibits "covered jurisdictions" from adopting a redistricting plan that would result in a "retrogression," or weakening, of the electoral strength that a minority group already possesses. The non-"retrogression" standard would prohibit, for example, significantly reducing the percentage of black voters residing in an existing black majority district or "crossover" district. In Florida, however, Section 5's prohibition of "retrogression" applies in only five counties – Collier, Hardee, Hendry, Hillsborough and Monroe. This is a very significant limitation.

By contrast, the amendments to the Florida Constitution that are proposed by Fair Districts Florida include a prohibition similar to Section 5's that would apply to all counties in Florida.

6. What about the additional redistricting standards in the proposed amendments that electoral districts "shall be compact" and "shall, where feasible, utilize existing political and geographical boundaries"? Aren't standards such as these inconsistent with the need to draw black majority districts that are elongated and irregularly shaped?

Often, but not always, it is necessary to draw black majority districts that are not compact in order for the district to provide an effective opportunity for blacks (or other minority) voters to elect candidates of their choice. For example, in Florida, Congressional District 3 (Rep. Corrine Brown) and Congressional District 23 (Rep. Alcee Hastings) do not satisfy some of the standard tests for measuring district compactness, while Congressional District 17 (Rep. Kendrick Meek) does satisfy such tests.

In the amendments to the Florida Constitution proposed by Fair Districts Florida, the standards of compactness and the utilization of existing political and geographic boundaries would not come into play if they would "conflict with the standards in subsection (1) [dealing with equal opportunity for minority voters] or with federal law." Clearly there would be such a conflict in some cases. Therefore, the problematic standards would not come into play in those cases to prevent the drawing of non-compact black majority districts, and districts such as those represented by Congresswoman Brown and Congressman Hastings would remain protected.

7. So, after weighing all of these considerations, what is the NAACP's conclusion?

The NAACP believes there is nothing to lose and much to be gained by supporting the Constitutional amendments proposed by Fair Districts Florida. The NAACP has endorsed the ballot initiatives and urges all of its officers and members to vote for the proposed amendments in the Nov. 2 general election.

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10 JOINT MEETING OF THE SENATE REAPPORTIONMENT COMMITTEE

11 AND HOUSE SELECT POLICY COUNCIL ON STRATEGIC AND

12 ECONOMIC PLANNING

13

14 Held on February 11, 2010

15

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17

18

19

20

21 Transcribed by:

22 CLARA C. ROTRUCK

23 Court Reporter

24

25

FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491

1 REAPPORTIONMENT (JOINT MEETING WITH HOUSE IN 212KB)

2 REPRESENTATIVE CANNON: And Senators and
3 Representatives, we are now going to convene the
4 Joint Meeting of the House Select Policy Council on
5 Strategic and Economic Planning and the Senate
6 Committee on Reapportionment and ask Tamara and
7 Michelle to commence our activities by calling the
8 role.

9 A VOICE: Senator Haridopolis.

10 SENATOR HARIDOPOLIS: Here.

11 A VOICE: Senator Smith.

12 SENATOR SMITH: Here.

13 A VOICE: Senator Bennett.

14 SENATOR BENNETT: Here.

15 A VOICE: Senator Dean.

16 SENATOR DEAN: Here.

17 A VOICE: Senator Gardiner. Senator Lawson.

18 Senator Negrón.

19 SENATOR NEGRON: Here.

20 A VOICE: Senator Ring.

21 SENATOR RING: Here.

22 A VOICE: Senator Siplin. Senator Storms.

23 Senator Thrasher.

24 SENATOR THRASHER: Here.

25 A VOICE: Senator Wilson.

FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491

1 A VOICE: Chairman Cannon.
2 REPRESENTATIVE CANNON: Here.
3 A VOICE: Vice Chair Grimsley. Representative
4 Aubuchon.
5 REPRESENTATIVE AUBUCHON: Here.
6 A VOICE: Brisé.
7 REPRESENTATIVE BRISE: Here.
8 A VOICE: Carroll.
9 REPRESENTATIVE CARROLL: Here.
10 A VOICE: Chestnut.
11 REPRESENTATIVE CHESTNUT: Here.
12 A VOICE: Fitzgerald. Holder.
13 REPRESENTATIVE HOLDER: Here.
14 A VOICE: Hudson.
15 REPRESENTATIVE HUDSON: Here.
16 A VOICE: Hukill.
17 REPRESENTATIVE HUKILL: Here.
18 A VOICE: Jones.
19 REPRESENTATIVE JONES: Here.
20 A VOICE: Kreegel.
21 REPRESENTATIVE KREEGEL: Here.
22 A VOICE: McKeel.
23 REPRESENTATIVE McKEEL: Here.
24 A VOICE: Porth. Proctor.
25 REPRESENTATIVE PROCTOR: Here.

FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491

1 A VOICE: Thurston.

2 REPRESENTATIVE THURSTON: Here.

3 A VOICE: Weatherford.

4 REPRESENTATIVE WEATHERFORD: Here.

5 A VOICE: A quorum is present, Mr. Chairman.

6 REPRESENTATIVE CANNON: All right, thank you,
7 Tamara and Michelle, and Chairman Haridopolis and
8 Members.

9 Today we are again meeting jointly to further
10 discuss the two proposed Constitutional amendments
11 to Florida's reapportionment process proposed by
12 Fair Districts.

13 As you know this is a subject that our
14 respective committees have talked about in detail,
15 beginning last October 2009, up until the present
16 time.

17 You may recall, Members, that both in October
18 and November, our respective legal counsel gave us
19 initial reports that the language of the Fair
20 Districts' petitions may constrain the
21 Legislature's constitutional duty to redraw the
22 District boundary lines with potentially mutually
23 exclusive requirements.

24 In December of last year, our respective legal
25 counsel and staff provided us with presentations to

FOR THE RECORD REPORTING TALLAHASSEE FLORIDA 850.222.5491

1 help us address similar concerns to our own that
2 were raised by Florida Congresswoman Corrine Brown
3 and Florida Congressman Mario Diaz-Blart.

4 The Congress persons primary concern was the
5 impact of the U.S. Supreme Court case of Bartlett
6 versus Strickland and how the terms of these
7 petitions may affect the ability and the discretion
8 of the Legislature to create minority access or
9 so-called crossover districts.

10 Last month we met jointly in order to
11 facilitate a public dialogue with Congresswoman
12 Brown and Congressman Diaz-Blart so that they could
13 share their concerns with us. And during that
14 meeting both of the Congress-persons stressed that
15 they felt that the petitions were unworkable, and
16 that the petitions would potentially dilute
17 minority representation in the Florida Legislature
18 and in Florida's Congressional delegation.

19 Just recently the Fair Districts' petitions
20 achieved the signature threshold necessary for
21 placement on the 2010 general election ballot, and
22 with that milestone behind them the principles from
23 Fair Districts have agreed to meet with us here
24 today, present their proposed amendments to
25 Florida's Constitution and address our questions on

1 this very important topic.

2 To Ms. Freidin, to our guests from Fair
3 Districts, please know that we are very grateful
4 for your presence today and your indulgence of our
5 questions.

6 While political preferences and viewpoints do
7 sometimes divide us, there is certainly no reason
8 that we should ever miss an opportunity to at least
9 understand each other better.

10 While our committees have tried to be very
11 deliberative, we hope that your remarks today and
12 responses can fill in some of the missing details
13 and perhaps close the door on some unanswered
14 questions and give us the opportunity to better
15 understand your intentions as the crafters of these
16 potential amendments to Florida's Constitution.

17 I think I speak for both Chairman Haridopolis
18 and myself when I say that we treat the
19 constitutional process with the utmost of respect,
20 and if these petitions do become part of Florida'
21 Constitution we intend to fully perform our duties
22 to carry out the requirements of those petitions
23 fully.

24 As we all know, redistricting is not an
25 overnight assignment and many years of both

1 planning, coordinating with the census and a lot of
2 work will go into doing the reapportionment and the
3 redistricting.

4 So if these pass we need your help to
5 determine the manner in which we can best execute
6 our constitutional duties.

7 Members, with that, before we invite Fair
8 Districts to begin their presentation, I would like
9 to briefly call your attention to the Power Point
10 presentation on the monitor. I believe you are
11 fairly familiar with these slides.

12 After the title slide, the first substantive
13 slide, these are the general redistricting
14 standards, the federal standards being one person,
15 one vote.

16 Obviously Section II and Section V of the
17 Voting Rights Act, and then the Florida standard
18 that they be contiguous.

19 The next slide has copies of the Fair
20 Districts' petitions, one for the Congressional
21 districts and the other for the legislative
22 district boundaries.

23 And then the last slide shows a comparison of
24 both the current standards and then the proposed
25 additional standards for the petitions in question.

1 Those materials are also in your packets, Members,
2 and with that we would like to call on and
3 recognize Ms. Ellen Freidin, the Campaign Chair for
4 Fair Districts.org.

5 Ms. Freidin, again, we very much appreciate
6 your taking the time to be with us today and you
7 are recognized to address the Joint Meeting.

8 MS. FREIDIN: Thank you, Mr. Chairman.
9 Mr. Chairman, Members of the Committee, I am Ellen
10 Freidin, and I am here today to talk with you on
11 behalf of close to a million voters who signed 1.7
12 million petitions to earn the Fair Districts
13 amendments, positions five and six on the November
14 2nd ballot coming up. So thanks to the wonders of
15 the podcast, which I compliment you for making
16 available to the public.

17 I have been able to listen to the many, many
18 hours of hearings that you have had, both the
19 Senate and the House Committee and the Committees
20 jointly together with your many, many lawyers
21 raising what seem, at least seemed to me to be
22 endless questions about our amendments.

23 So let's make one thing clear when we start.
24 Our amendments which are simply intended to
25 establish common sense, fairness standards for you

1 to follow when you redraw the legislative and
2 district lines.

3 These two amendments were certified because
4 voters exercised their constitutional right to sign
5 petitions so that they and others in our state
6 could have the opportunity to put these standards
7 in the Florida Constitution.

8 The signers of these petitions who are
9 Republicans, who are Democrats and who are
10 Independents are part of an effort by thousands
11 Floridians of all political persuasions, who are
12 committed to eliminating Florida's historical
13 distinction as one of the most politically
14 gerrymandered states in the Union, that this
15 probably exist is absolutely undeniable.

16 Those who are working tirelessly on this
17 monumental project are supported and they are
18 encouraged by the unanimous opinions of Florida's
19 newspaper editorial boards, which clearly explain
20 why we must take this unique opportunity to make a
21 very necessary, fundamental change in this state
22 which I know that all of us love so much.

23 Now, I want to just go over with you a few of
24 the comments that have been made by some of the
25 editorial boards in this state.

1 The Orlando Sentinel said, "This is a campaign
2 to restore some integrity to the now corrupt system
3 of drawing legislative and Congressional districts.
4 Unless the process is changed, voters won't get the
5 choices that they deserve."

6 The St. Pete Times said, "The current system
7 for drawing legislative and Congressional districts
8 is broken."

9 The Gainesville Sun said, "There is nothing
10 state lawmakers guard more jealously than their
11 power to rig legislative and congressional
12 districts to serve their own interests and their
13 party's desire for control."

14 The Tampa Tribune said, "The redistricting
15 process needs to be overhauled. It is critical to
16 remove selfish political motives from the process."

17 The Tallahassee Democrat said, "The present
18 rules of redistricting serve the interest of
19 politicians more than voters. The intent of the
20 amendments is sound and that is to give voters more
21 power and the powerful politicians less power."

22 The Florida Times Union said, "Fortunately a
23 group called Fair Districts Florida is seeking a
24 constitutional ban on gerrymandering. Lines
25 shouldn't go drawn to help a party, an incumbent or

1 anyone else."

2 Florida Today, "End the political
3 gerrymandering that harms democracy."

4 The Sarasota Herald Tribune, "Gerrymandering
5 by either party is an affront to democracy and to
6 the expectation that all men and women are equal
7 under the law."

8 The Daytona News Journal said, "Many
9 Legislators are outraged at proposals that would
10 strip them of the ability to rig districts to
11 benefit parties or individual, but Fair Districts
12 can only be good for Florida. Here is hoping that
13 the voters see through the distractions and vote to
14 protect their interests."

15 The South Florida Sun Sentinel said,
16 "Opponents of the amendments should just be honest
17 about it and admit that they don't want to change a
18 system that helps them hold onto power."

19 The Palm Beach Post said, "This bipartisan
20 campaign deserves broad bipartisan support."

21 The Bradenton Herald said, "Florida's voters
22 now have the monumental opportunity to end the
23 patently unfair practice of gerrymandering."

24 And the Miami Herald said, "Amendments V and
25 VI will give control of elections back to Florida's

1 voters where it belongs."

2 Florida presently has absolutely no
3 prohibitions against drawing districts for partisan
4 reasons or incumbency protection. It never has.
5 This is evidenced by the bizarrely shaped Rorschach
6 like districts that often snake through as many as
7 five or as many as eight counties over more than
8 100 miles, splintering communities and confusing
9 voters.

10 Some very small towns, like Winter Park and
11 Temple Terrace are represented in this state by as
12 many as four different members of Congress.

13 You know, I have been traveling through this
14 state for three years now talking about -- talking
15 to Florida citizens about this subject, and I often
16 start my talks by asking citizens, people in the
17 audience to raise their hand if they know who their
18 state legislators are. I almost never see a hand
19 raised.

20 The same thing happens when I ask them if they
21 know who represents them in Congress, and it is no
22 surprise, they don't know the answer to that. And
23 it is because communities are divided, neighbors
24 often don't have the same representative.

25 It is no wonder that the Florida League of

1 Cities, the Florida League of Mayors and the
2 Florida Black Caucus of local elected officials are
3 part of the local coalition supporting amendments V
4 and VI. They are tired of having their town
5 splintered and having Representatives that live far
6 away.

7 I don't know, is Rebecca O'Hare here today? I
8 think she was planning on being here to represent
9 those organizations.

10 In the last 10 years, Mr. Chairman, and
11 Members of the Committee, out of hundreds of
12 legislators up for reelection, only 10 incumbent
13 State Representatives and one incumbent State
14 Senator have been defeated.

15 No wonder Florida is considered to have among
16 the least competitive legislative elections of any
17 state in the Union. We are third from the bottom
18 on the competitiveness scale.

19 The need for change in our state and the
20 solution that we are now proposing is nothing new.
21 The effort to reform the way Florida draws its
22 district maps as far as I know started in 1978,
23 when the Constitution Revision Commission took up
24 the matter and suggested the creation of standards,
25 very much like the ones that are contained in

1 Amendments V and VI.

2 That effort didn't succeed, but then in the
3 earlier '90s, when both Houses were controlled by
4 Democrats, a bipartisan group led by then State
5 Senator and now Congressman Ander Crenshaw and
6 including our Governor Charlie Crist, who was in
7 the Senate then, proposed a constitutional
8 amendment with standards almost identical to the
9 ones that voters will have a chance to approve this
10 coming November.

11 It passed the Senate unanimously, but it died
12 in the House. In other words, this solution to a
13 long existing problem is something that was
14 embraced and has been embraced for years by
15 Republicans and Democrats alike.

16 In the 1998 Constitution Revision Commission,
17 which is where I learned about the urgent need for
18 these reforms, former State Representative Marilyn
19 Evans-Jones, a Republican from Melbourne,
20 introduced a similar proposal.

21 It came very close, but failed to pass the
22 Commission by the narrowest of margins, and then
23 there were a couple of other citizen efforts, one
24 of them led by Marilyn Evans-Jones and the other by
25 the non partisan organizations of common cause and

1 League of Women Voters.

2 In fact, the League of Women Voters has been
3 fighting these reforms for decades, and their State
4 President, Deira McNabb is here, Deira, stand up
5 and let everybody know you are here, and she is
6 here with a whole host of other members of the
7 League today that are all part of her leadership
8 team.

9 So should -- so it really should be clear that
10 this is something that Republicans and Democrats
11 have proposed many, many times over the years.

12 We at Fair Districts Florida are not the
13 originators of this idea, but 2010 is the time that
14 it is going to become a reality. It is obvious to
15 us because of the spontaneous reaction of thousands
16 of Floridians that our amendments are very, very
17 popular with people all over the state, from the
18 panhandle to Key West.

19 This decade the people of Florida want to see
20 districts in our state that make sense, that are
21 compact and that keep communities together.
22 Districts that are drawn fairly and free of
23 intentional partisan favoritism, and maps that
24 ensure that minority voters are protected from
25 diminished representation.

1 In other words, districts that will permit the
2 people to fairly choose their Representatives. The
3 practice of gerrymandering is not unique to
4 Florida. National leaders of all political
5 persuasions have recently spoken out about the
6 problem and the need for change.

7 Mayor Michael Bloomberg, who you all know is
8 an Independent in New York City. He said, "There
9 is a partisanship that has paralyzed our country."
10 Both parties have redistricted themselves, such
11 that they don't have to worry about a challenge
12 across the aisle, but they worry about a challenge
13 from their flanks so that the Conservatives are
14 less willing to move to the middle, the Liberals
15 are less willing to move to the middle and we have
16 got to get over that and we have got to understand
17 that we are all in this together.

18 Unless we have bipartisan legislation and
19 bipartisan government at the federal, state and
20 city levels we are just going to have one problem
21 after another and the future is not as bright as I
22 think it should be for America.

23 Senator John McCain says that we need to stop
24 politicians in both parties from drawing rigged
25 districts that they can never lose. And President?

1 Barack Obama says, the fact of the matter is that
2 we have now a system where too often our
3 Representatives are selecting there voters as
4 opposed to the voters selecting the
5 Representatives.

6 That is a situation that I think the American
7 people should not accept. But while there has been
8 historic broad support for redistricting reform
9 here and elsewhere, elsewhere, in the many, many
10 hours of hearings these committees have had in the
11 last few months we have heard little, but criticism
12 of these reforms.

13 There has been no explanation or even mention
14 of why these reforms are needed. And it is
15 understandable that some would be concerned about a
16 citizen's effort to place limits on political
17 gerrymandering where none have existed before.

18 Some of the questions that have been raised by
19 your lawyers and your Members, Mr. Chairman, have
20 been complicated and sometimes confusing, but I am
21 here today to try and answer them as best I can and
22 to describe the fundamental goals of these citizen
23 initiatives. The many questions raised seem to
24 fall into three categories.

25 First, will these amendments interfere with

1 the rights of minority voters and will minority
2 voters be worse off when the amendments are in the
3 Constitution.

4 Second, aren't the standards so conflicting
5 and confusing that they simply cannot be applied?

6 And third, won't these new requirements lead
7 to increased litigation?

8 The answer to each of these questions is an
9 emphatic no. I cannot possibly address every
10 nuance of every question that has been asked, so I
11 will address each of these categories and explain
12 to the best of my ability the intent of the
13 amendment.

14 These amendments will not in any way reduce
15 the rights of minority voters, and in fact, they
16 will add a guarantee to the Florida Constitution
17 that the ability of minority voters to elect
18 representatives of their choice will not be
19 diminished.

20 Presently minority voters are protected by the
21 Voting Rights Act, you all know that. A federal
22 statute that exist at the pleasure of Congress and
23 is constantly being eroded by the courts. When
24 these amendments are embedded in the Florida
25 Constitution protection from discrimination and

1 redistricting will become a lasting commitment to
2 the people of Florida.

3 Because of this, leaders of minority
4 communities support the Fair Districts' amendments.
5 I have pleased to announce today that the Florida
6 State Conference of NAACP branches after studying
7 the benefits of these amendments has unanimously
8 approved and endorsed Amendments V and VI, and here
9 today representing the NAACP is Charlie Burr, stand
10 up Charlie.

11 They have joined the Fair Districts' team
12 because they agree that in addition to reducing
13 partisan gerrymandering, the amendments will add
14 permanent protections for minority voters that are
15 greater than what exist today in Florida or any
16 other state.

17 Just look at the language. The language says,
18 "Districts shall not be drawn with the intent or
19 result of denying or abridging the equal
20 opportunity of racial or language minorities to
21 participate in the political process or to elect --
22 or to diminish their ability to elect
23 representatives of their choice."

24 That last phrase prohibits the drawing of any
25 district or plan that will reduce the ability of

1 minorities to elect minority representatives.

2 Plain and simple.

3 Now there has been a lot of talk at these
4 hearings about the impact of Bartlett versus
5 Strickland on our standards.

6 Some of your lawyers have questioned whether
7 after Bartlett our standards will permit you to
8 draw crossover districts. The language, the
9 Bartlett opinion specifically addresses that
10 question, and I don't believe that this part of
11 Bartlett has been raised in these hearings.

12 Let me read it to you. From the Bartlett case
13 directly, "Section II allows states to choose their
14 own method of complying with the Voting Rights Act
15 and we have said that that may include drawing
16 crossover districts. States that wish to draw
17 crossover districts are free to do so where no
18 other prohibition exist."

19 In other words, there is nothing in Bartlett
20 versus Strickland or in the language of the
21 amendments that would change your previous ability
22 to draw crossover districts.

23 "However, with the amendments expressed
24 prohibition of diminishing ability to elect
25 representatives of choice, you would be free after

1 Bartlett to refuse to draw crossover districts." I
2 am sorry, I made a mistake there and I want to
3 start that sentence over again, because I want to
4 make this very, very clear.

5 "However, without the amendments expressed
6 prohibition of diminishing ability to elect
7 representatives of choice, you would be free after
8 Bartlett to refuse to draw crossover districts, but
9 with the addition of the new language you will be
10 required to use every tool you have, including the
11 drawing of crossover districts to be sure that the
12 rights of minority voters are not taken away."

13 Another question has been raised about how
14 some of the other standards interact with the
15 provisions for protection of minority voters.

16 It has been asked whether it would be
17 impossible to draw minority districts while
18 complying with the requirements of compactness and
19 utilization of local boundaries.

20 The answer is, no. This question ignores the
21 plain wording of the amendments. Protection of
22 minority voters is expressly given priority over
23 these requirements. Compactness and utilization of
24 local boundaries only come into play to the extent
25 that they can without conflicting with the

1 protection of minority voters.

2 It has also been asked whether it is
3 impossible to draw minority districts without
4 violating the prohibition against favoring a party
5 or an incumbent. This question again ignores the
6 plain wording of the amendments.

7 Let me make this very, very clear. The
8 prohibition against drawing districts -- the
9 prohibition is against drawing districts with
10 intent to favor or disfavor a party or an
11 incumbent.

12 That means that you will be prohibited from
13 drawing districts or plans for the intended purpose
14 of attaining a particular partisan result. If you
15 are drawing a district in order to protect minority
16 voters against discrimination, there can be no
17 violation unless you design the district for the
18 specific purpose of favoring or disfavoring a party
19 or an incumbent, and there is no prohibition
20 against using voting data in order to accomplish
21 the permissible goal of protecting minority rights.
22 In fact, you would have to.

23 I want to remind you that Senator Smith and
24 Representative Thurston requested the opinion of
25 voting rights lawyers at Jenner and Block who

1 specialize in redistricting, and that letter is in
2 the record of these proceedings.

3 They are top lawyers in the country on voting
4 rights and redistricting. To my knowledge they are
5 completely neutral and certainly not involved --
6 haven't been involved in the drafting or the
7 promotion of the Fair Districts amendments.

8 Their letter supports every one of these
9 answers. It is their unbiased opinion that with
10 the amendments in place, Bartlett, and I quote
11 them, "In no way restricts Florida in drawing
12 districts in which minorities are able to elect
13 representatives of their choice."

14 So with these amendments you will not only be
15 free, but you will actually be required to create
16 minority access seats to the extent necessary to
17 ensure that the ability of minority voters to elect
18 representatives of their choice is not diminished.

19 In fact, the lawyers at Jenner and Block
20 conclude that our amendments would, and I am
21 quoting from their letter, "Would dramatically
22 improve the redistricting process in Florida and
23 make Florida's elections fairer for all political
24 parties and candidates."

25 They also go onto say that the amendments

1 would also protect and indeed enhance the ability
2 of minorities to participate in the political
3 process and elect representatives of their choice.

4 Now, other questions have been asked about
5 whether the new standards are in conflict with each
6 other, and therefore, would be impossible to apply
7 them.

8 The implication is that you cannot as a
9 practical matter apply so many standards. I cannot
10 emphasize this enough. The standards don't
11 conflict and a good faith common sense approach
12 will allow you to comply with the standards and
13 create districts that are fairer and more
14 understandable to the citizens of Florida.

15 Fair Districts Florida did not manufacture
16 these standards. These are the same standards that
17 have been proposed in Florida numerous times
18 before.

19 I want to point out the fact that Florida has
20 fewer requirements as you see -- well, on the slide
21 that was shown earlier, the only state requirement
22 in Florida is that the districts be contiguous.

23 Florida has fewer requirements than almost any
24 other state. There are only two other states in
25 the Union that have as few requirements as Florida.

1 But more importantly, 36 states require
2 compactness, 44 states require adherence to local
3 boundaries, 12 prohibit protecting incumbents, 27
4 have their own protections for minority voters, and
5 of course, all 50 states have to comply with the
6 Federal voting right laws.

7 Many states actually have the same combination
8 of standards as Amendments V and VI. These states
9 all managed to get their maps drawn.

10 I have no doubt that this Legislature has the
11 expertise, the intelligence and the talent to be
12 able to apply these standards fairly and without
13 confusion.

14 Now, the lawyers for these committees and some
15 members have asked whether the amendments will lead
16 to lengthy and expensive litigation.

17 It has been suggested that we should remove
18 the Fair Districts designation and rename
19 Amendments V and VI, the lawyers' relief act.

20 Our answer is, if the Legislature follows the
21 standards there is not going to be need for anymore
22 litigation than in previous years.

23 The Legislature already made this argument to
24 the Florida Supreme Court and the Court held that
25 any prediction of increased litigation must be

1 based on the assumption, and now I am quoting from
2 the Florida Supreme Court, "Must be based on the
3 assumption that the Legislature will fail to adhere
4 to guidelines and fail to fulfill its
5 constitutional duty."

6 It also said, the Supreme Court also said,
7 "That it is dubious and highly speculative to try
8 and establish that there will be more litigation if
9 these amendments are in the Constitution."

10 I cannot stress enough to you that if the
11 Legislature follows the standards and the
12 Legislature can follow the standards, there will be
13 no need for increased litigation. I am confident
14 that this Legislature can follow these standards.

15 These amendments make absolutely no change in
16 the role of the courts in redistricting. That role
17 is simply to be sure that the districts are drawn
18 in compliance with the law, nothing else.

19 The Supreme Court is constitutionally required
20 to review the legislative plans and there is a
21 clear time frame for that to happen. There is no
22 change in that.

23 Citizens are free presently without these
24 amendments to challenge districts or plans in other
25 courts and that is nothing new and it does nothing

1 is added that will change that. And lawsuits have
2 always varied in number and in length from decade
3 to decade.

4 Now, some have asked specifically whether the
5 prohibition of intent to favor or disfavor in
6 Section I of the amendments will make litigation
7 more likely.

8 There have been many questions about how
9 intent or lack of intent will be proved. Intent is
10 an element of all kinds of statutes that you
11 consider and you pass every single session, and it
12 is an integral part of applying the Voting Rights
13 Act.

14 It is not unusual to have to prove intent in
15 litigation. Lawyers and courts deal with it every
16 day. If districts do intend to be drawn with such
17 intent, proof will be made as it always is by
18 testimony and all of the surrounding circumstances.

19 A clear example of intent to favor or disfavor
20 has been recently reported in the press and can
21 serve as one example of what the citizens of
22 Florida want to eliminate.

23 It is well known, for example, that certain
24 legislators who are about to leave the Legislature
25 have designed Congressional districts that they can

1 run in after their terms are up. It is that sort
2 of blatant favoritism that Florida voters want to
3 end.

4 Now, there has been a big red heron raised in
5 the form of a question about public testimony and
6 its impact on proof of intent.

7 I believe that one of the Committee Members
8 asked what would happen if a voter testified that
9 she liked her district just the way it was and then
10 you drew that district just as she wanted it.

11 Well, without more, that would not be evidence
12 of intent to favor or disfavor. Such evidence
13 comes from your thoughts, your actions, your words
14 and the maps that you draw.

15 If someone suggest that you draw a district to
16 be sure that it is safely democratic or safely
17 Republican, that doesn't provide evidence of
18 intent. The issue is what you do.

19 So there is no chilling of free speech, no
20 reason to stop public comment, and in fact, we hope
21 with these standards the public will become more
22 involved in the process, because with clear
23 standards they will understand that redistricting
24 is no longer a free for all in political
25 preservation and that they can actually have an

1 impact in creating districts that make sense.

2 Mr. Chairman, I have done my best to answer
3 the questions that you, your many lawyers and your
4 Members have posed about our fairness amendments.
5 I hope I have satisfied your concerns.

6 On behalf of the Floridians who signaled their
7 dissatisfaction with the status quo by signing 1.7
8 million petitions, and the thousands of others who
9 have worked and contributed to bring these
10 amendments to the ballot, I urge you to remember
11 the first line of the Florida Constitution.

12 The first line of the Florida Constitution
13 says, "All political power is inherent in the
14 people." If these amendments pass the Legislature
15 will be called upon to exercise good faith, common
16 sense and balance to accomplish the goals that the
17 people have told you that they want.

18 I have every belief that you will respect the
19 right of the people of Florida to decide if they
20 want to end the blatant political favoritism that
21 has long pervaded redistricting in our state.

22 When the voters put the standards in the
23 Constitution we have every confidence that you will
24 follow them.

25 REPRESENTATIVE CANNON: First of all,

1 Ms. Freidin, thank you for the excellent
2 presentation. I know Members, several Members have
3 expressed an intention in asking questions. I will
4 begin with Representative Kreegel.

5 REPRESENTATIVE KREEGEL: Thank you, Mr. Chair,
6 and thank you for being here today to explain that
7 to us.

8 I am looking at the first part of the Section
9 I there where it says, "No apportionment plan shall
10 be drawn with the intent to disfavor."

11 My question to you would be short of wiring
12 the Legislature up to a polygraph, how do you plan
13 on dividing the intent?

14 MS. FREIDIN: Well, if you look at the current
15 map of Florida districts, it is -- it is so
16 blatantly obvious that the districts were drawn
17 with intent to favor or disfavor a political party
18 or an incumbent because of the way the districts
19 look.

20 They are drawn -- they go for hundreds of
21 miles. They split up communities, they travel
22 through multiple cities and counties and that would
23 certainly be the first and the very best evidence
24 of intent.

25 You know, you could think of yourselves when

1 you are drawing the lines of the districts as
2 judges, because every day judges have matters that
3 come before them, and when they have those -- when
4 they have matters that come before them they know
5 that they have to decide the case, whatever it is
6 that is before them, on the facts and on the law.

7 So they apply the facts and the law and they
8 come up with a decision. Now, that decision is
9 going to favor somebody and it is going to disfavor
10 somebody, but the judge's job is to do it
11 impartially and your job would be to do it
12 impartially in the same way.

13 You will have before you all the information
14 that you need to draw districts. You will have the
15 laws that would be -- the new law which would be
16 what Amendments V and VI will put into the
17 Constitution, and if you follow the law and you
18 apply the fact that you have before you to the law,
19 I have confidence that you will be able to come up
20 with districts that are not -- that do not
21 intentionally favor or disfavor an incumbent or a
22 political party.

23 REPRESENTATIVE CANNON: For a follow up,
24 Representative Kreegel.

25 REPRESENTATIVE KREEGEL: Thank you,

1 Mr. Chairman. And thank you for that answer by the
2 way.

3 I did have the pleasure of being able to
4 interact with several of the petition gatherers
5 outside of our courthouse and county buildings and
6 was able to speak with them a bit about it.

7 Most of them didn't -- they weren't too
8 informative because most of them were paid petition
9 gatherers, and seeing that your organization did
10 such an excellent job statewide of gathering these
11 petitions, I figured there must be a lot of
12 petition gatherers paid and other finances there.

13 Could you tell us something about who funded
14 your organization?

15 MS. FREIDIN: Well, it is all public record
16 and you, I am sure you know it probably better than
17 I do.

18 REPRESENTATIVE CANNON: Actually, Ms. Freidin,
19 there is some lack of familiarity with that. Could
20 you answer Representative Kreegel's question?

21 MS. FREIDIN: Yes, we have over -- over almost
22 3,000 people who have contributed to Fair Districts
23 Florida, and they are people who are Republicans,
24 they are people who are Democrats, they are
25 businesses, they are organizations, they are, you

1 know, it is a wide variety of people.

2 REPRESENTATIVE CANNON: For follow up,
3 Representative Kreegel.

4 REPRESENTATIVE KREEGEL: Thank you,
5 Mr. Chairman. You mentioned organizations. Are
6 there political action committees, electionary
7 communication organizations, CCEs who have
8 contributed and could you tell us who the large
9 contributors are?

10 MS. FREIDIN: I actually don't know what --
11 what -- who falls into what category, so I can't.

12 REPRESENTATIVE KREEGEL: That is all, thank
13 you.

14 REPRESENTATIVE CANNON: Okay, Representative
15 Hukill for a question.

16 REPRESENTATIVE HUKILL: Mr. Chair, back here,
17 thank you. For a series of questions, Mr. Chair.

18 REPRESENTATIVE CANNON: For a series.

19 REPRESENTATIVE HUKILL: Thank you very much.
20 Thank you, Ms. Freidin, and we are so happy that
21 you came here today to share your thoughts with us.

22 I have just a few questions for the record
23 before we begin. I want to confirm, you are the
24 Chairperson for Fair Districts Florida.org
25 Campaign, is that correct?

1 MS. FREIDIN: I am the Campaign Chair for Fair
2 Districts Florida.

3 REPRESENTATIVE HUKILL: The Campaign Chair?

4 MS. FREIDIN: Yes.

5 REPRESENTATIVE HUKILL: Is that different from
6 chairperson?

7 MS. FREIDIN: Well, I am not officially the
8 Chair of the committee. So the answer would be,
9 yes, I guess, if that is what -- if that is what
10 you are asking.

11 REPRESENTATIVE HUKILL: All right. Also, you
12 are an attorney duly admitted to practice law in
13 the state of Florida, is that correct?

14 MS. FREIDIN: I am.

15 REPRESENTATIVE HUKILL: And you were a member
16 of the 1998 Constitutional Revision Commission, is
17 that correct?

18 MS. FREIDIN: I was.

19 REPRESENTATIVE HUKILL: And you are
20 frequently, as you have been here today, a
21 spokesperson for the Fair Districts Florida.org
22 Campaign as you are often quoted in newspapers
23 articles.

24 MS. FREIDIN: Yes.

25 REPRESENTATIVE HUKILL: Is that correct? Yes.

1 So would it be fair to say that your views on the
2 Fair Districts Florida.org petitions are very
3 relevant to people who may still be considering
4 whether or not they would support these amendments?

5 MS. FREIDIN: Well, I think that the language
6 of the amendments speak for themselves and I hope
7 that most people would make their decision based on
8 a reading of the amendments and a decision of their
9 own, whether they would want to support the
10 amendments or not, but I am a spokesperson and I do
11 frequently speak.

12 REPRESENTATIVE HUKILL: All right. Would you
13 concede, assuming that people make decisions on
14 their own, which I am sure they do, would you agree
15 that there will be people who will rely upon the
16 positions that you espouse either publicly in the
17 paper, on the website that are attributed to you?

18 MS. FREIDIN: I -- I have -- I would assume
19 so, but I don't know.

20 REPRESENTATIVE HUKILL: Well, thank you very
21 much. I have a question for you.

22 In your opening remarks you stated that the
23 Fair Districts Florida petitions.org petitions
24 enhances the Voting Rights Act, is that correct?

25 MS. FREIDIN: No, I think that what I said was

1 it enhances the law that actually doesn't expressly
2 exist in the Florida Constitution today.

3 REPRESENTATIVE HUKILL: Would you repeat that?

4 MS. FREIDIN: I think that I said that it
5 enhances the law as it exist in Florida today
6 under -- under the -- in the Florida Constitution.

7 REPRESENTATIVE HUKILL: All right, well then
8 let's go back a bit. In some press accounts
9 oftentimes through statements that you have made
10 through the press, Fair Districts has suggested
11 that the petitions merely inshrine the Voting
12 Rights Act.

13 And then in other statements oftentimes also
14 attributed to you that have been made to the press,
15 Fair Districts has stated the petitions enhance
16 minority rights.

17 In fact, Former Speaker John Mills circulated
18 in March 2009, a two-page informational sheet on
19 behalf of Fair Districts with their paid political
20 advertisement disclaimer at the bottom which
21 stated, "That while minority voting rights are
22 presently guaranteed by Federal statute, the new
23 standards will inshrine them in the Florida
24 Constitution."

25 Since I seem to have misunderstood what you

1 have said in your opening remarks, which is it, do
2 the petitions duplicate the Voting Rights Act, or
3 do they confer broader rights than the Voting
4 Rights Act?

5 MS. FREIDIN: Well, I don't think that what
6 you read to me from Chairman Mills -- that Speaker
7 Mills said or shall we call him Dean Mills or
8 Professor Mills, I don't think that any of those
9 what you read is not exactly -- doesn't exactly
10 follow with what I understand your question to be.

11 But if you are asking me flat out do I think
12 that these -- that what our amendments do -- is
13 what you are asking do I -- do I think that what
14 our amendments do increases Voting Rights Act,
15 voting rights for our Florida minority voters, is
16 that what you are asking?

17 REPRESENTATIVE HUKILL: Does it inshrine the
18 rights provided by the Voting Rights Act or does it
19 enhance, increase the rights that are provided by
20 the Voting Rights Act?

21 MS. FREIDIN: Well, I think that if, you know,
22 there are -- I think that you need to look at the
23 language, itself. The language, itself, doesn't
24 exactly mirror, it is not the same exact language
25 that is in the Voting Rights Act, nor is it -- and

1 it does enhance voting rights.

2 You know there was a letter from -- that you
3 all have and that I referred to earlier from Jenner
4 and Block and actually says, their letter and they
5 are voting rights expert lawyers, I am not, and it
6 says that they would protect and indeed enhance the
7 ability of minorities to participate in the
8 political process and elect representatives of
9 their choice.

10 Now, what our rights, what our amendments do
11 is they guarantee to minority voters that they
12 will, and this is a constitutional guarantee that
13 will be permanently in the Florida Constitution,
14 not subject to being chipped away by -- by Federal
15 courts, nor subject to being repealed or reduced by
16 the Congress, because they will be permanently in
17 our Constitution.

18 And what the language says is, that districts
19 shall not be drawn with the intent or result of
20 denying or abridging the equal opportunity of
21 racial or language minorities to participate in the
22 political process, or to diminish their ability to
23 elect representatives of their choice.

24 Now, that is very clear language. There is
25 nothing unclear about that. It is there in black

1 and white and if it is in the Florida Constitution,
2 that is exactly what it is going to say.

3 Minority's ability, the ability of minority
4 voters to elect representatives of their choice is
5 not going to be diminished with this amendment.

6 REPRESENTATIVE HUKILL: All right, let's
7 follow up on that. You didn't specifically answer
8 my question, but the Voting Rights Act already
9 provides protections for minorities in
10 redistricting.

11 And my question is whether the petitions adopt
12 the Voting Rights Act or add protections beyond the
13 Voting Rights Act and in your opinion?

14 MS. FREIDIN: I am not an expert redistricting
15 lawyer and I really don't have an opinion. What I
16 do know is that these amendments will very clearly
17 by their language forbid any legislator or any
18 Legislature I should say, to adopt any plan that
19 diminishes the ability of minority voters to elect
20 representatives of their choice.

21 REPRESENTATIVE HUKILL: A follow up on that,
22 Ms. Freidin.

23 There are certain statements that have been
24 attributed to you in various press sources.

25 For instance, in the Orlando Sentinel,

1 November 18, 2009, you are quoted as saying that
2 these would not in any way conflict with the Voting
3 Rights Act.

4 In November 27, 2009, the Herald Tribune you
5 said, "Our amendment will not dilute minority
6 representation and it will add a right to the
7 Florida Constitution that doesn't exist in any
8 other state in the Union." Is that your statement?

9 MS. FREIDIN: Not the second part of it. I
10 don't think I have ever said that exactly.

11 REPRESENTATIVE HUKILL: So you disagree with
12 the statement written in the Tribune of
13 November 27, 2009, that was attributed to you?

14 MS. FREIDIN: No, I think what I said was they
15 will put into the Florida Constitution rights that
16 don't exist in other state Constitutions.

17 REPRESENTATIVE HUKILL: All right. In the
18 Tampa Tribune, January 12, 2010, attributed to you
19 is a statement that says, "It will provide greater
20 protection that exist today in Federal law."

21 Is that a statement that you attribute that
22 you made?

23 MS. FREIDIN: Well, again, every statement
24 that I have made about these rights, first of all,
25 we can't have an impact on Federal law. Federal

1 law is Federal law. That much -- that is basic
2 law, I know that.

3 But as far as the statements I have made about
4 these amendments is that there will now be in the
5 Florida Constitution rights that are there
6 permanently.

7 That is in and of itself, the permanency in
8 the Florida Constitution is in and of itself a
9 difference than from the Federal Voting Rights Act,
10 and I am certain that that is what I have been
11 saying all along.

12 REPRESENTATIVE HUKILL: Thank you, Ms.
13 Freidin, I am not trying to be contentious about
14 this, but the citizens read a petition and they
15 have to look to statements that are made,
16 representations that are made in order to help
17 understand what they are voting for, and it is very
18 important that it be clear and precise and that a
19 citizen knows what they are voting for.

20 So I am just trying to work with you and
21 understand if these statements that are attributed
22 to you, that you acknowledge have been made by you
23 and that I feel that the citizens at some point
24 will rely upon as a representative, you being a
25 representative of Fair Districts Florida.org.

1 So can you tell me that you disagree with
2 those statements or you agree that they are
3 correct?

4 MS. FREIDIN: I told you that -- I already
5 told you that I -- that I don't think that one of
6 them was exactly what I said. And what I have
7 repeatedly told you is that what all of those
8 statements say is that I have and are consistent
9 with what I am telling you right now.

10 That this inshrines in the Florida
11 constitution voting rights that don't exist today.

12 REPRESENTATIVE HUKILL: So my original
13 question of do the petitions inshrine what is in
14 the Voting Rights Act or do they extend beyond what
15 is in the Voting Rights Act?

16 My understanding is you are now saying that it
17 extends beyond. As you said, it inshrines rights
18 that do not exist today. So to me that is
19 extending beyond.

20 MS. FREIDIN: You know, with all due respect,
21 Mr. Chairman, I believe that my words are getting
22 twisted here and I don't -- and, you know, I came
23 here at my own expense. I am here to represent all
24 of the people, the thousands and thousands and
25 hundreds of thousands of people who want to see

1 this on the ballot today.

2 I am not going to be badgered by this. I
3 apologize, but I just -- I just can't do that. I
4 think I have made my position very clear. I am --
5 my position is that and has been with all of these
6 press statements, is that there are now -- if the
7 voters pass this and put it into the Florida
8 Constitution, there will be rights that are in our
9 Florida Constitution that aren't there today.

10 And this language is not exactly the same as
11 the Voting Rights Act and that is, you know, there
12 should be no more conflict about that.

13 REPRESENTATIVE CANNON: And Ms. Freidin,
14 actually there is and with all due respect we
15 represent the 18 million Floridians who elected us
16 to come here and make policy and we have a
17 constitution duty to redraw the House seats and the
18 Senate seats according to the precise language of
19 the Constitution.

20 And so I am sorry it is frustrating, it is
21 equally as frustrating for us, because there are
22 statements, in your introductory remarks commented
23 that newspapers have made this or that statement.

24 Well, I think what Representative Hukill is
25 trying to get to is, there have been two different

1 types of articulations of what these mean as a
2 matter of law, and I am sure a fellow member of the
3 Bar and somebody who was on the Constitution
4 Revision Commission you can appreciate that words
5 have meaning, particularly when they are in the
6 Constitution.

7 So I think what Representative Hukill was
8 trying to ask is, and as a precursor to this
9 question and I will try and ask it another way.

10 We are well familiar with the concept of
11 Federal preemption, at the Federal law we cannot
12 diminish, but we can as a State Legislature or our
13 Constitution can go beyond what the Federal
14 Constitution or the Federal laws provide. Do you
15 agree with that statement?

16 MS. FREIDIN: Yes.

17 REPRESENTATIVE CANNON: Okay. In the same way
18 that certain of the Federal First Amendment some
19 states confer extra First Amendment protections
20 beyond those guaranteed by Federal law. Are you
21 familiar with that?

22 MS. FREIDIN: Right.

23 REPRESENTATIVE CANNON: Okay. And in Florida
24 we have extra protections to protect, for example,
25 against eminent domain takings for economic

1 development beyond the Federal law. Are you
2 familiar with that?

3 MS. FREIDIN: Of course.

4 REPRESENTATIVE CANNON: Okay. So what
5 Representative Hukill is asking is, would the
6 language of your proposed amendments provide extra
7 protections beyond those assured today by Federal
8 law in the voting rights environment? It is a yes
9 or no question.

10 MS. FREIDIN: The language -- the language
11 says that districts cannot be drawn or plans cannot
12 be drawn to diminish the ability of minority voters
13 to elect representatives of their choice.

14 That is not presently part of the Voting
15 Rights Act, except to the extent that it might be
16 somewhat similar to what is in Section V.

17 REPRESENTATIVE CANNON: Okay. But --

18 MS. FREIDIN: So that would be an additional
19 protection.

20 REPRESENTATIVE CANNON: Thank you. Senator
21 Storms for a question.

22 SENATOR STORMS: Thank you, thank you,
23 Mr. Chair, and I just want to encourage you, ma'am,
24 to sort of toughen up there because this is going
25 to be -- it is going to be a rocky ride and if you

1 are getting a little frustrated and feeling a
2 little sensitive in this very mild environment,
3 then I encourage you to go to a couple of public
4 meetings where you have some fired up voters on
5 your hands as they're talking about it.

6 So I just really encourage you to, you know,
7 not take this --

8 MS. FREIDIN: Well, thank you, Senator, for
9 that encouragement.

10 SENATOR STORMS: Okay, you are welcome, you
11 are welcome. I just wanted to -- I have some
12 concerns about -- about the minority district.

13 I represent Beeville. I have been an elected
14 official for 12 years, and I have had a wonderful
15 experience representing Beeville. Beeville is an
16 area of my district that was settled by emancipated
17 slaves when Lincoln signed the emancipation
18 proclamation and I have had a very tight
19 relationship with my district, and particularly
20 with Beeville over the years.

21 And so I am very sensitive to anything that
22 would diminish the ability of minority folks in my
23 district and in other districts to participate in
24 the process.

25 And so I looked -- I read your letter that you

1 referenced in your comments and I just wanted to go
2 over some of those with you, because I am also an
3 attorney by training and you are, too.

4 So I read the language directly that you
5 pointed to as not diminishing the minority
6 participation, and I just wondered if you could
7 look at that with me.

8 It says, "The districts shall not be drawn to
9 deny racial nor language minorities the equal
10 opportunity to participate in the political process
11 and elect language minorities the equal -- and
12 elect representatives of their choice."

13 MS. FREIDIN: Well, that is the -- that is the
14 ballot language, but that is not the constitutional
15 language. So which are we talking about?

16 REPRESENTATIVE HUKILL: So that would be the
17 ballot summary. I guess this is your sheet that I
18 am reading from. So it is the ballot summary that
19 I am reading.

20 And then if you drop down to the full text, in
21 subparagraph (1) it says, "No apportionment plan or
22 district shall be drawn with the intent to favor or
23 disfavor a political party or an incumbent and
24 districts shall not be drawn with the intent or
25 result of denying or abridging the equal

1 opportunity of racial or language minorities to
2 participate."

3 Again, it is the same language, "to
4 participate in the political process or to diminish
5 their ability to elect representatives of their
6 choice." That is the language.

7 MS. FREIDIN: That is the constitutional
8 language.

9 REPRESENTATIVE HUKILL: And so in your letter
10 that you referenced it is saying that it would
11 provide more protection --

12 MS. FREIDIN: When you are referring to my
13 letter, I don't know what you are talking about.

14 REPRESENTATIVE HUKILL: The letter and your
15 comments about the attorney, Jenner and Block.

16 MS. FREIDIN: Let me -- let me make one thing
17 clear.

18 REPRESENTATIVE HUKILL: Excuse me just for a
19 second, Mr. Chair.

20 REPRESENTATIVE CANNON: Senator Storms.

21 SENATOR STORMS: So I recognize you are not
22 saying that this is your -- I am not saying your
23 name is on it, but it is a letter you referenced.
24 Is that better for you? In your statements you
25 referenced this letter. Mr. Chair.

1 MS. FREIDIN: May I answer?

2 REPRESENTATIVE CANNON: Ms. Freidin, sure.

3 MS. FREIDIN: I referenced the letter because
4 it is something that was requested by Senator Smith
5 and Representative Thurston.

6 It is a letter that is in the record of your
7 proceedings. It is not a letter that I requested,
8 and frankly the first time I saw it was when they
9 turned it to you and I had nothing to do with it.
10 It is not my letter.

11 So I would just simply disagree with your
12 characterization of it as my letter.

13 SENATOR STORMS: Okay. Well, I didn't mean
14 for you to take it personally, it is okay, peace.

15 MS. FREIDIN: I am not -- I am not taking it
16 personally. I just want to make sure that the
17 voters of Florida understand what is going on here.

18 SENATOR STORMS: Okay.

19 MS. FREIDIN: Because that is a letter that
20 was written by -- by your -- at the request of your
21 colleagues by neutral observers who are lawyers in
22 Washington.

23 SENATOR STORMS: Mr. Chair. I understand,
24 okay.

25 REPRESENTATIVE CANNON: Representative Storms.

1 SENATOR STORMS: I am sorry, peace, stand
2 down, I am not saying it is your letter. What I
3 mean is the letter you referenced and you said it
4 supported the position that minorities would not be
5 diminished.

6 And I would say to you, I look at page 4 of it
7 and it clearly says under subparagraph (8) that
8 within these two bounds the Legislature would have
9 substantial discretion. And it is talking about
10 drafting minority districts.

11 It specifically says, "It will be able to, but
12 would not have to formulate a plan under which
13 minorities would be able to elect more
14 representatives of their choice compared to the
15 status quo."

16 And so -- and in another place it says, "The
17 scenario envisioned by this question, a non compact
18 majority controlled district abutting a non compact
19 district in which a minority can elect a
20 representative of its choice would therefore be
21 extremely rare. In any event, under such a
22 scenario the same factors that justified the
23 creation of the minority controlled district would
24 also shield the minority controlled district, the
25 majority controlled district from attack.

1 In other words, the non compact majority
2 controlled district would be an inevitable and
3 permissible byproduct of the protection of
4 minorities' ability to elect representatives of
5 their choice."

6 Now if you go down to paragraph 11 it says,
7 "But it is clear that there were alternatives
8 presented at that time that maintained a comparable
9 ability of minorities to elect candidates of choice
10 while avoiding some of the other ills, like undue
11 non compactness that are among the targets of the
12 amendments."

13 And then finally I want to reference this
14 point before I ask the question, another question.
15 "If however the Legislature did withdraw a district
16 and therefore destroyed a minority group's current
17 ability to elect the representatives of its choice,
18 then that could indeed be a violation of the
19 amendment, but not necessarily."

20 So -- so as you read this you say that this
21 letter supports your position. I read this letter
22 and say, no, what it says is the Legislature has
23 wide discretion. And so the result is a
24 diminishment of the minority participation by a
25 minority district.

1 REPRESENTATIVE CANNON: Ms. Freidin.

2 MS. FREIDIN: I am not sure what the question
3 is.

4 REPRESENTATIVE CANNON: Senator Storms.

5 SENATOR STORMS: Mr. Chair, the question is,
6 you talked about the intent and when my colleague
7 here from the House asked what the intent was,
8 could you restate how you were able to devine the
9 intent.

10 MS. FREIDIN: The intent is to ensure that
11 districts in the state of Florida are drawn for the
12 people instead of for political preservation, while
13 also ensuring that there is no impingement or
14 infringement on minority voting rights.

15 SENATOR STORMS: Mr. Chair.

16 MS. FREIDIN: May I finish?

17 SENATOR STORMS: You are not answering the
18 question that I asked.

19 MS. FREIDIN: May I finish?

20 SENATOR STORMS: I just want to get to the
21 point. He asked you how you devine the intent of
22 the Legislature under the current districts and you
23 said, just look at any of the districts, they are
24 all over the place. That is how you devine intent,
25 because you can look at -- according to what you

1 said just a few minutes ago he asked you how do you
2 know what we intended to do.

3 And you said, well, anybody could look at the
4 maps and see that they are all over the place. So
5 we can tell your intent that it was done to protect
6 the political party. That was my understanding of
7 what you just said. I am not trying to engage in
8 gotcha. I am just trying to help you understand
9 where I am coming from.

10 MS. FREIDIN: I did say that.

11 SENATOR STORMS: Yes, okay.

12 MS. FREIDIN: So I don't understand what that
13 relates to the Jenner and Block letter.

14 SENATOR STORMS: Here is how that relates.
15 Because according to this then if -- one way or the
16 other we can say it is our intent to protect
17 minority districts, right?

18 Then we can keep all of the districts exactly
19 like they are, because if it is our intent right
20 now to protect the minority districts, all of the
21 districts could stay the same. So that all we have
22 to do is articulate one intent.

23 We want to protect minority districts and we
24 going to protect that representation. Therefore,
25 we are not going to deviate because all of the

1 districts are the same.

2 Or is it that the Legislature has more
3 discretion than that, and if they have more
4 discretion than that, isn't it true that we could
5 and possibly would be forced to reduce those
6 minority districts, because if all we have to do is
7 say it is our intent to preserve those districts
8 and we do nothing else, then we can settle that by
9 saying, we are keeping the status quo just like it
10 is today, because we are going to protect those
11 minorities districts, that is our intents.

12 And so long as we say that on the record, you
13 say that, you say that, you say that, you say that,
14 everybody says that, there is no problem. How else
15 do you determine intent?

16 MS. FREIDIN: Well, first of all, I think -- I
17 think this is a multi part question and I am going
18 to try and answer it. But the first thing you
19 asked was, can we keep all the districts the same.

20 The answer is, we can't possibly know today
21 what the census data and what the other data that
22 is necessary to draw minority districts is going to
23 be in 2012, when you are charged with the awesome
24 responsibility of drawing those districts.

25 So we don't know if the districts today can be

1 the same as what they are today. We have no idea
2 and -- and it is highly unlikely that every
3 district or even many districts could remain
4 exactly the same.

5 However, given that and given the language
6 that is in our amendment, you cannot diminish the
7 ability of representatives -- of minority voters to
8 elect representatives of their choice.

9 So that is a protection that will be in the
10 Florida Constitution. You will be violating the
11 Constitution if you diminish the ability of
12 minority voters to elect representatives of their
13 choice.

14 Now, the point, you know, you went very fast
15 on that letter, but the one thing that you did
16 point out was you were saying that within the
17 bounds, within these two bounds the Legislature
18 would have substantial discretion. It would be
19 able be to, but would not have to formulate a plan
20 under which minorities would be able to elect more
21 representatives.

22 Now that is not what we are claiming nor is it
23 what the language says. What our language says is
24 that you cannot write -- make districts or create a
25 plan that diminishes the ability of minority voters

1 to elect representatives of their choice.

2 It would be illegal to have a quota or
3 anything in our Constitution that says you have got
4 to have a certain number -- you have got to make
5 sure that there ends up being a certain number of
6 minority voters. That is not the issue.

7 The issue is the ability of minority voters to
8 elect representatives of their choice. You have
9 done a very good job of ensuring that those
10 districts exist today, and I am sure that you can
11 continue doing that and making sure that that
12 ability is not diminished.

13 SENATOR STORMS: Mr. Chair, if I could --

14 REPRESENTATIVE CANNON: For a follow up,
15 Senator Storms.

16 SENATOR STORMS: Thank you, Mr. Chair. But
17 that really goes to the essence, because see I
18 guess where you and are differing on this is that
19 you talk about the intent as though -- and I think
20 the best description of it is devining intent.

21 And my question is, goes to how -- how
22 somebody if it is not going to be challengeable at
23 every turn, how do you devine intent.

24 Because if you look at say Tony Hill's seat in
25 the Senate, are you familiar with Senator Tony

1 Hill's seat?

2 MS. FREIDIN: No, I am not. I must confess to
3 not really being familiar with any individual or
4 specific seats.

5 SENATOR STORMS: Okay, well, that is an
6 important point, because Senator Hill is a minority
7 representative and his district is very
8 gerrymandered. I mean, it goes, it is a shoestring
9 and goes all the way down.

10 Okay, so -- so if we start here, if the
11 Members here say, we are going to start by
12 protecting, we don't want to diminish any minority
13 seats and minority representatives and that is
14 Congressional, State and House, Senate and House.

15 So we are doing to start with that
16 perspective. All of the minority seats are going
17 to still be gerrymandered. That means all of the
18 seats that are minority seats that are touching
19 them have to within some way gerrymandered also to
20 accommodate that sort of gerrymandering, but then
21 that goes to intent to do what.

22 How do you measure intent, because according
23 to what you said that that gerrymandering is
24 de-facto bad intent. That is de-facto bad intent.

25 You said the outcome. When he asked you how

1 do you measure intent, how do you devine intent,
2 although it is not the exactly words, you said, by
3 looking at the map and they are all gerrymandering,
4 therefore, you know.

5 That means that outcome is de-facto intent,
6 and I don't know how you protect those minority
7 seats that are gerrymandered without necessarily
8 having majority seats that touch them also be
9 gerrymandered in order to protect them.

10 I don't know how you could that without
11 subjecting it to a challenge. And so I guess what
12 my question to you is, besides outcome, which you
13 have already enumerated, what else are you going to
14 use as a tool to determine intent? How else will
15 you use it besides outcome?

16 MS. FREIDIN: Well, first of all it is not --
17 as I told you, it is -- it is the province of the
18 Legislature in terms of intent, it is the province
19 of the Legislature to avoid intent, and the way the
20 Legislature would avoid intent would be to look at
21 the facts, would be the geographical information,
22 if it is a race district, if it is a racial or
23 language minority district it is going to be a very
24 different calculus than it is going to be if it
25 is a -- if it is a non minority district.

1 So, you know, if you have a non minority
2 district that is -- that is -- that is what I was
3 referring to when I said, just look at the map,
4 because I was being asked how do you devine intent
5 to favor or disfavor a political party or a
6 candidate.

7 That was the question that I was being asked.
8 I was not being asked at the time about minority
9 districts.

10 REPRESENTATIVE THURSTON: Mr. Chair.

11 SENATOR STORMS: Mr. Chair.

12 REPRESENTATIVE CANNON: Let's do this, if it
13 is all right with you Senator Storms, I have got
14 Representative Thurston, Representative Carroll, I
15 think I heard Senator Thrasher. Let's start there
16 and then we will come back as necessary.

17 So Representative Thurston for a question.

18 REPRESENTATIVE THURSTON: Thank you,
19 Mr. Chair. Thank you for being here this
20 afternoon. I want you to know that this does not
21 necessarily have to be a rocky road though. This
22 can be more gentle.

23 But I want to thank you because a couple of
24 occasions it was referenced that Fair Districts
25 were not present and I did receive a letter from

1 you a while back saying that once you reach the
2 signature threshold that you would come forward and
3 I am glad that you are here.

4 My first question and I only have two
5 questions. My first question is, you have
6 indicated that there have been a number of prior
7 efforts to get the same language passed or added to
8 the Constitution.

9 And we are making a big deal about the
10 language that we are utilizing here. Can you tell
11 me, because I am not familiar with what the
12 Constitution Revision Commission said or the prior
13 efforts of Congressman Mario Diaz-Blart was.

14 Was that language substantially different than
15 the language in your petition, and if so, tell me
16 what that was?

17 MS. FREIDIN: Well, the language of the
18 earlier efforts actually all included a
19 redistricting commission which we chose not to do,
20 because we believe that this Legislature has the
21 ability and will have the will when it is in the
22 Florida Constitution, and in good faith can draw
23 these districts in a fair manner.

24 But in terms of the standards, which all of
25 those efforts included as well, the standards were

1 essentially identical to -- I mean, with slight
2 changes in wording. So that for example, the one
3 that was in 1993, and it was sponsored by Ander
4 Crenshaw with co-sponsorship by our Governor,
5 Charlie Crist, and other Democrats and Republicans
6 together, it contained requirements of compactness.

7 It contained requirements of contiguousness.
8 It required -- it required that no district be
9 drawn to protect an incumbent's or a party, and it
10 also required that voting rights not be diminished.

11 And it had -- it had all of the components
12 that our amendment has. So this is nothing new
13 what we are doing here today.

14 REPRESENTATIVE THURSTON: Follow up,
15 Mr. Chair.

16 REPRESENTATIVE CANNON: Follow up.

17 REPRESENTATIVE THURSTON: Thank you. When you
18 began you summarized the issues that you have heard
19 in watching the previous hearings, and you listed
20 the three as a protection or interfering with
21 minorities ability to elect representatives of
22 their choice, confusion and also more litigation.

23 And I am glad you had as your number one the
24 representation, preservation of minority
25 representation. I, like many of the other members

1 on this Commission, are truly concerned about that.

2 So I guess my question is, is there anything
3 that would -- is there any intent in your petitions
4 as it relates to continued minority representation?
5 And there has been a reference saying that there
6 could be diminishment of minority representation.
7 Is there anything prohibiting that in your
8 petitions?

9 MS. FREIDIN: There is nothing in our
10 petitions that would prohibit you as a legislator
11 from continuing to create minority opportunities
12 for minority voters, nothing.

13 And not only that, there is a requirement that
14 you not diminish the ability of minority voters to
15 elect representatives of their choice. So I think
16 that that -- the establishment of the intent is in
17 the language, it is in public and private
18 statements that are made by -- by all of you and
19 all of us.

20 REPRESENTATIVE THURSTON: Thank you,
21 Mr. Chairman.

22 REPRESENTATIVE CANNON: Ms. Freidin, next we
23 have Representative Carroll and then
24 Representative -- I mean Senator Thrasher.

25 Before we do that, I just want to make sure I

1 understood your answer to Representative Thurston's
2 question.

3 Is it your testimony that we -- that the
4 Legislature would be permitted to draw non compact
5 disks -- non compact districts that would allow
6 minority access even -- even though they could not
7 be protected by the Federal Voting Rights Act? In
8 other words, that you could draw a non compact
9 district to allow a minority crossover --

10 MS. FREIDIN: Are you talking about an under
11 50 percent district?

12 REPRESENTATIVE CANNON: Correct.

13 MS. FREIDIN: Absolutely.

14 REPRESENTATIVE CANNON: Okay.

15 MS. FREIDIN: But that is not from our
16 amendments. I want to make it clear. That is not
17 only -- there is nothing in our amendments that
18 would prohibit that, but remember what I read to
19 you from the Bartlett case.

20 The United States Supreme Court says that
21 there is nothing to stop a state from dropping --
22 from continuing to draw minority access districts
23 as opposed to majority, minority districts.

24 Our amendments simply don't -- we can't change
25 what the United States Supreme Court says. What

1 our amendments say is that with regard to -- with
2 regard to ability to elect representatives of
3 choice, the Legislature cannot do anything to
4 diminish that ability. So that -- that would be
5 the answer to that question I believe.

6 REPRESENTATIVE CANNON: Okay, Representative
7 Carroll, then Senator Thrasher, then Representative
8 Proctor.

9 REPRESENTATIVE CARROLL: Thank you,
10 Mr. Chairman. Thank you so much for being here
11 today and for your passion to bring about fairness.

12 I am getting a bit confused with regards to
13 what this will do with regards to litigation. If
14 anyone of the adopted standards are infringed upon.

15 For example, we have heard a discussion with
16 regards to compactness, but yet still it seems to
17 be an oxymoron with regard to the minority access
18 in majority, minority districts.

19 So if we were to draw lines per the additional
20 standards and stay within the compactness and all
21 of the districts are compact defined by whoever is
22 supposed to define that term, and then we diminish
23 minority access and majority, minority seats, then
24 this will stand for another litigation, because it
25 goes against the compactness, because we will have

1 to redraw those lines. Can you explain that?

2 MS. FREIDIN: Well I don't know -- I don't
3 know -- I am not sure that I understand it. Are
4 you asking me if you make minority districts, I
5 mean, you as a body, if you -- if the Legislature
6 were to make minority districts that were -- if
7 they were to make minority districts more compact,
8 and therefore, have fewer ability to elect --

9 REPRESENTATIVE CARROLL: Mr. Chair, just to
10 clarify my question.

11 REPRESENTATIVE CANNON: Sure, for a follow up.

12 REPRESENTATIVE CARROLL: Not so much -- take
13 away the minority from drawing the line. We draw
14 the lines with blinders on and we make the district
15 compact according to whatever the definition of
16 compact may be.

17 And it so happened that after drawing those
18 lines of compactness according to the additional
19 standards that may be voted on, that diminishes
20 minority seats.

21 That could stand a legal challenge, because
22 now we have gone away from the other part of the
23 Voting Rights Act and the other part of the
24 additional standards in keeping minority seats. So
25 how do we do both?

1 MS. FREIDIN: You have -- you have in the
2 language very clear directive with regard to that.
3 If you look at the -- at the beginning of Section
4 II of the amendment it says, "Unless compliance
5 with the standards in this subsection conflicts
6 with standards in the subsection (1) or Federal
7 law."

8 So that then -- then you have to go on with --
9 with the compactness and the adherence to local
10 boundaries.

11 So first you have to have the minority
12 districts drawn. Once you have those districts
13 drawn you go ahead and you make the other districts
14 to the extent that you can, compact and utilizing
15 existing boundaries.

16 REPRESENTATIVE CARROLL: So it kind of
17 conflicts what you said earlier about having
18 gerrymandered districts. So we can have
19 gerrymandered districts for minority seats, but we
20 cannot have gerrymandered districts for non
21 minority seats?

22 MS. FREIDIN: Well, the definition of
23 gerrymander, the definition of gerrymander is to
24 draw district to end up with a particular political
25 result, and that isn't the same as ending up with a

1 particular constitutionally required fairness
2 result for minority voters.

3 REPRESENTATIVE CARROLL: Interesting you
4 brought up that point, too, because fairness, are
5 we going to have that defined as to what fair
6 means, because it could be subjective?

7 For example the terms of compact, fair
8 geographical boundaries. Those are ambiguous
9 terms. So is there going to be some point where
10 those terms are defined?

11 MS. FREIDIN: Well, those -- are you asking me
12 if compactness is defined?

13 REPRESENTATIVE CARROLL: Well, you brought up
14 fairness as well, because as a minority voter I can
15 say that I don't have an opportunity if I don't
16 have an incumbent, let's say Representative Holder
17 is my incumbent and I want to elect him as a
18 minority to represent me in whatever seat, then I
19 could say that you are taking away my fair choice
20 to elect him.

21 So how do we then define what is the voter's
22 choice; what is fair in this; what is compactness;
23 what is geographical boundaries? Is that going to
24 be in definitions that we are going to be able to
25 use?

1 MS. FREIDIN: These are not -- we haven't --
2 these are not unusual standards. These are
3 standards that are applied in the vast majority of
4 other states and they are -- the definitions are
5 very clear. There is no question about -- about
6 how if you read the cases from the other states,
7 they are very clear.

8 REPRESENTATIVE CARROLL: So Mr. Chairman,
9 follow up.

10 REPRESENTATIVE CANNON: Sure.

11 REPRESENTATIVE CARROLL: Then if our voters
12 may be confused as I am as to what is going to be
13 fair, what is fair for Representative Holder and
14 Thurston may not be fair for me.

15 Would that confusion to the voters then, are
16 they supposed to be go look to other states for the
17 definition of fair?

18 MS. FREIDIN: No.

19 REPRESENTATIVE CARROLL: If they wanted to
20 bring a legal challenge?

21 MS. FREIDIN: And let me -- let me go back to
22 that, because I am not saying that fairness is a
23 standard in any state, nor is it -- I don't believe
24 it is mentioned anywhere in our amendments.

25 The word fairness is not -- is not there. The

1 question that I thought you were asking is, if you
2 draw some districts compactly and other districts
3 not compactly, is that -- is that fair. Is that
4 not what you are asking?

5 REPRESENTATIVE CARROLL: Well, in combination,
6 because throughout your presentation you also
7 brought about what is fair, and if that is the
8 dialogue that we are going to have in a
9 conversation we are having with our voters and we
10 are informing them that this is going to be about
11 fair districting, then fairness to almost everyone
12 may be a little bit different.

13 So we need to either define the term what fair
14 means or to have that as clarity that fair may mean
15 130,000 voters, or fair may mean that the borders
16 are going to include a river and a lake or fair may
17 mean -- whatever it may be, but I just don't want
18 our voters to be confused with regards to thinking
19 that they are getting one thing and get something
20 else just to answer your question.

21 I also want to know, early on you made a
22 mention that the petitions were signed by
23 Democrats, Independents and Republicans, and I am
24 curious to know how do you know that since the
25 petition doesn't ask for your political

1 affiliation?

2 MS. FREIDIN: Because there is a record on the
3 voting rolls of every person who signs.

4 REPRESENTATIVE CARROLL: So you guys go look
5 at who signed the petition and get a tally, that
6 sort of thing?

7 MS. FREIDIN: No, I don't have a tally, but I
8 know that they -- I know that there are many
9 Republicans who are very much involved, actively
10 involved and many Independents who are actively
11 involved, many Democrats who are actively involved
12 who I know personally who have signed. There
13 are -- we also, it is public record who signs.

14 That is easy, but, Mr. Chairman, may I respond
15 on the fairness issue that she is raising?

16 REPRESENTATIVE CANNON: Certainly.

17 MS. FREIDIN: Fairness in this context means a
18 lot of different things, but the one thing that
19 these -- there are two things that these amendments
20 were intended to do, and they both involve
21 fairness.

22 These intent -- these amendments are intended
23 to stop districts from being drawn for political
24 purposes by the legislators, to particularly to
25 advance the political goals of the legislators who

1 are drawing the districts. That is an unfair
2 situation that is intended to be stopped here.

3 The other part of the fairness that is being
4 sought here is to ensure that these amendments do
5 not create any situation that would be unfair in
6 any way or disadvantaged in any way minority
7 voters. Those are the things that we are trying to
8 accomplish here.

9 We are trying to accomplish districts that
10 make sense, districts that aren't strung out over
11 multiple counties from coast to coast in the state
12 of Florida.

13 We are trying to stop districts from dividing
14 small communities into four and five different
15 districts.

16 We are trying to stop a situation where
17 neighbors don't vote in the same district. We are
18 trying to keep communities together. All of that
19 relates to the fairness that Representative Carroll
20 was referring to.

21 And we want to make sure that in doing all
22 that there is no harm done and no diminution of
23 minority -- of the rights of minority voters.

24 REPRESENTATIVE CANNON: Okay, Senator Thrasher
25 for a question.

1 SENATOR THRASHER: Thank you, Mr. Chairman.

2 Hello, Ms. Freidin, good to see you begin.

3 MS. FREIDIN: Hello, Senator.

4 SENATOR THRASHER: I don't think I have seen
5 you since 1989.

6 MS. FREIDIN: A long time.

7 SENATOR THRASHER: It has been.

8 MS. FREIDIN: Well, maybe the early '90s
9 anyway.

10 SENATOR THRASHER: Thank you for being here.
11 I have a more direct question, more specific
12 question in respect to some of the testimony you
13 have given.

14 And I have asked, we have had as I am sure you
15 are aware of, you said you watched it, testimony
16 and references to districts in the state of Florida
17 and I am asking, I asked the staff if they had and
18 they said they did, if they would mind putting up
19 Congressional District III and I would like to ask
20 you a question about that in respect to the fair
21 district plan.

22 This is -- you said -- you said you were not
23 intimately familiar with the districts, but you
24 have used the word gerrymandering.

25 When I hear the word gerrymandering this

1 district comes to mind, I guess in terms of what I
2 have heard people quote.

3 Under the Fair Districts' plan I would just
4 like to ask you this question. Can we legally draw
5 Congressional District III or something I guess
6 similar to it in order to protect minority
7 representation in Congress?

8 MS. FREIDIN: I know that it was deemed to be
9 legally drawn in 2002. I have no idea what will
10 happen in 2012, because there is no data available.
11 So it is impossible for me.

12 I am not avoiding the comments on District
13 III, but it would be impossible for me, it would be
14 impossible for you or anybody else in this room or
15 this building to today say what can be done with
16 any particular district, because we don't have the
17 data. You know, in order to draw a district you
18 have got to have --

19 SENATOR THRASHER: Let me stop you. I get
20 that, I heard you say that earlier. In all due
21 respect, assuming we had the data and we wanted to
22 draw that district, assuming we spread the data of
23 the population consensus around the state and we
24 wanted to redraw that district, you are saying we
25 could or couldn't redraw it --

1 MS. FREIDIN: I have no idea.

2 SENATOR THRASHER: -- under your testimony?

3 MS. FREIDIN: I have no idea.

4 SENATOR THRASHER: So in your opinion then, I
5 guess, if it is no, the minority representation
6 would diminish then under the Fair Districts' plan,
7 is that correct?

8 MS. FREIDIN: You would have to be able to
9 have the data for the entire state. You would have
10 to have voting data in minority districts, in
11 minority areas. You would also have to have a
12 census data which isn't available. I can't answer
13 that question.

14 SENATOR THRASHER: Okay, fair enough. Let me
15 ask you just in a follow up then to that if I may,
16 Mr. Chairman.

17 REPRESENTATIVE CANNON: Absolutely.

18 SENATOR THRASHER: Since -- since we know the
19 shape of the district and the current partisan
20 makeup who is represented by Corrine Brown, who is
21 a Democrat, would we if we had the correct census
22 and we still wanted to draw that district, would we
23 be intending to a favor her if we drew that
24 district in a similar way or the same way?

25 MS. FREIDIN: It depends on the reasons you

1 are drawing the district for that -- for that --
2 for that purpose. I really -- I really cannot
3 comment on any particular district, but I can say
4 this.

5 That with regard to any district, I know the
6 question has been asked, if we draw a district
7 identical to the prior district, does that mean
8 that we are -- that we are favoring or disfavoring
9 a particular -- a particular incumbent, and the
10 answer is, it depends on why you are drawing the
11 district that way.

12 SENATOR THRASHER: Let me ask you.

13 MS. FREIDIN: And you know that. I can't.

14 SENATOR THRASHER: Let me ask you another
15 question then if I may, Mr. Chairman.

16 REPRESENTATIVE CANNON: Sure.

17 SENATOR THRASHER: I heard your testimony
18 earlier about, and I tried to write it down,
19 particularly about the public hearings, and I think
20 the Legislature has had a history of holding public
21 hearings around the state to hear the views of
22 citizens.

23 Suppose and your testimony I think was
24 directed that it would be okay if somebody in one
25 of those hearings said, she liked or he liked a

1 particular district.

2 What if they said, we like our particular
3 Representative or Senator or Congressman, would
4 that testimony provide improper intent for us I
5 guess?

6 MS. FREIDIN: I think it would depend on what
7 you do. The intent is yours, not -- public comment
8 is very, very important in this context. There
9 will be lots of public comment and it will be very
10 varied and certainly there is no reason for -- for
11 you as members of the committees that are dealing
12 with it or the entire Legislature to ever except
13 public comment. There is nothing wrong with that.

14 The question is what do you do when you go
15 into -- into the map drawing room and you draw the
16 map.

17 SENATOR THRASHER: I mean, say we get a bunch
18 of comments that somebody likes Senator Storms as
19 their Representative or their Senator and we go
20 back in and we draw a district, you know, similar
21 to what it is now.

22 I guess that is my dilemma. You can't answer
23 these questions. How in the world and you are the
24 ones who drew the districts -- drew the language in
25 the quote, unquote, Fair Districts of Florida, if

1 you can't answer them, this was your -- you
2 obviously understood the language you were writing.
3 How in the world do you expect us to answer those,
4 or how in the world do you expect our citizens to
5 understand that?

6 MS. FREIDIN: Well, I think that there are
7 many examples of times, and Senator Thrasher, with
8 all -- with all the experience that you have and
9 the redistricting experience, specific
10 redistricting experience you have, you know that
11 there have been many times in which and probably
12 almost every time in which districts are examined
13 to determine whether they're going to be good for
14 an existing incumbent or not or whether they're
15 going to be for a party or not.

16 We are asking you to not look at that
17 information anymore. To eliminate that
18 consideration from your calculus.

19 SENATOR THRASHER: You want us to go to
20 these --

21 MS. FREIDIN: The public --

22 SENATOR THRASHER: Let me interrupt, in all
23 due respect.

24 REPRESENTATIVE CANNON: Senator Thrasher.

25 SENATOR THRASHER: In all due respect you in

1 essence are saying, let's go to these hearings and
2 put ear muffs on.

3 MS. FREIDIN: No, I am --

4 SENATOR THRASHER: I am not going to do that,
5 I am not going to do that on behalf of my
6 constituents if I am involved in that.

7 Let me ask you the last question, Ms. Freidin.

8 MS. FREIDIN: Mr. Chairman, he is --

9 SENATOR THRASHER: Ms. Freidin.

10 MS. FREIDIN: -- you are not giving me a
11 chance to answer these questions.

12 REPRESENTATIVE CANNON: Ms. Freidin, I assure
13 you you will have ample time to answer anything you
14 want, but I am going to recognize Senator Thrasher.

15 SENATOR THRASHER: My last question,
16 Mr. Chairman. Has Fair Districts drawn any maps
17 previously that you could show us?

18 MS. FREIDIN: No.

19 SENATOR THRASHER: Okay. So you have gone out
20 then and said you have got 1.7 million signatures
21 to sign petitions and you have never even drawn a
22 map to show it will actually work, is that correct?

23 MS. FREIDIN: There is no question that these
24 are workable standards. This is not rocket
25 science. This is something -- these standards are

1 applied in almost every other state in the Union.

2 Florida is the only state in the country that
3 only uses contiguity as its only standard. I am
4 sorry, it is one of three that have as few
5 standards as we have. So that -- that would be the
6 answer. This is not a difficult thing to do and I
7 have every confidence that this Legislature is
8 totally capable of drawing maps with these
9 standards.

10 Now, I want to go back though to the question
11 that you were asking before, because I think it is
12 a very, very important question.

13 What these amendments do is they prohibit the
14 drawing of districts with the intent to favor or
15 disfavor a political party or an incumbent.

16 Now, you -- I think that what you were asking
17 me is if somebody comes before you and says, some
18 member of the public comes before you and says, I
19 want to keep -- Senator Thrasher, I want your
20 district to be exactly the same because I think you
21 are the perfect Senator and I want your district to
22 stay the same.

23 So that would be -- so your question is, if
24 they -- if the Legislature then goes back and draws
25 your district identically, does that mean that --

1 that -- that you then or the Legislature then had
2 intent to favor or disfavor.

3 The answer to that question cannot be devined
4 today, but it could be devined after you draw the
5 districts. And the way that it would be devined
6 was there could be testimony about conversations
7 that were had among legislators.

8 We want to make sure that we are protecting
9 this particular district. We want to make sure
10 that we are protecting -- we are ensuring that
11 there is as many Democratic seats as possible in
12 the Legislature. That would be one way.

13 Another way would be the data that you use to
14 rely on to draw a particular district. Now, we --
15 there is no question and this question has been
16 raised time and time again in these hearings.

17 We understand the data must be used in drawing
18 minority districts, but it doesn't have to be used
19 in drawing the non minority districts. So
20 registration and performance data shouldn't and
21 doesn't have to be used.

22 And before and after results also could be
23 used to determine what the intent of the drafters
24 of the districts was, and what the districts
25 actually look at.

1 So those -- those are the three things that
2 can be used and it is impossible to say that just
3 because somebody came before you that -- and made
4 some comment, that that would be proof of intent.
5 That doesn't make sense.

6 What makes sense is what you say, what you
7 think and what you do when you go and draw those
8 districts.

9 SENATOR THRASHER: Just a final comment,
10 Mr. Chairman.

11 REPRESENTATIVE CANNON: Certainly, Senator
12 Thrasher.

13 SENATOR THRASHER: As I understand your
14 testimony then, what you are saying is that just
15 about any plan we draw that has something to do
16 with intent is going to go challenged in the court.
17 So that is where I am going.

18 People don't understand this, you don't
19 understand it in terms of how we -- it will be
20 reflected in the courts. I don't know whether the
21 courts will have to follow the same standards of us
22 that we do. I don't know what the definition of
23 intent is, you don't. I don't know what the
24 standard of proof is, you don't. We don't what
25 evidence will be required, you don't.

1 So to me this sets up what I have said all
2 along, an obstacle for this Florida Legislature to
3 design a plan that obviously meets your criteria,
4 and ultimately it is going to be challenged in the
5 courts and the courts are going to make that
6 determination which I believe is your intent.
7 Thank you, Mr. Chairman.

8 MS. FREIDIN: Mr. Chairman --

9 REPRESENTATIVE CANNON: Senator Haridopolis.

10 MS. FREIDIN: -- may I respond to that,
11 because he just made some comments that -- about
12 things that I don't think are true about what my
13 thought is and I just want to clarify.

14 REPRESENTATIVE CANNON: Sure.

15 MS. FREIDIN: I want to clarify something.

16 REPRESENTATIVE CANNON: Sure.

17 MS. FREIDIN: It is not the intent of Fair
18 Districts Florida to have this end up in the
19 courts, and if the districts are drawn according to
20 the standards there will be no more litigation than
21 ever before.

22 The Supreme Court of Florida has -- this is an
23 issue that was raised before the Supreme Court of
24 Florida, and the Supreme Court of Florida rejected
25 it soundly that there would even be more

1 litigation.

2 With regard to intent, I just gave you three
3 standards that we certainly can rely on in terms of
4 whether or not there is intent and we need to be
5 really careful how we are throwing this word intent
6 around, because the only intent here that is --
7 that we are talking about at this moment is the
8 intent to favor or disfavor a political party or an
9 incumbent.

10 And we all know that for the last, and it is
11 not just the last 10 years and it is not just the
12 last 20 years, it is as far as anybody can remember
13 back in Florida districts have been drawn for the
14 purpose of accomplishing a particular political
15 result. And that is the -- it is the intent to
16 that, that Fair Districts Florida is trying to
17 eliminate.

18 REPRESENTATIVE CANNON: Ms. Freidin, with all
19 due respect, the word intent and the things you
20 mentioned, testimony, data, evidence, the actual
21 intent could only be determined by a court, could
22 it not, as a matter of law?

23 MS. FREIDIN: No, I think that the intent
24 starts with you and I think that if you -- if
25 legislators understand that they are not supposed

1 to be drawing districts to accomplish a particular
2 political result, then -- then it never needs to
3 get to a court.

4 There are many states that have the
5 requirement of drawing districts not to favor a
6 political party or an incumbent, there are many
7 states that do that and they all manage to get
8 their maps drawn.

9 There are many other states that give it to --
10 give the responsibility to a commission and those
11 commissions are not -- are charged with not drawing
12 for a particular political purpose. They manage to
13 get their maps drawn and then the maps, they all
14 have the requirement of no intent.

15 They have no problem getting their maps drawn
16 and their districts in place and having their
17 elections held. There is no reason in the world
18 that Florida can't do that, too.

19 REPRESENTATIVE CANNON: Chairman Haridopolis.

20 CHAIRMAN HARIDOPOLIS: Thank you. I just have
21 a question. I think your words, it doesn't take
22 rocket science to do this, and as far as the
23 records show I think roughly three and-a-half
24 million dollars have been spent, that is a pretty
25 big business enterprise, but it is so easy maybe a

1 legislator can draw these lines.

2 But let me ask you, we have information from
3 2002, we have a lot of folks here who are very
4 intelligent folks on your side who believe
5 passionately in this and I respect that.

6 We have the ability, what we would like to do,
7 it is a pretty easy thing, you have described it,
8 it is pretty easy to do. We will give you the
9 software, we will give you a week, maybe two weeks
10 if that is enough time because it is so easy to do
11 and we would like you to come back and show us how
12 each of the criteria that are so easy to do, it is
13 not rocket science can be done.

14 Because to this point all of the members,
15 Republican and Democrat who have been up here
16 trying to understand this are having great
17 difficulty and today you are not helping your
18 cause.

19 So to help your cause we would respectfully
20 ask you to come back in a week with the 2002 data
21 that is not rocket science and show us how -- we
22 wouldn't even ask you to do all 120, that is a lot
23 of work, not even 40 Senate districts, have a good
24 25 Congressional seats and draw those for us and
25 show us just how easy that is. Could you help us

1 do that?

2 MS. FREIDIN: I couldn't do it today and you
3 couldn't do it today, Senator.

4 CHAIRMAN HARIDOPOLIS: I have already admitted
5 that I can't do it. We said --

6 MS. FREIDIN: We all know --

7 CHAIRMAN HARIDOPOLIS: No, don't tell me that.

8 REPRESENTATIVE CANNON: Ms. Freidin, please
9 let Senator Haridopolis speak.

10 CHAIRMAN HARIDOPOLIS: You just described it
11 as rocket science. It is not rocket science, okay.
12 So what I would like to ask, please look at me, I
13 am speaking with you, I am asking you a simple
14 question.

15 You describe it as a very easy process to use
16 the technology that is readily available and draw
17 25 districts that meet your easy to reach criteria
18 and I will give you one week, would you like two
19 weeks, because the people of Florida are going to
20 vote in November, and you have represented certain
21 ideas.

22 Would you like one week or two weeks with your
23 team of lawyers, spend three and-a-half million
24 dollars and show us the districts. I don't think
25 it is an unfair request, considering this is an

1 important process, and remember, this is a
2 constitutional requirement every 10 years. So can
3 you do it or can you not do it?

4 MS. FREIDIN: Nobody can do it.

5 REPRESENTATIVE CANNON: So it is impossible?

6 MS. FREIDIN: May I finish the answer?

7 REPRESENTATIVE CANNON: Sure.

8 MS. FREIDIN: Nobody can do it, and Senator,
9 this is -- it is like this is not really a possible
10 thing that you are asking me to do. You know, I
11 would ask have you all drawn maps.

12 REPRESENTATIVE CANNON: Actually we did in the
13 current districts we all sit in.

14 CHAIRMAN HARIDOPOLIS: And met Federal
15 requirements according to the United States
16 Constitution and Federal law.

17 MS. FREIDIN: Well, but you haven't drawn them
18 with the new criteria.

19 CHAIRMAN HARIDOPOLIS: And that is what we are
20 asking. You came up with the idea, you spent three
21 and-a-half million dollars and now you say I won't
22 do it?

23 MS. FREIDIN: Actually, we didn't come up with
24 the idea. Members of the Legislature who had just
25 gone through a redistricting came up with the idea

1 in 1993, of these particular standards.

2 The answer is that in order to draw these maps
3 you must have not only data, but you must have
4 census information. You must have voting data, you
5 must have census information, you must have
6 geographical information and you have also got to
7 have a balancing by a legislative body of all of
8 the criteria.

9 And the balancing factor can't be -- can't be
10 applied by me, nor could I possibly draw a map
11 without the data that exist, that doesn't exist
12 today.

13 REPRESENTATIVE CANNON: Senator Haridopolis.

14 CHAIRMAN HARIDOPOLIS: The data exist, the
15 data exist from 2002. It is known data and we can
16 figure that up, we can do it with 2002 data,
17 because as you mentioned before, you said Senator
18 Thrasher had some experience with redistricting.

19 He has zero experience with redistricting. He
20 was not here in 1992, he was not here in 2002, and
21 all we are saying is that I read your newspaper
22 accounts. We have read the hyperbole in the
23 responses and we are saying, it is like health
24 carry form.

25 Everyone is for it, then once it actually

1 comes to a piece of legislation, people make a
2 decision. If you are the expert on this, you have
3 been dealing with this 1998. You led a campaign
4 which raised over three and-a-half million dollars.
5 You have the editorial support of so many folks and
6 that is impressive.

7 So at the end of the day what matters is that
8 something that works, because theory is one thing,
9 practice is another.

10 You have an outstanding group of folks who got
11 this thing on the ballot, which is not an easy
12 thing to do and we have existing data from 2002,
13 that is so available. It is a yes or no question.

14 Are you willing to draw maps so that we can
15 have a better idea how we can serve our
16 constitutional requirements as members of the
17 Legislature, yes or no?

18 MS. FREIDIN: Are you suggesting, Senator,
19 that maps, that redistricting maps can be drawn
20 simply by plugging information into a computer?

21 REPRESENTATIVE CANNON: Ms. Freidin, the
22 question Senator Haridopolis asked was, if
23 essentially if the language that you are proposing
24 were in the Constitution back pre 2000, and we have
25 got that historical data and Senator Thrasher asked

1 some questions about it, if the standards that you
2 are proposing be injected into the Florida
3 Constitution had been in place, how could the maps
4 have been drawn. And I think Senator Haridopolis'
5 question is, could you show us that?

6 MS. FREIDIN: I am going to answer your
7 question one more time. To draw a good plan, to
8 draw a map under any criteria you need census data,
9 you need voting performance and registration data
10 for minority districts.

11 You need the input of the public and you need
12 the collegial work of all of the legislative body.
13 The answer is, I can't do that, because I don't
14 have any of that.

15 REPRESENTATIVE CANNON: We will supply you all
16 of the data -- all of the objective data --

17 MS. FREIDIN: And you can't --

18 REPRESENTATIVE CANNON: Ms. Freidin, please
19 excuse me. We will supply you all of that
20 historical voter data, all of the census block
21 tract and number data from 2000, and we would
22 simply ask you to prepare a set of Congressional
23 districts that you contend actually would pass
24 muster under your proposed constitutional
25 amendment, will you do it or not?

1 MS. FREIDIN: The answer is the data is not
2 available and the -- and the collegial, the
3 collegial work -- I don't have a Legislature to
4 work with me on this, nor do I have public hearings
5 to do this, and I don't have the data and it cannot
6 be done by me and it can't be done by anybody else.

7 It can't be done retrospectively, because we
8 don't know what went into the decision-making in
9 2002, to draw the districts that were drawn.

10 REPRESENTATIVE PROCTOR: Mr. Chairman, I have,
11 I am back in the back.

12 REPRESENTATIVE CANNON: If I may, I have got a
13 long list if it is all right. Representative
14 Proctor for a question. Senator, and then we will
15 go Proctor, Negron, Weatherford and we actually
16 have several from there. Representative Proctor.

17 REPRESENTATIVE PROCTOR: Thank you,
18 Mr. Chairman. Ma'am, I appreciate you being here
19 with us and I would like to address a question to
20 four terms that are used and I am not clear on them
21 and perhaps you will tell me that they have been
22 defined elsewhere and that well may be. I am not
23 aware of that, but first let me ask this.

24 When you use the term, contiguous, you said it
25 shall be contiguous. And when you use the term,

1 compact, you say, it shall be compact. And when
2 you use boundaries, you say, where feasible. And
3 when you say, equal in population, you say, as
4 practicable.

5 And the term shall, is that synonymous here
6 with should or is it imperative?

7 MS. FREIDIN: It is imperative.

8 REPRESENTATIVE PROCTOR: So it is imperative
9 that the districts be compact?

10 MS. FREIDIN: Yes.

11 REPRESENTATIVE PROCTOR: All districts?

12 MS. FREIDIN: All districts unless to do so
13 would interfere with the criteria that are stated
14 in Section I or Federal law.

15 Now, that Federal law includes the Voting
16 Rights Act and it also includes the equality of
17 population requirements.

18 REPRESENTATIVE PROCTOR: So if I am trying to
19 understand the extent to which I must apply the
20 criteria of compactness, I have to temper that with
21 Section I and the Voting Rights Act, is that
22 correct?

23 MS. FREIDIN: Yes.

24 REPRESENTATIVE PROCTOR: So with regard to
25 compactness, is there any analytical tool, standard

1 that I may use to determine if a district is
2 compact?

3 MS. FREIDIN: I am not sure that I understand
4 your question. Is there any analytical tool? Do
5 you mean is there any formula?

6 REPRESENTATIVE PROCTOR: I might look at a
7 district and believe it to be compact. You might
8 see it otherwise.

9 Is there any quantitative criteria or
10 analytical tool that will tell us whether or not a
11 district is compact? Go ahead.

12 MS. FREIDIN: There are many cases that deal
13 with the question of compactness. It is a term of
14 art in redistricting, and I am not aware of any
15 formula of any sort that would be -- that would be
16 used to -- to --

17 REPRESENTATIVE PROCTOR: So people of good
18 faith could disagree upon whether a district is
19 compact?

20 MS. FREIDIN: I would imagine they could.

21 REPRESENTATIVE PROCTOR: So now let me move
22 just a moment to the word, diminish. Used the
23 sense that we don't want to diminish the rights of
24 minorities to participate.

25 If we have a district that we have, let us say

1 currently is 29 percent minority and we follow all
2 of the guidelines. We draw, it is contiguous,
3 reasonable people would say it is compact. We have
4 used boundaries where it is feasible and we have
5 something approaching equal population, and we
6 reduce that minority representation from 29 to 27
7 and the results are the loss of the minority seat.
8 Would that be evidence of intention?

9 MS. FREIDIN: I can't possibly comment on any
10 particular hypothetical situation, because there is
11 so much else that goes into it.

12 REPRESENTATIVE PROCTOR: But I just put every
13 standard that you applied in and I said, as a
14 result of using all those standards with good
15 intent, and I had to reduce the minority
16 representation by two percentage points, and as a
17 result we diminished the minority representation.
18 Could we be accused of doing that intentionally?

19 MS. FREIDIN: Okay. You need to look at the
20 language. The language says that -- that districts
21 shall not be drawn to diminish the ability of
22 minority voters to elect representatives of their
23 choice and that is the only thing -- that is the
24 only thing --

25 REPRESENTATIVE PROCTOR: Well, we didn't do it

1 for that reason --

2 MS. FREIDIN: That is the only --

3 REPRESENTATIVE PROCTOR: -- we did it to
4 comply with all of the criteria as honestly as we
5 could. Unfortunately it did reduce the minority
6 population by two percent.

7 The results then, would the results be proof
8 of intent to lose that district to the minority?

9 MS. FREIDIN: It is my understanding that
10 the -- and it is the intent of Fair Districts that
11 there can never be a guarantee of a result in a
12 particular election.

13 The issue here is whether you as a legislator
14 decide to draw a plan for a district that
15 diminishes the ability of minority voters to elect
16 representatives of their choice.

17 REPRESENTATIVE PROCTOR: Let me see if I can
18 clarify my question. My intent is quite obvious.
19 I have gone by every criteria you have established.
20 I have used compactness, I have used
21 contiguousness, I have used population and I have
22 used geographical and political boundaries, but
23 unfortunately to achieve all that I had to reduce
24 the minority representation in that district.

25 Let's say, let's take it a little longer.

1 Let's say I reduced it from 29 percent to
2 25 percent. Couldn't someone reasonably claim if
3 the results lost the seat that that was my intent?

4 MS. FREIDIN: Mr. Chairman, I think I have
5 already answered this question two or three times.

6 REPRESENTATIVE CANNON: If you can answer the
7 question, please answer the question, otherwise, I
8 am going to recognize Representative Proctor for a
9 follow up.

10 REPRESENTATIVE PROCTOR: And your answer is
11 nobody can tell what my intent was?

12 MS. FREIDIN: No, that was not my answer.

13 REPRESENTATIVE PROCTOR: I am sorry, what is
14 your answer, ma'am?

15 MS. FREIDIN: My answer is that you need to
16 look at the language of the -- of the amendments.

17 REPRESENTATIVE PROCTOR: I am looking at it.
18 I used all --

19 MS. FREIDIN: The language of the amendment
20 says that you can't draw districts to diminish the
21 ability to elect representatives of choice and that
22 is -- that is the prohibition.

23 REPRESENTATIVE PROCTOR: So my question to
24 you --

25 REPRESENTATIVE CANNON: And if I can help out

1 Representative Proctor, the language Representative
2 Proctor is talking to you says intent or result.

3 REPRESENTATIVE PROCTOR: That is right.

4 REPRESENTATIVE CANNON: It is not just intent,
5 it is result as well.

6 REPRESENTATIVE PROCTOR: Yes, or results. So
7 based on the results --

8 MS. FREIDIN: We are talking about ability to
9 elect a representative.

10 REPRESENTATIVE PROCTOR: Ma'am, could you put
11 ability into a quantitative term for me? Had I
12 reduced it from 29 to 20, would they have still had
13 the ability?

14 MS. FREIDIN: I -- I cannot.

15 REPRESENTATIVE PROCTOR: Can I move on,
16 Mr. Chairman?

17 REPRESENTATIVE CANNON: Certainly.

18 REPRESENTATIVE PROCTOR: Because I don't think
19 I am getting the clarity I am seeking on this one.

20 REPRESENTATIVE CANNON: Yes, sir.

21 REPRESENTATIVE PROCTOR: Let me ask you about
22 this term, language minorities. Are there a
23 limited number of minorities that have to be
24 protected? Does it extend to all types of
25 minorities?

1 MS. FREIDIN: Are you asking me if every --
2 every person who speaks a different language is
3 protected?

4 REPRESENTATIVE PROCTOR: Well, it says if you
5 read it --

6 MS. FREIDIN: Under the current -- under the
7 current Federal law as that term is defined, it is
8 Hispanic language minority are the minorities that
9 are protected.

10 REPRESENTATIVE PROCTOR: So we would be
11 required to draw districts that we could be assured
12 reasonably represented all language minorities
13 equally with opportunity to elect candidates of
14 their choice?

15 MS. FREIDIN: Under the present -- I think I
16 just answered that question. And it was not what
17 you said. I said under the present state of the
18 law language minority is considered to be Hispanic
19 language minority.

20 REPRESENTATIVE PROCTOR: Just one more
21 question I think.

22 REPRESENTATIVE CANNON: For a follow up,
23 Representative Proctor.

24 REPRESENTATIVE PROCTOR: Ma'am, when you
25 started someone said they thought think would

1 invite litigation. And I thoroughly agree with
2 that, because so many of the terms I can't get
3 concrete definitions of.

4 So if I sit down and have to put something
5 concrete on a map, I should know what all the
6 operative terms mean. And I have trouble getting
7 those definitions.

8 So let me invite you to do this. You look at
9 this set of standards and you say the intent --
10 Senator Thrasher if I understand him, looks at the
11 exactly the same set of standards and he says the
12 intent is that you assert the legislative authority
13 and put the issue in the court. Now, who is right
14 on intent and how do you decide?

15 MS. FREIDIN: Well, I think the voters are
16 going to decide when they read the language on
17 November 2nd. They're going to go into the voting
18 booths and they're going to make a decision about
19 whether they want to see you eliminate political
20 partisanship from the calculus of your district
21 drawing in 2012.

22 REPRESENTATIVE PROCTOR: Closing statement if
23 I may?

24 REPRESENTATIVE CANNON: Representative
25 Proctor.

1 REPRESENTATIVE PROCTOR: Exactly my point.
2 You went back to results and the example I gave
3 you, if I diminished the minority by reducing it
4 four points, even though I adhered to all your
5 criteria I would be accused of intent based on
6 results which is just what you used in answer to my
7 question. You said the results proves the intent.
8 Thank you, ma'am.

9 MS. FREIDIN: Chairman --

10 REPRESENTATIVE CANNON: Thank you.
11 Representative Weatherford for a question.

12 REPRESENTATIVE WEATHERFORD: Thank you,
13 Mr. Chairman. I have got a brief series, I will
14 try to keep it brief.

15 Thank you very much for being here. I
16 appreciate your patience in taking all of these
17 questions, I know it is a lot of them, but it is an
18 important issue.

19 MS. FREIDIN: It is taking a lot of patience,
20 sir.

21 REPRESENTATIVE WEATHERFORD: Well, we
22 appreciate it, so keep it up. In reference, I want
23 to go back very briefly to a comment that Senator
24 Storms said earlier in regard to the Jenner Block
25 letter.

1 Is it my understanding that although you
2 didn't write the letter and you stated that, that
3 you agree with the analysis that was in the Jenner
4 Block letter that went to the two Senators?

5 MS. FREIDIN: I agree with some of the
6 analysis, most of the analysis. Actually I agree
7 with the analysis. I don't agree with some of the
8 suppositions that are made.

9 REPRESENTATIVE WEATHERFORD: But is it your
10 opinion that it accurately reflects what the
11 petition actually does?

12 MS. FREIDIN: You know, I can't make a comment
13 on -- I don't want -- I don't want to make such a
14 broad comment because I don't have the letter
15 committed to memory, but what I do agree with is
16 what they say that these amendments would make the
17 elections fairer for all political parties and
18 candidates and that they would also protect and
19 indeed enhance the ability of minorities to
20 participate in the political process and elect
21 representatives of their choice. That is the part
22 I am sure I agree with.

23 If you want to ask me a specific question, I
24 will try and answer it, but if I could ask, if you
25 could go a little slower than Senator Storms went,

1 because I really was not able to keep up with all
2 of the different quotes she was putting at me.

3 REPRESENTATIVE WEATHERFORD: Senator Storms, I
4 am not as sharp as Senator Storms. So I will
5 certainly be going slower.

6 MS. FREIDIN: Obviously, me either.

7 REPRESENTATIVE WEATHERFORD: I -- I have
8 another question in regard to your website. It
9 states that the voter registration in the state of
10 Florida is 42 percent Democrat, 36 percent
11 Republican and 19 percent Independent in Florida.
12 Is that correct?

13 MS. FREIDIN: That is my understanding of what
14 the voter registration is, and it is on our
15 website.

16 REPRESENTATIVE WEATHERFORD: Yes. And I am
17 assuming that partisan equality and balance are
18 very important principles and probably the genesis
19 for what your petitions -- why you have brought
20 these petitions forth. Would that be correct?

21 MS. FREIDIN: No. I -- I think -- I wouldn't
22 put it that way. I would say that partisan
23 fairness and the lack of partisan rigging of
24 districts is what we are about.

25 REPRESENTATIVE WEATHERFORD: But not partisan

1 equality?

2 MS. FREIDIN: Not necessarily, no. This is,
3 you know, you have to remember that this is
4 something -- listen, when Democrats were in charge
5 of the Legislature this is something that
6 Republicans introduced.

7 Now the fact -- and it has been -- it has been
8 championed by Republicans and Democrats in Florida
9 for many, many years. I don't think anybody is
10 looking for partisan equality. I think what we are
11 trying to avoid is a situation what exist today
12 where the Legislature draws these maps to
13 accomplish a particular political result where
14 districts are assigned to be, Republicans districts
15 or Democratic districts as opposed to districts for
16 the people and that is what we are trying to
17 accomplish here.

18 REPRESENTATIVE WEATHERFORD: Okay, well then I
19 guess my question is generally trying to figure out
20 what a statistical result or results would meet the
21 petitions' intent.

22 So for example, if a single district was drawn
23 to be 55 percent Democrat or 55 percent Republican,
24 does that district violate the intent of the
25 petition?

1 MS. FREIDIN: It depends on why it was drawn
2 that way. If it was drawn for the purpose of
3 making it 55 percent of one party or the other, it
4 absolutely would violate the petition.

5 If it resulted in -- in being 55 percent one
6 party or the other, then that would not be a
7 violation.

8 REPRESENTATIVE WEATHERFORD: But given the
9 fact that the state is 42 percent Democrat,
10 36 percent Republican and 19 percent Independent,
11 by not adhering to those numbers and drawing
12 anything else -- and have any type of other
13 statistical data or registration, wouldn't it be in
14 violation of the petition?

15 MS. FREIDIN: In order -- are you asking me if
16 the petition prohibits you from setting up a
17 district in a particular partisan way?

18 REPRESENTATIVE WEATHERFORD: Well, that is
19 what I am trying to figure out, yes.

20 MS. FREIDIN: The answer is it absolutely does
21 prohibit you from setting up a district in a
22 particular partisan way.

23 REPRESENTATIVE WEATHERFORD: But if a district
24 is not set up for a particular partisan way, but
25 happens to have 55 percent Democrat and/or

1 Republican, that doesn't violate any of the
2 principles --

3 MS. FREIDIN: Right.

4 REPRESENTATIVE WEATHERFORD: -- or the
5 classifications within the petition?

6 MS. FREIDIN: Correct.

7 REPRESENTATIVE WEATHERFORD: So, okay, let's
8 suppose there is a Democrat or Republican seat that
9 is at 60 percent Republican or Democrat today, but
10 during the redistricting process goes down to
11 55 percent or 50 percent for that matter.

12 Are you saying that that would not be
13 disfavoring a political party and/or a person's
14 district or a member?

15 MS. FREIDIN: Representative Weatherford, the
16 intent and the language of these amendments is to
17 avoid the situation that exist today when districts
18 are drawn specifically for the purpose of
19 incorporating a certain number of Democrats or a
20 certain number of Republicans in the district.

21 If districts are drawing compactly and they
22 adhere to community boundaries as is required and
23 there is no intent to -- to place a particular
24 number of one party or another or independents into
25 that district, then that would be compliant with

1 the standards.

2 REPRESENTATIVE WEATHERFORD: Okay. I will
3 tell you, Mr. Chairman, it is unfortunate what is
4 happening on the Space Coast and the fact that we
5 have so many scientists that are no longer working
6 on shuttle launches, but I can tell you we are
7 going to need to hire them about a year from now to
8 help us figure out this constitutional amendment if
9 it passes, because it is quite confusing.

10 REPRESENTATIVE CANNON: Senator Negron for a
11 question.

12 SENATOR NEGRON: Thank you, Mr. Chairman. You
13 said earlier, ma'am, in response to a question
14 about determining intent, that you gave the example
15 of, you know, did a legislator or legislators have
16 conversations about this would help my district.

17 So would you agree that it is a reasonable
18 probability that whenever the inevitable court
19 challenge comes to redistricting which has happened
20 and will likely to continue to happen, that it is
21 very probable that all 160 members of the
22 Legislature would be subpoenaed in that case in
23 order to determine intent?

24 And if you agree with that, should we avoid
25 conversations about reapportionment, should we keep

1 records about all our conversations that we have,
2 or is it acceptable to you that 160 legislators
3 would have to be called as witnesses in a court
4 proceeding to determine intent?

5 MS. FREIDIN: Well, I think that is a highly
6 unlikely situation, especially because I have full
7 confidence that this Legislature will if the
8 standards are in the Constitution, draw districts,
9 not for the purpose of creating a particular
10 political result, but draw districts that are
11 fairly, geographically fair, that make geographical
12 sense, that don't divide communities and then it
13 will be -- there will be no need for anybody to be
14 called to talk about whether they intended to
15 accomplish a particular political result, whether
16 they intended to favor or disfavor a political
17 party or an incumbent.

18 REPRESENTATIVE WEATHERFORD: But would you
19 agree that some people may not be as willing to
20 just accept our word or accept the benevolence in
21 the process, and if there is litigation, which is
22 probable, you would agree that the only way that
23 you could prove intent would be to actually have a
24 legislator on the stand being examined and cross
25 examined about what was going on in their mind at

1 the time they made a certain decision?

2 MS. FREIDIN: No, I think if you had -- you
3 would have information about what data was used to
4 draw a particular district. You would also have
5 exactly -- take a look at the district.

6 I mean, if you have a district that goes from
7 one end of the state to the other, one side of the
8 state to the other, then it is going to be --
9 somebody is going to take a look at that district
10 and say, why was that drawn that way, because it
11 doesn't make geographical sense.

12 It crosses the other way, it crosses Lake
13 Okeechobee or goes from the Space Coast to the --
14 to the Tampa Bay area. That is the sort of thing
15 that would cause somebody to look at a district and
16 say, that looks like a gerrymander district. .

17 But if the districts make sense and are
18 understandable to the people geographically there
19 shouldn't be -- there would be very little or no
20 reason to challenge them on the basis of what
21 somebody might have said about them, about their
22 intent in drawing them I should say.

23 REPRESENTATIVE WEATHERFORD: Then I will move
24 on with the Chair's permission to another area.

25 REPRESENTATIVE CANNON: Sure.

1 REPRESENTATIVE WEATHERFORD: But I am willing
2 to state on the record right now, a prediction that
3 there will be litigation resulting no matter how
4 the lines are drawn.

5 Secondly, ma'am, in your opening remarks you
6 gave the example of Winter Park and an example of a
7 policy that you don't support would that be that
8 there is more than one Representative, separate
9 Representatives for the Winter Park area.

10 If I could give you an example in my district,
11 which is Senate District 28. There is a community
12 called Okeechobee, it is a municipality and I
13 represent part of Okeechobee and Senator J. D.
14 Alexander represents part of Okeechobee.

15 Would you at least concede that an equally
16 compelling argument could be made that in actuality
17 the residents of Okeechobee, that it is a benefit
18 to them to have two members of the State Senate,
19 particularly one who is new, myself, the other
20 Senator is the Chairman of the Ways and Means
21 Committee and in charge of the appropriation
22 process in the Senate, so he is the kind of person
23 you would want to be your State Senator.

24 So would you at least acknowledge that while
25 you -- I understand your point, but there is also a

1 counter argument that having multiple members
2 represent a community such as Okeechobee, which is
3 a relatively small rural community, that that is
4 actually an advantage for the residents of
5 Okeechobee and something that is good for them?

6 MS. FREIDIN: Senator, I have heard that
7 argument before, but I have also been to the League
8 of Cities, the Leagues of Mayors and the League of
9 Local Black Elected Officials, and all of them, all
10 of those organizations have voted unanimously to
11 support the Fair Districts amendments.

12 They are the people who I would rely on to
13 tell me if it is good to have cities represented by
14 chopped up into pieces so that they are represented
15 by many different people.

16 I can't answer your question other than to say
17 that the experts, the people who are dealing with
18 it from the point of view of the cities and the
19 mayors and the other local, black local elected
20 officials at least, from their point of view they
21 don't apparently want to see that anymore, because
22 they have voted unanimously to support Fair
23 Districts Florida.

24 REPRESENTATIVE WEATHERFORD: I guess I am
25 asking your opinion as the Chairman of the

1 campaign, Chairperson of the campaign.

2 Are you willing to concede there is any
3 validity in the exact illustration that I just gave
4 you about the city of Okeechobee, or do you
5 discount that that has any merit?

6 MS. FREIDIN: I -- I actually don't an opinion
7 on it.

8 REPRESENTATIVE WEATHERFORD: Okay, that is
9 fine. Could I have one more question,
10 Mr. Chairman?

11 REPRESENTATIVE CANNON: Sure.

12 REPRESENTATIVE WEATHERFORD: There is an
13 article in Creative Loafing dated December 16th,
14 2009, that has a quote from you saying, let me read
15 it here, "That the state's population is a little
16 more than one-third Republican, yet the Legislature
17 is two-thirds Republicans."

18 And the premises of that observation would
19 seem to me to be that you would assume that
20 Republicans wouldn't vote for Democrats or that
21 Democrats wouldn't vote for Republicans, and there
22 is something amiss when the party registration
23 differs from the results.

24 I just want to give you two quick examples and
25 ask you if you would reconsider the premises in

1 your statement, at least as I interpret it.

2 Going back again to Okeechobee. That is a
3 county in my district, it is majority Democrat
4 county and I won 71 percent of the district,
5 because apparently a lot of the Democrats decided
6 for whatever reasons to vote for me.

7 I am sure you are aware that when Republicans
8 took over control of the House in 1996, and Speaker
9 Webster became Speaker, that was done based on
10 lines that the Democrats drew earlier, four years
11 earlier.

12 So would you be willing to acknowledge that
13 there are national trends, there are many other
14 factors?

15 And so that your contention that because there
16 are more of one party than another based on
17 registration, that you are under estimating or
18 ignoring the individual rights of voters to vote
19 across part lines both ways?

20 MS. FREIDIN: I actually don't have an opinion
21 on that either.

22 REPRESENTATIVE WEATHERFORD: Okay, thank you.

23 REPRESENTATIVE CANNON: All right, Members, we
24 have been doing for a while, since 1:00. I am
25 going to propose that we take a five-minute recess.

1 Is there any objection to a five-minute recess?

2 Seeing none, we will pick back up with Senator
3 Bennett right after the recess. Please, ladies and
4 gentleman, try to be back in five minutes, thank
5 you. We will stand in recess.

6 (Brief recess.)

7 REPRESENTATIVE CANNON: Ms. Freidin, welcome
8 back. Okay, you are welcome back any time.

9 And Senator Bennett, you are recognized for a
10 question.

11 SENATOR BENNETT: Thank you, Mr. Chairman.
12 Welcome. A couple of questions and it really
13 bothers me and I am assuming a lot of people don't
14 want to talk about it because they get really
15 nervous about anything we talk about having racial
16 ideas or something like that, but, you know, you
17 said before that the first thing we would have to
18 do to draw these seats would be to draw the
19 minority seats first. Is that correct pretty much
20 in your estimation?

21 MS. FREIDIN: Well, I think that that would be
22 one approach that you could take, but I am not a
23 person who has ever drawn a map.

24 SENATOR BENNETT: It is obvious, it really is.
25 However --

1 MS. FREIDIN: I am sure it is.

2 SENATOR BENNETT: But let me ask you
3 something. If in fact all but one of the black
4 members of the Florida Legislature are Democrat, if
5 we drew those seats, wouldn't you be, in fact,
6 favoring the Democrat party and somebody could say
7 that, you know, challenge us in court because you
8 have favored the Democrat party, even though you
9 are trying to say, well, we are trying to protect
10 the minority seats, couldn't it be interpreted
11 because of that huge representation of blacks who
12 serve in the Democrat party in the Legislature,
13 wouldn't you, in fact, be favoring the Democrat
14 party?

15 MS. FREIDIN: There are districts that make it
16 possible for minority voters to elect
17 representatives of their choice.

18 SENATOR BENNETT: I don't think what is what
19 it says. I think it says to participate in the
20 political process.

21 MS. FREIDIN: And --

22 SENATOR BENNETT: To participate in the
23 political process could be as simple as voting. I
24 don't think it means you have got to get elected.

25 MS. FREIDIN: Well, but there is a second part

1 of it that says that -- that we have to have -- we
2 have to ensure that we don't diminish the ability
3 of minority voters to elect representatives of
4 their choice.

5 And that is a permissible consideration. If
6 it turns out that -- that those minority voters are
7 Democratic, then, in fact, that wouldn't be the
8 reason that you are drawing those districts.

9 Now, on the other hand if it turns out that
10 because there are many minority representatives in
11 this body in the House and the Senate who are
12 Republican, who -- and that -- neither would that
13 be favoring them.

14 It would be if you are drawing districts in
15 order to favor minority voters, in order to create
16 the ability of minority voters to elect
17 representatives of their choice, you are not making
18 the decision to favor or disfavor a particular
19 political party.

20 SENATOR BENNETT: But I think you would agree
21 that it could be a subject of a challenge that you
22 have actually drawn those districts --

23 MS. FREIDIN: I would not agree.

24 SENATOR BENNETT: Let me ask you,
25 Mr. Chairman, if I could on the last question. You

1 have been very, very good about representing the,
2 what did you say, one and a half million, 1.7
3 million people who have signed this petition, is
4 that something --

5 MS. FREIDIN: It is close to 1.7 million.

6 SENATOR BENNETT: 1.7 million people. And I
7 appreciate the fact that you are trying to
8 represent them, and obviously you owe a debt to
9 them because of all the efforts that they have gone
10 and taken the time.

11 So since you owe a debt to them, wouldn't you
12 feel that to pay that debt, it would be encumbent
13 upon you all to try to show them that they didn't
14 waste their time and, therefore, by taking up
15 Senator Haridopolis' offer to go ahead and draw the
16 districts, you could show these people that what
17 they signed and what they were purported by your
18 representative was true and just, here is an
19 example of what we have asked you to do, therefore,
20 we have approved it.

21 So don't you feel like you owe them that
22 opportunity, since we are saying we can't do it,
23 don't you feel that some kind of debt to show them
24 that they didn't waste their time?

25 MS. FREIDIN: Every day that you pass laws

1 that you consider laws, you do a balancing of a
2 number of factors and you come up with what you
3 consider to be the proper law.

4 Redistricting is really nothing different.
5 The people of Florida if they agree that these are
6 criteria that they want you to follow, if they want
7 you to stop partisan gerrymandering and to start
8 following these criteria instead, then I have every
9 confidence that this is something that you will be
10 able to do.

11 SENATOR BENNETT: Mr. Chairman, if I could
12 just make a comment. Right now as we know our
13 budget is about three million upside down and I am
14 going to pass legislation this coming week that we
15 are going to get that \$3 million out of heaven,
16 because I am sure somebody is going to do it and I
17 think it is about the same analogy. Just because,
18 you know, you want it doesn't necessarily mean it
19 is going to happen.

20 REPRESENTATIVE CANNON: Representative Hudson
21 for a question.

22 REPRESENTATIVE HUDSON: Thank you,
23 Mr. Chairman. Thank you for your testimony today.
24 Certainly it has been an interesting, interesting
25 day.

1 But I want to go back and just kind of clarify
2 some of the things that I heard you say. You
3 mentioned a word a number of times and it has been
4 a source of great debate today, but you said that
5 this amendment was simply intended, that it was
6 intentional to avoid party favoritism.

7 You said that -- well, you said quite frankly
8 that it is not unusual to have intent proved in
9 litigation.

10 Wouldn't it be easier to understand the intent
11 prior to that so we don't have litigious
12 litigation?

13 MS. FREIDIN: Representative Hudson, you know
14 as well as I do, that from the beginning of
15 redistricting in Florida the intent of the
16 Legislature has been to protect its own seats and
17 those of the party that is in control of the
18 Legislature.

19 Now, all we are trying to do is ask the voters
20 of Florida if they would like to stop that and to
21 create a set of standards that will require that
22 instead of drawing districts with the intent to
23 feather a particular political nest, that the
24 districts be drawn with no intent to do that, and
25 be drawn to make sense, to keep communities

1 together, to keep cities, counties or other
2 geographical areas together whenever possible.
3 That is all we are asking. And we are confident
4 that this Legislature can do that.

5 REPRESENTATIVE HUDSON: Follow up, Mr. Chair?

6 REPRESENTATIVE CANNON: Follow up.

7 REPRESENTATIVE HUDSON: Thank you. Well, I
8 absolutely would not agree with you and I have no
9 earthly idea what happened at the turn of the
10 century when it comes to redistricting and
11 balancing things, and quite frankly, I don't think
12 anyone else here does as well. And to presume that
13 quite frankly is not right.

14 At the end of the day people elect you because
15 they either like you or they don't. It is just
16 that simple.

17 Now, what is the intent? How do we define
18 intent? When we take public testimony and we
19 ultimately vote on this, will every legislator be
20 called for subpoena? Will we all stand before a
21 judge and say, hey, this is what we were thinking
22 or not thinking?

23 MS. FREIDIN: Representative, I already
24 asked -- answered that question from the other
25 side. I am not sure who it was that answered it,

1 but I think I have answered that.

2 REPRESENTATIVE HUDSON: No, you didn't. Yes
3 or no?

4 MS. FREIDIN: The answer about did I expect
5 that 170 people would be called? It was no, I
6 already answered that question.

7 REPRESENTATIVE HUDSON: Okay. Let's move to
8 another topic. Our plan ultimately would have to
9 go before the Supreme Court for a review.

10 MS. FREIDIN: As it does now.

11 REPRESENTATIVE HUDSON: Correct, without
12 question. And they have a 30-day period of time in
13 which to review that, correct?

14 MS. FREIDIN: As far as I know, yes.

15 REPRESENTATIVE HUDSON: Okay. Now previously
16 the Supreme Court has indicated that it would be
17 highly problematic for them to be able to review a
18 Voters Right Act plan within 30 days.

19 Given the additional things that are up on the
20 screen right now, going from three to a myriad, how
21 could they possibly get that done within 30 days?

22 MS. FREIDIN: They have a constitutional
23 requirement to do it and they will do what they can
24 do, and if the Legislature chooses not to follow
25 the standards, that can be litigated in other

1 forums. Just like many other issues in
2 redistricting have always been litigated in other
3 forums.

4 REPRESENTATIVE HUDSON: So we are back to
5 litigation. Okay, thank you for your answer.

6 REPRESENTATIVE CANNON: Representative
7 Fitzgerald for a question.

8 REPRESENTATIVE FITZGERALD: Thank you,
9 Mr. Chairman. And I have a few, but I will try to
10 be as quick as I can. I am a little bit confused
11 by some of the confusion.

12 Would you agree with me that in characterizing
13 the process of drawing districts, that what
14 implicitly or explicitly a legislator or whatever
15 body has to engage in, is coming up with a set of
16 rules for solving the problem of how to draw the
17 lines on the map? I mean, isn't that what you are
18 doing?

19 MS. FREIDIN: Yes, of course.

20 REPRESENTATIVE FITZGERALD: And the technical
21 term for a set of rules to solve a problem is an
22 algorithm, correct?

23 MS. FREIDIN: I actually don't know the term.

24 REPRESENTATIVE FITZGERALD: That is what it is
25 called.

1 MS. FREIDIN: But I will accept it if you say
2 it.

3 REPRESENTATIVE FITZGERALD: In evaluating the
4 complexity of solving a problem, does having more
5 criteria make it more complex or does have fewer
6 criteria make it more complex?

7 MS. FREIDIN: I quite frankly think -- I don't
8 want to talk in a vacuum, Representative
9 Fitzgerald, but let's talk about these particular
10 criteria.

11 REPRESENTATIVE FITZGERALD: Okay.

12 MS. FREIDIN: I think these criteria, although
13 I understand that there has been a huge effort here
14 today to make it sound like it is -- that it is
15 very complex, but I think that if you have the
16 more -- the more limits that you have, the easier
17 it becomes to draw the district.

18 REPRESENTATIVE FITZGERALD: So an algorithm
19 could be written in the form of a computer program
20 in some cases, correct?

21 MS. FREIDIN: Forgive me, because I don't know
22 about the word, algorism, but I do know that a
23 computer --

24 REPRESENTATIVE FITZGERALD: Well, it is what
25 you call a computer program.

1 MS. FREIDIN: -- that you certainly could put
2 these criteria into a computer and ask the computer
3 to draw districts.

4 REPRESENTATIVE FITZGERALD: And in fact, isn't
5 that what happens in the state of Iowa and a few
6 other states, that they have a nonpartisan
7 commission that defines criteria, they write a
8 computer program and they draw the district lines
9 on that basis?

10 MS. FREIDIN: Yes, but I think also that there
11 is always public input and there is always
12 discussion, even in the states that have
13 redistricting commissions. There is discussion
14 among the members as there would be discussion and
15 debate among the Representatives here.

16 REPRESENTATIVE FITZGERALD: So as I read this
17 and I will start with Amendment V. It says, "No
18 apportionment plan or district shall be drawn with
19 the intent to favor or disfavor a political party
20 or an incumbent."

21 So that is removing two rules or criteria from
22 the problem of drawing the line. Just saying you
23 can't take that into consideration, so in fact, it
24 is simplifying the process, not making it more
25 complex which the drawing of the lines.

1 MS. FREIDIN: Absolutely.

2 REPRESENTATIVE FITZGERALD: So we do have
3 questions of intent clearly. Is -- is it an
4 unusual, as a lawyer, I am not a lawyer, is there
5 anything unusual in civil or criminal law to have
6 as an aspect the proceedings, findings about intent
7 based on evidence?

8 MS. FREIDIN: Absolutely not. Intent is -- is
9 considered all the time.

10 REPRESENTATIVE FITZGERALD: And with or
11 without these criteria as part of the equation in
12 drawing these boundaries, would a court challenge
13 in all likelihood involve questions of intent?

14 MS. FREIDIN: It certainly could in the Voting
15 Rights Act context.

16 REPRESENTATIVE FITZGERALD: So in fact we have
17 not added complexity, we have removed it by saying
18 we cannot intend to do these, but we certainly have
19 to have some evidentiary finding if someone asserts
20 that that has taken place, a separate process,
21 correct?

22 MS. FREIDIN: Correct.

23 REPRESENTATIVE FITZGERALD: Okay. And so all
24 of these terms that are confusing people, like
25 intent already presently involved in the process,

1 correct?

2 MS. FREIDIN: Correct.

3 REPRESENTATIVE FITZGERALD: Compactness is a
4 feature of the Florida Constitution, it is not an
5 addition to -- by your amendment.

6 MS. FREIDIN: Well, compactness --

7 REPRESENTATIVE FITZGERALD: I mean,
8 compactness --

9 MS. FREIDIN: -- is, contiguity.

10 REPRESENTATIVE FITZGERALD: Contiguity, sorry.
11 So we add compactness. That is a level of
12 complexity.

13 Are there other states that have that as a
14 requirement in their process?

15 MS. FREIDIN: Contiguity?

16 REPRESENTATIVE FITZGERALD: No, compactness.

17 MS. FREIDIN: Compactness, yes, I think that
18 there are 36 other states that use compactness.

19 REPRESENTATIVE FITZGERALD: And is it the case
20 that they all navigate these waters fairly --
21 fairly successfully?

22 MS. FREIDIN: Thirty-six states, they all have
23 districts and they all have -- and they all have
24 representatives elected from the districts.

25 REPRESENTATIVE FITZGERALD: Now I have a

1 couple of questions more and they may in some ways,
2 I guess dispute a little an answer you gave
3 earlier.

4 You were asked about whether we could do, you
5 could do in a week or two weeks this solution. I
6 think we have heard statements already that this
7 Legislature is already engaged in the process of
8 drawing these districts.

9 So that is not exactly a commensurable
10 standard, but on the other hand if we eliminated
11 party or incumbency as a criterion, isn't it the
12 case that you could write a computer program that
13 would do this?

14 MS. FREIDIN: Well, I think that the very
15 principal of districting and the way it has always
16 been done in the past is to do it after public
17 comment and with collegial collaboration among the
18 members.

19 So do I think that you could come up with some
20 sort of a map, but it would not be necessarily an
21 appropriate map nor would it necessarily be
22 compliant.

23 REPRESENTATIVE FITZGERALD: Right, but my
24 question is --

25 MS. FREIDIN: There is too much that goes into

1 it.

2 REPRESENTATIVE FITZGERALD: If we wanted to
3 give up the value of the collegiality and the input
4 and so forth and maximize speed in order to do
5 this, it is done in other states, it has been done
6 and it probably could be done given a certain
7 commitment of resources.

8 MS. FREIDIN: I am actually not familiar with
9 the answer to that question. It sounds like you
10 are from your question, but I don't know.

11 REPRESENTATIVE FITZGERALD: Let me ask you a
12 final question then.

13 Are you familiar with a study by a couple of
14 authors, one named Jotway (phonetic) Chen and the
15 other Jonathan Rucker, the first from the
16 University of Michigan at Ann Arbor and the other at,
17 I believe Stamford University called Tobbler's Law
18 Urbanization Electoral Bias. Have you heard of
19 this study?

20 MS. FREIDIN: No.

21 REPRESENTATIVE FITZGERALD: Are you aware that
22 it is actually done exactly what Senator
23 Haridopolis proposed would be done? In other
24 words, it took the 2000 -- it actually had a unique
25 dataset that used the outcome of the 2000 election,

1 as opposed to the voter registration files, but it
2 used that to draw a series of district boundaries
3 in the state of Florida to see what the impact of a
4 applying compact, compactness and contiguity as
5 criteria would be.

6 MS. FREIDIN: I am not aware of it.

7 REPRESENTATIVE FITZGERALD: The study has been
8 done, it exist, it is on line, it is published.
9 The sub title by the way, and this will be my final
10 comment, of that study was, "Why compact contiguous
11 districts are bad for Democrats," and that is where
12 I will stop.

13 MS. FREIDIN: I don't know anything about it.

14 REPRESENTATIVE CANNON: Senator Lawson for a
15 question.

16 SENATOR LAWSON: Well, I don't know that I
17 have a question. I have had the opportunity to
18 listen to all of the comments and maybe I do have a
19 question. And I also had the opportunity, maybe
20 only one or two of us go through two
21 reapportionments since I have been in the
22 Legislature.

23 And my question probably would center around
24 the fact that -- that when -- when reapportionment
25 took place in 2000, the NAACP, SCLC, the Voters

1 League, League of Women Voters and many groups
2 signed off on -- on the reapportionment that was
3 being proposed.

4 And -- and when we gathered information, we
5 gathered information based on many of the criteria
6 that are listed up there.

7 And one of the things that occurred is as a
8 result from the first reapportionment to the second
9 that it increased the number of African-Americans
10 serving in the Legislature because of that.

11 And some of the conversation which I was
12 involved very seriously in the Legislature is how
13 do you increase the number of African-Americans.

14 The only concern that has been expressed from
15 some minority groups around the state is that with
16 Fair Districts will that conversation still
17 continue with how to keep the number of
18 African-Americans in the Legislature, because if I
19 understand the way lines were drawn, if the lines
20 are drawn with the perspective that we have now on
21 Fair District, the number of African-Americans in
22 the Legislature certainly would decrease.

23 And I guess the answer would be even though
24 you said earlier in remarks that the NAACP, you
25 know, signed on and so forth and so on, but just

1 judging from where we are now, there wouldn't be
2 any -- there wouldn't be as many African-Americans
3 in the Legislature, even in Congress without
4 gerrymandering.

5 So it brings you to the point to determine,
6 the question would be probably even though they say
7 those minority districts would be protected, then
8 Fair District would involve with some
9 gerrymandering in order to protect those districts,
10 because some of them are gerrymandering.

11 Do you see that as being a factor, or do you
12 see that that would take place, because I don't see
13 any other way from my perspective in just looking
14 at it that it could happen otherwise?

15 MS. FREIDIN: I absolutely cannot say this
16 more unequivocally. That I do not believe and
17 these amendments are not intended to and the
18 reason, NAACP has signed on after hiring counsel
19 and counsel studying the issue. So they don't
20 believe that there is going to be any problem with
21 maintaining the minority representation in the
22 state of Florida after these amendments are.

23 This is not going to be -- there is not a
24 reason to think that this is going to impact
25 negatively minority representation. In fact, that

1 is the reason that the language is in there to
2 ensure that the ability to elect minority -- the
3 ability of minority voters to elect representatives
4 of their choice will not be diminished.

5 I mean, that is an absolute requirement that
6 takes priority. So the term gerrymandering is not
7 in these amendments. There is nowhere in these
8 amendments does it say, is that word used.

9 There are two things that we are looking at.
10 One is favoring or disfavoring a particular party
11 or a particular incumbent. The other is ensuring
12 that minority voters don't have their rights
13 diminished in Florida.

14 And there is no reason to think and I have not
15 heard a sustainable legal argument that -- that
16 would indicate in any way that this does reduce
17 minority voting rights.

18 SENATOR LAWSON: Okay, if I may.

19 REPRESENTATIVE CANNON: Certainly.

20 SENATOR LAWSON: The reason why I made that
21 statement is because I was a part of the Democratic
22 majority, and in collaboration with Republican
23 colleagues and I know from the standpoint of being
24 at the table at night and everything else, that in
25 order, and I understand where you are coming from

1 and I just want to make sure that I am on the
2 record as saying it, but I know that in order for
3 the minorities that are represented here today in
4 this Legislature, if it hadn't been the
5 collaboration between the Democratic leadership and
6 the Republican leadership at the time of what was
7 fair for the state, because they have been left out
8 for 125 years, that they would not be in the
9 Legislature today.

10 My concern stems around, I am for fair
11 districts, how can this collaboration take place?
12 I haven't been able to see by saying that it is
13 just going to happen and you won't take a back
14 seat, but I know what took place at the table at
15 night and looking at the maps and drawing the maps
16 and looking at the population and how people would
17 be affected and what lines you had to go down in
18 order to ensure it and to see where it would really
19 work.

20 We don't have that ability to do that anymore
21 and this is with Democrats at leadership, because I
22 was a part of leadership at that time. If we don't
23 have that opportunity to participate because we are
24 elected, it is a citizen initiative that is given,
25 but we are the ones that write the district.

1 I have to be concerned even though I support
2 fair district on how to make sure that this
3 continues in the state of Florida and not just say
4 because these districts are going to be drawn, I
5 don't have a minority district, you know, and never
6 have in 28 years.

7 So I would say, well, it really doesn't affect
8 me, but I am concerned about some of the members
9 around the state of Florida that I know that when
10 we analyze and their districts, we drew their
11 districts in a way where they would have the
12 opportunity to get elected and have the opportunity
13 to be represented in those communities.

14 And that is the thing that I am concerned
15 about. It may be something that -- I am not going
16 to ask you to answer that question.

17 MS. FREIDIN: Well, I would like to.

18 SENATOR LAWSON: Okay. You can go ahead, yes.

19 MS. FREIDIN: Not only is there nothing in
20 these amendments that would prohibit all the things
21 that you are talking about, which is sitting around
22 a table and looking at the maps and looking at the
23 census data and looking at all of the information
24 that you need to ensure that minority districts
25 continue to be drawn, but in fact, I think that it

1 is required.

2 And in part you have answered the question
3 about -- about why it would be impossible for
4 anybody today to just sit down with a computer and
5 draw a map, that would be a map that you would
6 actually put out there and make the law of Florida
7 for the next 10 years.

8 There is nothing that prohibits that. What is
9 prohibited is drawing districts with intent to
10 protect a particular incumbent or a particular
11 political party. There is nothing that prohibits,
12 and in fact, everything protects the right of or
13 the requirement that all of you do everything you
14 can to protect minority voters. Does that answer
15 the question?

16 SENATOR LAWSON: Well, somewhat, and you know,
17 this might be a little bit funny, but when we drew
18 them we thought we were drawing them to protect
19 Democrats and they got defeated, you know.

20 So, you know, you know, and in a way, you
21 know, being honest with you when we were drawing
22 the district there was incumbent Democrats that we
23 thought we were protecting and they got defeated.

24 And so, you know, I am just saying, I
25 understand exactly what you are saying, but there

1 was very powerful members around that table that
2 were concerned about their district. I am the only
3 Democrat in the Senate between Pensacola and
4 Jacksonville and -- and those districts were drawn
5 at that time where it would have been other members
6 that would have got elected, but they did not get
7 elected.

8 So, you know, I have a little trepidation
9 about everything, because it could happen with the
10 Republican time. My goal might to be get rid of as
11 many Republicans as I possibly could before I
12 leave, you know, but -- so I might be the right
13 person to stick around and draw the districts, I
14 don't know, if it goes just the reverse. But I am
15 serious --

16 MS. FREIDIN: The lights just went out on you.

17 SENATOR LAWSON: I have been trying to get rid
18 of Bennett for a while, but that is the thing I am
19 saying. Some people have also left out the intent
20 that we had back in 2000, and I was just wondering
21 how the fair district worked that way.

22 We had no opposition from the Republicans so
23 to speak, everybody was working, you know,
24 together. It was members that, you know, were
25 concerned about their geographical location,

1 somebody didn't want to go here and someone didn't
2 want to go there, but overall, when the gavel went
3 down people were pretty happy.

4 I remember the NAACP saying this is a great
5 plan, you know, and I remember other groups saying
6 it was a great plan. And now that plan is still
7 been in existence, but now when we come back to do
8 reapportionment now, it is obvious that maybe the
9 citizens who signed this would say, well, they
10 really didn't agree with the plan that we had back
11 in 2000, and now we would like to have the plan,
12 make sure we take all these variables out when you
13 are designing the plan.

14 So I think that is thing that we have to
15 wrestle with in the Legislature, because I really
16 want to draw the plans, you know, because I have
17 done it and I know that it is intense and I know to
18 a lot of members who have never done it before, it
19 might seem like it is simple, but it is really not
20 simple. It is very complex. But that is my
21 statement, you know.

22 MS. FREIDIN: Thank you, Senator.

23 Mr. Chairman, having stood up here now for over
24 three hours I must tell you that I really don't
25 think that I have the ability to stay here much

1 longer.

2 So how much longer can we think we could wrap
3 this up?

4 REPRESENTATIVE CANNON: The meeting was
5 noticed to run until 6:00 p.m.

6 MS. FREIDIN: I understand, but you didn't
7 expect me to stand here for all those hours, did
8 you, because I am -- I must admit that it is a long
9 time.

10 REPRESENTATIVE CANNON: Actually, if you need
11 to take another break we will, but, yes, we did.
12 There have been multiple meetings of both the House
13 and Senate Committees and you are the only person
14 who has shown up for Fair Districts so far --

15 MS. FREIDIN: And when --

16 REPRESENTATIVE CANNON: Excuse me one moment.
17 You are the only person who has shown up so far.
18 It may be appropriate at future meetings that we
19 invite Speaker Mills to come as well, because I
20 understand he had some role in authoring the
21 language, but if we need to take a break, we can
22 take them, but I know that I have got a long list
23 and a growing list of Senators and House members
24 who have questions, including myself.

25 So if it is all right with you we are going to

1 continue at least a little bit longer.

2 MS. FREIDIN: Well, I will stay a little bit
3 longer, but I want to also have on the record that
4 when I was asked to come today, I very clearly, I
5 made it very clear that I had somewhere I had to be
6 at 6:00.

7 Actually, I am sorry, at 5:00, because I am
8 trying to catch a 6:00 plane. So it is now a
9 little after 4:00. I am happy to stay a little bit
10 longer, but I hope that we can wrap it up
11 relatively soon.

12 SENATOR THRASHER: Mr. Chairman.
13 Mr. Chairman?

14 REPRESENTATIVE CANNON: Yes, Senator Thrasher.

15 SENATOR THRASHER: And I respect that, I do,
16 but I think along the same lines. We have invited
17 other folks to come. I think Former Speaker Mills
18 was the author of this language or at least
19 attributed to him.

20 He has authored some other pieces of paper. I
21 would love to have him come and hopefully maybe
22 since you couldn't answer a lot of the questions,
23 Ms. Freidin, ask maybe him some of these questions
24 that we have asked today.

25 Now, I would love to that have. I would hope

1 that you would invite him to come.

2 SENATOR HARIDOPOLIS: Before I give this to
3 Speaker Representative Cannon. I mean, this is a
4 pretty serious matter. I mean, I know you had a
5 5:00 or 6:00 flight, but we are going to change the
6 Florida Constitution and you have worked since 1998
7 to work on that.

8 I would hope that you would be willing to come
9 back and share your expertise or as former Speaker
10 Thrasher asked, at least invite the person who
11 created this document to come in and testify.

12 I think the people of Florida deserve that,
13 because there is a reason why the people of Florida
14 raised the standard to 60 percent for a
15 constitutional amendment. And these are very
16 serious questions that the elected representatives
17 of the people would like to ask you.

18 So I hope you would be willing to come back if
19 today is not as convenient for you as you like. I
20 think that might be helpful to all of us.

21 MS. FREIDIN: Well, first of all, let me say
22 this. That John Mills was involved in drafting
23 these amendments, along with probably a dozen, at
24 least a dozen other people. So I just want to make
25 that clear, he is not the drafter of the

1 amendments.

2 Now as far as me, me coming back, if it is
3 your will to keep me here for another couple of
4 hours I will do it. I am here because I represent
5 all the people in Florida who really want to see
6 the partisanship in redistricting stop.

7 I will stay if that is your will. I will be
8 happy to continue answering your questions as best
9 I can, but I want to make clear that the reason I
10 came at all was because I have been working
11 tireless, really not since 1998, but for the last
12 two or three years.

13 I have put my life into this because it is
14 something that I feel very passionately about. I
15 am a volunteer. Nobody has -- I am not getting
16 paid to do this. I probably work 80 hours a week
17 on this and it is something that I feel so strongly
18 about, that is such an unfair thing in the state of
19 Florida and it is something that needs to be
20 stopped and I --

21 REPRESENTATIVE CANNON: Mr. Chair.

22 MS. FREIDIN: -- will stay if you -- if you
23 want me to stay, I will continue. I thought we
24 could probably wrap it up, but if not, go for it.

25 SENATOR HARIDOPOLIS: Sure, thank you, I

1 appreciate your comments today. Representative
2 Cannon.

3 REPRESENTATIVE CANNON: Thank you, Chairman
4 Haridopolis. I want to pick up on something that
5 Senator Lawson alluded to.

6 We spent a pretty good amount of time talking
7 about Congressional District III and I would love
8 to know if the staff could bring that map back up,
9 because I just want to make sure that I do
10 understand the things that you have testified to.

11 And again, I share Chairman Haridopolis'
12 concern and I also appreciate both the sincerity
13 and the work that you have put into this and I know
14 what you said you intended to do.

15 The problem is writing words into the Florida
16 Constitution binds all of us in how we draw these
17 maps and we take that duty remarkably seriously.

18 This is Congressional District III. It was
19 drawn as part of the 2000 reapportionment and it
20 had at the time 46 percent African-American
21 population.

22 I think I understood you to say, and we know
23 that Bartlett v. Strickland has clarified that the
24 Federal Voting Rights Act no longer or doesn't
25 require the creation or the drafting of a minority

1 access seat if it has less than 50 percent minority
2 voting age population. Would you agree with that
3 statement?

4 MS. FREIDIN: Yes, but while -- could I
5 interrupt for one second? Would it be possible to
6 get me a table and a chair to sit at?

7 REPRESENTATIVE CANNON: Absolutely.

8 MS. FREIDIN: So I don't have to stand here
9 any longer.

10 REPRESENTATIVE CANNON: But as you alluded,
11 Bartlett also allows that it states, and I think
12 the quote from the case is, "States that wish to
13 draw crossover districts are free to do so where no
14 other prohibition exist," correct? Or would you
15 agree with that?

16 MS. FREIDIN: Right.

17 REPRESENTATIVE CANNON: So it is your
18 testimony then or at least we agree that while
19 Bartlett says the Federal Voting Rights Act no
20 longer requires or doesn't require states to draw
21 minority access seats with less than 50 percent
22 minority population, we could do that if a
23 different prohibition did not exist.

24 If no other prohibition exist, then let's say
25 we wanted to honor what Senator Lawson spoke about

1 and we wanted to draw a district that looked like
2 this and it only had 46 percent African-American
3 population.

4 My question to you is, and I think I
5 understand you to say, we are going to need to get
6 Ms. Freidin a microphone and we will take a break
7 if we need to after this.

8 My question is, subsection two of your
9 amendment requires that districts shall be compact,
10 correct?

11 MS. FREIDIN: Correct.

12 REPRESENTATIVE CANNON: And it says unless one
13 of the provisions of subsection one contravenes
14 that.

15 MS. FREIDIN: Right.

16 REPRESENTATIVE CANNON: So is it your
17 testimony that preserving minority representation,
18 such as that currently held by Congresswoman
19 Corrine Brown in a 46 percent access seat, that the
20 preservation of the minority voting rights trumps
21 the compactness requirement?

22 In other words, it is primary before you get
23 to compactness, first you must not diminish the
24 ability of language or racial minorities to elect
25 the representative of their choice?

1 MS. FREIDIN: Okay. First of all, let me make
2 it clear, I am not commenting on any particular
3 district. So my comment, my answer to your
4 question doesn't relate to District III, it relates
5 to a general concept and the answer is yes.

6 REPRESENTATIVE CANNON: Very good. But you
7 would say that the preservation or to use the
8 language from the amendment, the non diminution of
9 the ability of language in racial minorities to
10 elect representatives in their current capacity
11 can't be diminished and that that trumps
12 compactness?

13 MS. FREIDIN: It trumps compactness.

14 REPRESENTATIVE CANNON: Okay, very good.
15 Okay, so it is true that if a district has to be
16 drawn none compact in order to avoid diminution of
17 minority representation, that is okay, that is your
18 intent of the language and that is what you think
19 this language does?

20 MS. FREIDIN: Yes.

21 REPRESENTATIVE CANNON: And let's just use
22 this district. I will grant you that I am not
23 asking you to testify about this specific district,
24 but a district shaped like this. Okay, take a look
25 at the shape. Would you say that is compact?

1 MS. FREIDIN: I am not going to comment on any
2 particular district. I am telling you that right
3 now, I won't.

4 REPRESENTATIVE CANNON: We need certainty, and
5 frankly the voters before they walk into the voting
6 booth in November, to decide whether to vote this
7 in or out of the Constitution are entitled to some
8 certainty.

9 So I am not asking you to comment about this
10 district, just the shape. Assume it is not in
11 Jacksonville, assume it down near Fort Myers. Is
12 that shape compact?

13 MS. FREIDIN: I don't -- I can't comment on
14 any particular district. You have a particular
15 district up on the board. I will not comment on
16 any particular district, but I will agree that
17 compactness is trumped by voting rights.

18 REPRESENTATIVE CANNON: Perfect, okay.

19 MS. FREIDIN: Would it be possible to get a
20 microphone so that I could sit down?

21 REPRESENTATIVE CANNON: Yes, we will take a
22 five-minute break until we get a mike and it will
23 be on its way. Thank you very much.

24 Members, we will stand in recess for five
25 minutes.

1 (Brief recess.)

2 REPRESENTATIVE CANNON: And actually it
3 occurred and I think Chairman Haridopolis makes a
4 very good point, which is if you are feeling tired
5 and not up to testifying, we don't want to extend
6 the meeting beyond that at all.

7 We do appreciate your testimony and your
8 passion and your hard work. So if it is all right
9 with the Members and I have gotten sort of general
10 head nods that they are okay allowing the meeting
11 to end here.

12 We would ask you to come back and I will say
13 that our staff has found both the software and all
14 of the data from the 2000 reapportionment, and not
15 just the data, but as well all of the public
16 hearings, all of the testimony that the Department
17 of Justice used when they reviewed the plan back in
18 2000.

19 We would also as Chairman Haridopolis and I
20 have agreed, be willing to make our staff available
21 and because you are a volunteer, pay for any of the
22 time or staff time necessary to have you draw a set
23 of maps, but we do want to renew the request that
24 we have heard testimony, I know back in 2000, both
25 common cause and the Florida League of Women

1 Voters, they drew plans.

2 So it is possible and we would sincerely ask
3 you to do that, to demonstrate to us that it is, in
4 fact, possible to draw a set of Congressional maps
5 that you would contend would comport with the
6 language of the amendments.

7 So we will make that available to you and once
8 again, we very, very much appreciate your testimony
9 here today and hope to see you back in conjunction
10 with our staff at a meeting either next week or
11 shortly thereafter.

12 SENATOR SIPLIN: Mr. Chair.

13 REPRESENTATIVE CANNON: Senator Siplin.

14 SENATOR SIPLIN: Yes, thank you. I don't know
15 if it would be an inconvenience, but I would like
16 to request of the Chairmanship if there is other
17 interested parties who were the founders or the
18 originators of this movement, to come and present,
19 too, because I, you know, as a member of the Black
20 Caucus would like to understand the theory and the
21 purpose from which this amendment initiated.

22 And I think it would be relevant under the
23 record concerning the issues that have brought it
24 forward. So I would recommend that those other
25 parties who are a part of this conceptualization or

1 this amendment be invited, also, so we can address
2 the questions to them, also.

3 REPRESENTATIVE CANNON: I think it is a great
4 idea and we will have our staff work with your
5 staff, Ms. Freidin, and once again, we really
6 appreciate your participation today. We will
7 reimburse you for the travel necessary to attend
8 those future meetings as well.

9 MS. FREIDIN: I appreciate that and I just
10 want to make it very clear to everybody in this
11 room and everybody else who is listening, that our
12 goal at Fair Districts Florida is simply to draw
13 districts. To have you all draw districts that
14 benefit the people of Florida and not the
15 politicians of Florida.

16 We want to see brakes put on the political
17 favoritism in redistricting. We want to give
18 voters a choice, a real choice. We want to have
19 districts that make sense geographically. We want
20 to have districts that voters can understand.

21 We want to end this crazy guilt of Rorschach
22 districts that exist in the state today, and we
23 want to make sure that there is equal opportunity
24 for minority voters in all of Florida. We want to
25 stop the legalized conflict of interest. And I

1 thank you for having me here today.

2 REPRESENTATIVE CANNON: And Ms. Freidin, we
3 look forward to you demonstrating to us that that
4 is possible and we will see you at the next
5 meeting. With that Senator Negron moves we rise.
6 Without objection, show that motion approved.

7 (Whereupon, the meeting was concluded.)

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1 C E R T I F I C A T E

2 STATE OF FLORIDA)

3 COUNTY OF LEON)

4 I hereby certify that the foregoing transcript
5 is of a tape-recording taken down by the undersigned,
6 and the contents thereof were reduced to typewriting
7 under my direction;

8 That the foregoing pages 2 through 149
9 represent a true, correct, and complete transcript of
10 the tape-recording;

11 And I further certify that I am not of kin or
12 counsel to the parties in the case; am not in the
13 regular employ of counsel for any of said parties; nor
14 am I in anywise interested in the result of said case.

15 Dated this 18th day of February, 2010.

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CLARA C. ROTRUCK

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Notary Public

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State of Florida at Large

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CERTIFICATE OF SERVICE

I certify that on June 7, 2026, a true and correct copy of the foregoing has been furnished to all counsel of record by electronic mail via the Florida Courts E-Filing Portal:

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