



January 26, 2012

Representative Will Weatherford,
Chairman, House Redistricting Committee
400 House Office Building
402 South Monroe Street
Tallahassee, Florida 32399-1300

Dear Chairman Weatherford:

Thank you for your letter, which we received late in the evening of January 24, 2012, inviting us to participate in your meeting on January 27, 2012. We are pleased that the Committee will consider our proposals for Florida's Congressional and House districts at that meeting, but regret that the Committee will not consider our proposed Senate districts. As you know, our proposed House districts are nested within our proposed Senate districts. Thus, it is critical to consider the two proposals together.

In preparation for your meeting on Friday, rather than appearing in person, we offer in writing the explanation that you requested of our methodology and metrics. We believe that this written explanation will demonstrate that our proposals comply with Article III, Sections 20 and 21 in every respect.

Unfortunately, we do not believe that the maps passed by the Senate, nor those currently under consideration by the House, meet those criteria. Although we have only had a day to analyze the Committee's latest Congressional and House maps, it appears that they, like previous submissions and like those passed by the Senate do not comply with the FairDistricts Amendments. Specifically, it appears that all maps under consideration were drawn with an intent to gain partisan advantage and/or to protect incumbents.

It is also apparent that the Legislature's proposals do not utilize political and geographic boundaries everywhere that it is feasible to do so, as is mandated by the amendments. Moreover, our districts contain far more whole counties and whole cities than do the Legislature's proposed maps. And although your letter states that "most of the proposed districts [in our proposed map] appear very non-compact," in fact our districts are quite comparable to the Legislature's districts on all accepted measures of compactness.

Moreover, we were able to nest our House Districts within Senate Districts so that not a single House seat breaks a single Senate line. This “nesting” gives voters the advantage of having a more efficient and logical form of representation with a dedicated delegation that can work together to serve the needs of Florida’s communities. In our maps, there is a ratio of three House districts to every Senate district. In contrast, in the maps currently proposed by the Legislature, on average, each Senate district is comprised of parts of 7.325 House districts. The Senate’s proposed Districts 19 and 34 are each comprised of no less than 12 House Districts. No Senate District has less than 4 House districts and eight Senate districts have 10 or more House districts.

We did not, however, subordinate any constitutional principles to achieve this nesting. To the contrary, we believe that nesting House districts within Senate districts offers the best possible way to comply with the amendments by ensuring that districts are not drawn to favor incumbents or political parties. Nesting also creates compact districts that respect political and geographic boundaries.

We thus offer herein the full disclosure of our concerns and methodology that your letter requested. We do indeed believe that our balancing of these legal standards is worthy of consideration and we welcome this invitation to provide your Committee with an opportunity to correct the deficiencies in its proposed plans.

A. The FairDistricts Amendments

After decades of partisan and racial gerrymandering, 63% of Floridians passed the Fair-Districts Amendments to ensure that Florida’s future redistricting processes be conducted in a fair and neutral manner. The FairDistricts Amendments, now included as Article III, Sections 20 and 21 of the Florida Constitution, set forth standards that will govern the 2012 redistricting process. Article III, Sections 20 and 21 require that:

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

The following is a comparison of the League of Women Voters, Common Cause, and National Council of La Raza Coalition Maps (“Coalition Maps”) with the maps passed by the Senate Reapportionment Committee, C9014 (Congressional) and S9008 (State Senate), and those

being considered by the House Committee on Redistricting, C9047 (Congressional) and H9049 (House). The maps are compared with respect to all of the criteria in the amendments. On every standard, the Coalition Maps surpass the Committees' maps. As the following analysis demonstrates, the Coalition Maps present fairer, more balanced, and most importantly, *constitutional* redistricting plans.

B. Political and Geographical Boundaries

The FairDistricts Amendments require that, where feasible, the Legislature respect political and geographic boundaries. On balance, the Coalition Maps pay greater respect to political subdivisions on the relevant metrics than the Legislature's proposed maps.

Additionally, the Coalition maps were drawn using a nesting method, which means that each senate district holds three house districts. By creating Senate and House maps that bear no logical relationship to one another, the Legislature has unnecessarily complicated the political boundaries throughout the State. As an example, the Senate's proposed Districts 19 and 34 are each comprised of no less than 12 House Districts. No Senate District has less than 4 House Districts and eight Senate Districts have 10 or more House Districts. This promises to result in an incoherent mess of cross-cutting district lines, and understandably, confusion among the voters. As the Coalition Maps prove, it is absolutely feasible to eliminate this confusion and comply with the requirements of Article III, Section 21.

i. Comparing the Proposed Congressional Maps

	Coalition Map	Senate 9014	House 9047	2002 Map
Whole counties	45	43	46	37
Whole Cities	874	835	854	752
Whole VTDs	9124	9097	9083	8772
County Splits	58	67	61	83
City Splits	117	210	168	393

ii. Comparing the Proposed Senate Maps

	Coalition Map	Senate 9008	2002 Map
Whole counties	45	36	22
Whole Cities	872	820	716
Whole VTDs	9173	9014	8684
County Splits	67	86	129
City Splits	129	239	481

iii. Comparing the Proposed House Maps

	Coalition Map	House 9049	2002 Map
Whole counties	35	37	21
Whole Cities	834	750	612
Whole VTDs	8,941	8,884	8258
County Splits	155	142	214
City Splits	97	181	319

C. Intent to Favor or Disfavor a Political Party

The maps proposed by the House and Senate Redistricting Committees promise to perpetuate a system of one-party control in Florida in clear violation of the Florida Constitution. After 63% of Florida's voters demanded fair districts, the Legislature's maps ensure another decade of even greater one-sided partisan dominance and control. In Florida, political gerrymandering has been a pervasive and persistent problem for decades. Though the state is widely known to be a toss-up in statewide and national elections, Florida's current congressional delegation consists of 19 Republicans and only 6 Democrats. As a point of comparison, in the last two Presidential cycles, Florida proved itself to be a battleground state, splitting almost evenly down the middle: in 2004, Florida voted for George W. Bush by merely 52.1%; in 2008, Obama won the state by merely 50.9%.

In fact, in 2002 a court described the controlling party's "raw exercise of majority legislative power" to guarantee skewed partisan outcomes during redistricting as a "fact of political life." *Martinez v. Bush*, 234 F. Supp. 2d 1275, 1300-01 (S.D.Fla. 2002). Indeed, the Court found that the State Legislature's "overriding goal ... was to adopt a plan that would maximize the number of districts likely to perform for Republicans." *Id.*

Florida's voters responded to this abuse by passing the FairDistricts Amendments. The Coalition Maps are the only maps that endeavor to respect the voters' will and the new constitutional requirement against partisan gerrymandering.

i. Comparing the Congressional Maps

Nevertheless, the Committees' Congressional maps favor the controlling party even more than the 2002 maps did and will ensure that the Republican Party remains dominant and controlling in every election cycle for the next decade. The Senate and House Congressional maps contain twice the number of safe Republican seats as they do safe Democratic seats. The Senate and House proposals both have 14 safe Republican seats and only 7 safe Democratic seats.

And the numbers only got worse when we analyzed all 27 Congressional districts, including not just safe seats, but competitive seats. In both of the Legislature's proposals, the bulk of the competitive seats actually lean toward voting Republican. In fact, based on

conservative measure of voters' performance over the last several election cycles, the House's map makes it likely that Florida's congressional delegation will be nearly 3 to 1, Republican. Similarly, the Senate's map makes it likely that Florida's congressional delegation will be nearly 2 to 1 Republican. Both of these maps offer grossly disproportionate breakdowns that strongly favor the controlling party. Neither map reflects the true partisan performance of Floridians.

In contrast, because it was not gerrymandered to protect incumbents, the Coalition Map better reflects the actual partisan composition of the state, and values competitive districts. If candidates run good campaigns, connect with the voters and turn out the vote, either party should be able to claim a majority of Florida's Congressional delegation.

ii. Comparing the Senate Map

The Senate is guilty of the same political favoritism with respect to its proposed State Senate map. The numbers speak for themselves. Under almost any calculation, the Senate will be 2 to 1 Republican. This proposed map is even more firmly skewed than the 2002 map.

Again, in the absence of partisan favoritism and incumbent protection, the Coalition Map presents a much more fair and balanced alternative to the Senate's map. The Coalition map creates more competition and more accurately reflects the State's true partisan breakdown. And, by providing voters with more competitive districts, under the Coalition map, the voters truly have the power to select which party will control the Senate chamber. Unlike the Senate's plan, the Coalition's plan does not endeavor to usurp the voters' will and favor one party over the other. As such, it complies with the requirements in Article III, Section 21 of the Florida Constitution.

iii. Comparing the House Map

Although the House appears to have attempted to comply with the amendment's prohibition on political favoritism to a greater degree than did the Congressional or Senate map, the House's proposed map would still cement a severe partisan imbalance. Based on recent elections, the House's map would give Republicans a 2 to 1 advantage. Comparatively, the Coalition Map presents a more fair and neutral alternative. The Coalition Map was drawn without regard to political party control. This is evidenced by the fact that the Coalition Map nests its House districts within its Senate districts. This has the effect of making it easier for voters to know who their representatives are, and provides a more efficient and logical form of representation. This common-sensical, transparent approach to redistricting proves that the Coalition did not endeavor to hurt or help any political party. In contrast, the Legislature's refusal to follow this efficient and logical redistricting method proves that it wanted to retain its ability to surreptitiously favor a party or incumbents, and the numbers bear this out.

D. Intent to Favor or Disfavor an Incumbent

The Florida Constitution clearly prohibits the Legislature from drawing maps to favor or disfavor an incumbent. In drawing its maps, the Coalition endeavored to use an even hand: the Coalition did not use information concerning incumbents' addresses or the like. As such, our districts are truly incumbent-neutral, neither favoring nor disfavoring any particular incumbent legislator.

In contrast, the Senate and House Proposed Maps were plainly drawn to favor incumbents. Under the Senate and House Proposed Maps, some districts were clearly designed to help shore up vulnerable Republican incumbents or to create seats for Republican state legislators planning to run for higher office. As has been widely reported in the press, here are just a few examples of the incumbency protection plan proposed by the Legislature:

i. Comparing the Senate's Congressional Map

The new districts bear an overwhelming resemblance to the old gerrymandered districts: approximately 73% of the existing constituents are kept in the same districts under the Senate's proposed Congressional map. This purposefully provides incumbents an advantage as compared to challengers.

Additionally, it is readily apparent that the Senate strategically used Florida's two new Congressional districts to offload selected voters from vulnerable incumbents' districts, thereby shoring up their chances for reelection. District 26, one of the two new districts, was used to remove pockets of voters from incumbents' districts in an effort to make their seats safer, and to create a new safely Republican district. For example, an enclave of Republican voters was removed from District 3 to preserve Democrat Corrine Brown's strongly Democratic district and contribute to District 26's Republican lean. Similarly, Republican Cliff Stearns was able to shed a more Democratic-leaning area in his district, Congressional District 6, to improve his district's solidly Republican performance.

In similar fashion, District 27 was used as a way to remove high-performing Democratic areas from vulnerable incumbent Republicans' districts, thereby making their seats safer. Republican Daniel Webster's district had performed Democratic in recent presidential and gubernatorial elections, but after pulling his district's Democratic voters into the new District 27, Webster's proposed new district performs over 50% Republican. As another example of blatant incumbent protection, Republican Sandra Adams had previously represented a vulnerable Republican district. Her new district excludes the significantly Democratic voters she currently represents, thereby increasing the Republican lean in her new district. Republican Dennis Ross's new District 12 shed a group of Democratic voters by giving them to the new District 27, and now is a safe Republican seat. And Republican Bill Posey, of Congressional District 15, was able to shed Democratic voters into the new District 27 and now has a safely Republican seat.

And beyond making strategic use of the two new districts, the Senate has used the map-drawing process to shore up districts for potentially vulnerable Republican incumbents across the

state. For example, in District 21, Congressman Mario Diaz-Balart received more Republican voters to make his seat safer by about two points.

ii. Comparing the House's Congressional Map

Similarly, our analysis of the House's Congressional Map confirms that incumbent favoritism largely dictated those district lines. Under the House's Map at least 16 of the 25 incumbents will run in safely Democratic or Republican districts in 2012.

Additionally, just as the Senate's proposal does, the House's proposed Congressional map strategically shores up support for previously vulnerable incumbents. For example, Republican Dennis Ross's new District 15 is approximately two points safer than his old District 12, which had been moving toward becoming a competitive seat in recent elections. The House was also able to improve the Republican performance of Republican Ileana Ros-Lehtinen's district by about 1.5%, thereby reducing her vulnerability. In recent elections, Ros-Lehtinen's district that had been trending increasingly Democratic.

Perhaps the best example is that of Republican Mario Diaz-Balart, whose old District 21 had been trending more Democratic in recent years. Under the House's proposed map, Diaz-Balart's will run in District 25, a district that votes solidly Republican.¹ In similar fashion, Republican Daniel Webster's seat is made much safer by the new House congressional map. His old district had been trending Democratic in recent elections. However, under the House's proposed map, the district in which he will run is solidly Republican. Additionally, Webster's district under the House's proposed Congressional map sheds population strategically. As compared to a previous version of the Congressional map (H9027), the House's most recent proposal (H9047) recovers almost 11% of Webster's initial constituency, giving him a competitive edge in future elections.

iii. Comparing the Senate Map

The Senate's proposed State Senate Map is an example of precisely the sort of incumbent favoritism that Floridians intended to prevent when they passed the FairDistricts Amendments. Virtually no incumbent senator is likely to lose a seat, as the Senate Proposed Map keeps performance numbers in all districts at approximately the same levels as the existing plan. Indeed practically every single incumbent member of the Senate who is not term limited will hold a seat that is no less advantageous than his or her old seat, and the majority of incumbents will hold safe Democratic or Republican seats.

As further evidence of clear incumbent favoritism, on average, the Senate's new State Senate districts retain nearly two-thirds of their current populations. But districts where no incumbent can run due to term limits retain only slightly more than half of their original populations. In effect, where no incumbent had an interest in a district, those districts were

¹ Representative Diaz-Balart is currently challenging the validity of the FairDistricts Congressional Amendment. After being defeated at the district court level, he has appealed to the Eleventh Circuit, where an opinion is pending.

substantially reworked; in districts where incumbents had an interest in retaining their same constituencies, the constituencies overwhelmingly stayed within the incumbents' districts.

Moreover, an amendment offered to the Senate Reapportionment Committee on December 30, 2011 strategically provided new numbering for the State Senate districts of certain incumbents. Due to the renumbering, the Senate's plan provides incumbents new terms of either 8 or 10 years. In renumbering the districts, the Senate plainly had to consider where incumbents lived. This policy on its face was designed to advantage incumbents by granting select incumbents terms of 10 years rather than 8.

Looking deeper into particular districts, it becomes evident that certain districts in the map were clearly designed to keep incumbents in office. Proposed Senate Districts 1 and 3 in the panhandle are drawn horizontally in order to avoid incoming Senate President Gaetz and Senator Evers being pitted against each other. In order to do this, each of the districts splits five counties. The Senate's concern with incumbent protection eclipsed its constitutional obligation to respect political boundaries where feasible.²

Additionally, in its relentless pursuit to protect incumbents, the Senate's map compromises other redistricting principles such as compactness. The best example of this is the Senate's proposed Senate District 10, which is gerrymandered into a bizarre shape for Senate Majority Leader Gardiner. His old district had been trending more Democratic, and his new district is safely Republican. It takes up parts of Lake and western Orange Counties but has a hand that winds down around Orlando, extending up into Winter Park, catching the Majority Leader's residence on its way. In order to include the northeastern part of Orange it narrows at one point so that its boundaries almost touch each other. In doing this, the Senate was able to give Gardiner a new, safer seat that is solidly Republican. His old seat had been leaning more Democratic in recent elections. The Senate's new District 10 also barely misses incumbent Republican David Simmons's new District 13, preventing two incumbent Republicans from being pitted against one another and preserving safe Republican seats for each of them. District 13 reaches down from Altamonte Springs to scoop up Simmons's residence in Maitland, keeping this area out of Majority Leader Gardiner's District 10.

The redistricting process was also used to bolster previously vulnerable incumbent candidates. For example, Republican Joe Negron previously represented District 28, a district that only leaned Republican. Under the Senate's new map, Negron will run in District 25, a safe Republican seat. Jack Latvala, a Republican senator rumored to be eyeing the Senate Presidency, is likewise placed in a district with stronger Republican performance. Similarly, the Senate's new District 15 is gerrymandered to favor incumbent Republican Jim Norman. The district encompasses parts of Pasco and Hillsborough. Although he lives in Tampa, in 2010 Norman enjoyed strong support in Pasco and did not do as well in Hillsborough. Additionally,

² The Senate tried to excuse this non-compliance by referring to the weight of public testimony at the public hearings. However an examination of the transcripts of hearings in the Panhandle shows that in fact, more people advocated for keeping counties whole than for a horizontal division.

Hillsborough voters would likely remember the recent federal criminal investigation of Norman for financial dealings while he was on the Hillsborough County Commission. The proposed District gives Norman much more of Pasco and sheds the Temple Terrace and New Tampa areas, where he lost in 2010. To keep Democrats Eleanor Sobel and Gwen Margolis safe, the Senate map removes African-American and Hispanic voters from their districts and places them into surrounding districts. This effectively bleaches Sobel's and Margolis' districts, allowing these incumbents to retain many of the constituencies they now serve—and insulating them from the minority voters with which they are unfamiliar.

iv. Comparing the House Map

On average, the House's map draws House districts that are very similar to the 2002 House Map's districts. The new districts contain almost 60% of their old constituencies, which indisputably gives incumbents an advantage as compared to challengers. Additionally, as compared to the House's prior proposal (H9027), the plan proposed on January 25, 2012 (H9049) made some strategic changes in the composition of particular incumbents' districts. Representatives Daniel Davis, Mark Pafford, and John Wood all gained a significant share of their old constituencies back: over 11%, over 12% and almost 14%, respectively. This was plainly done to offer these incumbents a competitive edge during reelection.

Just as the Senate's plan does, the House's redistricting plan endeavors to protect incumbents. As just one example, the House's District 17 is gerrymandered to favor incumbents Republicans Doc Renuart and Janet Adkins. District 17's northern border barely catches Renuart's residence; he lives on the border. By carefully keeping Renuart in District 17 and Adkins in District 11, he and Adkins, who lives nearby in Fernandina Beach, are not pitted against one another. Similarly, District 11, currently represented by Republican Dana Young's district had been trending Democratic in recent elections. Under the House's proposed State House Plan, she will be running in District 11 and her chances for reelection improve.

And as further evidence of its effort to favor incumbents, the House's map draws its 120 districts without regard to the Senate's district lines. There is no coordination between these two maps, even though simple math and common sense would convince an objective map-drawer to divide each of the Senate districts into 3 House districts. The "nesting" of House districts within Senate districts creates more compact and clearly defined electoral communities throughout the state. But nesting would also diminish the Legislature's ability to draw lines as necessary to favor incumbents. The Coalition Map nests its House districts within its Senate districts. This has the effect of making it easier for voters to know who represents them, and provides a more efficient and logical form of representation.

Additionally, in what can only be understood as evidence of intent to favor its own members, the leaders of the House and Senate chambers and their respective Redistricting Committees agreed that each chamber would draw its own map, and that the other chamber would simply pass that map. If these sitting legislators had truly wished to comply with Article III, Section 21, they would not have sought exclusive, unreviewable authority to redraw their own districts. "The Senate did not involve itself in the House's business and my hope is the House will follow suit," Gaetz said according to a recent Miami Herald article.

In contrast, the League of Women Voters, the National Council of La Raza, and Common Cause have only the voters' interest in mind. To protect that interest, the Coalition drew districts that prioritize the expressed will of the voters: the requirements in Florida Constitution, Article III, Section 21, rather than any incumbent legislator or political party.

E. Minority Protection

The Coalition Maps end the excessive packing of minority districts, which has been the mainstay of Republican gerrymanders for decades. In so doing, the Coalition Maps are able to create compact districts that still provide minorities with an opportunity to elect candidates of choice.

The best example of this is in the Congressional map. The Coalition's Congressional Map transforms District 3 by no longer taking the district down into Orlando. Instead, District 3 is comprised primarily of parts of Jacksonville and Gainesville. While this reduces the African-American percentage of citizens of voting age in the District to approximately 35%, our analyses show that African-Americans can still elect candidates of choice in the Democratic primary and those candidates will win the general election in this Democratic-leaning district. Moreover, by not packing African-American voters into District 3, the Coalition Map creates an opportunity for African-American voters to influence the electoral outcome in District 8.

In contrast, the proposed Senate and House Redistricting Committee Maps simply continue the practice of wasting minority votes by packing minorities into as few districts as possible and "bleaching" the surrounding districts. This has the effect of diminishing the ability of minorities to participate in the political process and elect candidates of their choice. District 3 in the Senate's Congressional map is a blatant racial gerrymander that wastes minority votes. It was drawn with the purpose of keeping the minority composition the same as the 2002 map, although a lower concentration of minority voters would have still permitted African-Americans to elect their candidate of choice. Currently, District 3 as drawn is comprised of 48.9% African-American. To draw this district, the Senate had to subvert numerous other constitutional requirements. Similarly, District 5 in the House's Congressional map, a narrow district comprised of roughly 46.8% African-Americans, spans no fewer than six counties: Alachua, Clay, Duval, Lake, Marion, Orange, and Putnam. In order to connect three dispersed metropolitan areas-- Jacksonville, Gainesville, and Orlando-- it twists and curls down the center of the state in a bizarre fashion. The district starts in Jacksonville, picking up enclaves of African-American voters, and travels all the way down to Orlando. On its way, it narrows to only the width of Highway 17, as it jumps from Orange Park across the neck of Doctors Lake.

The same issues are present in the proposed Senate maps. While the Coalition's proposed Senate District 1 is contained entirely in Duval County and provides African-Americans with the ability to elect a candidate of their choice, the Senate's proposed District 6 meanders through five counties in what appears to be a blatant racial gerrymander.

In short, the Coalition maps comply fully with the amendments’ mandate not to diminish minority opportunity to elect candidates of choice, while still maintaining fidelity to the constitutional criteria of compactness and respect for political and geographic boundaries.

F. Compactness

Although in your letter of January 24, 2012, you stated that “most of the proposed districts [in our proposed House map] appear very non-compact,” the Coalition Maps are comparable to or exceeding the Legislature’s maps in virtually every accepted measure of compactness.

i. Comparing the Proposed Congressional Maps

On the Congressional maps, the Coalition Map scores better than the Senate’s Map. Specifically, the Coalition’s Reock and Polsby-Popper scores are both better than the Senate’s average scores.

	Coalition Map	Senate’s Map	House’s Map
Reock Score	.42	.39	.40
Polsby-Popper Score	.31	.28	.30

ii. Comparing the Proposed Senate Maps

On the State Senate maps, the Coalition Map has an average Reock score that is better than the Senate Map’s score, and matches the Senate’s map on its mean Polsby-Popper score.

	Coalition Map	Senate Map
Reock Score	.40	.35
Polsby-Popper Score	.28	.28

iii. Comparing the Proposed House Maps

The Coalition’s map, while much more compact than the 2002 House map, does not compare as favorably to the House’s proposal on compactness scores because the Coalition’s map utilizes existing city and county boundaries “where feasible,” as mandated by the Amendments. The irregularity of Florida’s municipal boundaries affects compactness scores.

	Coalition Map	House Map
Reock Score	.41	.43
Polsby-Popper Score	.29	.43

In sum, we believe that we have provided the Committee with alternative proposals that comply with the FairDistricts Amendments, while the proposals currently under consideration by the Committee and those already passed by the Senate fail to comply with those amendments. We hope that you will give our alternative proposals – including our Senate proposal – your full consideration.

Sincerely,

Sincerely,



Deirdre Macnab
LWV of Florida



Eric Rodriguez
National Council of La Raza



Peter Butzin
Common Cause of Florida

CC: All members of the House Redistricting Committee
Alex Kelly, Staff Director