

December 2, 2021

Dear Members of the Florida House of Representative's Redistricting Committee, Congressional Redistricting Subcommittee, and State Legislative Redistricting Subcommittee:

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The League of Women Voters of Florida has had the pleasure of meeting with and talking about redistricting with several members this week. Up until this point in the redistricting process, our organization has consistently heard from legislators and citizens alike that there is a need for more guidance when it comes to assessing the fairness of maps.

To aid in this effort, the League has compiled some information that may be helpful:

First and foremost, the League is forever grateful to the citizens of Florida for passing the Fair Districts Amendments in 2010. Following the amendments passage, the improper implementation of them, and litigation, a U.S. Supreme Court ruling (*Rucho v. Common Cause*) deemed Florida's Fair Districts Amendments were both clear and enforceable. Notably, within the *Rucho* U.S. Supreme Court case, a citation was noted in reference to the *League of Women Voters of Florida v. Detzner* case in which 2012 redistricting plans adopted by the Florida legislature violated the Florida Constitution and that "there is no acceptable level of improper intent," and any finding of partisan intent renders a redistricting plan invalid under Florida law.

With validation from the United States Supreme Court and the Supreme Court of Florida, the main tenets of the Fair Districts Amendments have been upheld. Those tenants are that redistricting lines cannot be drawn to favor any party over the other. In addition, the voting power of language and racial minorities must not be harmed by district lines and their opportunity to elect a representative of their choosing must not be diminished. These two requirements are called "Tier I" requirements and they are mandatory.

The Fair Districts Amendments also have a second set of guidelines to follow so long as they do not in any way diminish the mandatory Tier I guidelines. These "Tier II" guidelines are equal population, compactness, geographical barriers, and jurisdictional lines. In essence, Tier II guidelines are subject to maximizing the directives of Tier I.

Therefore, when directives are given to state map drawers to comply with Tier II directives before complying with the mandatory Tier I guidelines, the League strongly believes a test should be conducted on each district to confirm that no harm is caused to Tier I objectives of maximizing minority voting opportunities and prohibiting favoring one party or the other.

This test that needs to be done to determine whether Tier I have been properly complied with would be a functional analysis using precinct-level analysis of voting age data of minority populations. (*A functional analysis considers the actual historical voting participation rates of the population of a certain precinct based on race*).

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The Florida Senate has stated that their process includes doing a district-wide analysis, currently, the League contends that a more detailed precinct-level analysis is required to protect the voting rights of minorities and to prevent political gerrymandering.

With this information in mind, as you move forward with analyzing and approving maps within your chamber and committee structure, the League asks the following questions be addressed:

- *Have House map drawers done a precinct level functional analysis of each district? If not, then what districts had a functional analysis and what was the district selection criteria?*
- *If and when will the public to get access to the data generated by Florida State University that can be used to independently ascertain whether the voting rights of minorities are being protected?*
- *Did the House map-drawers only do a functional analysis on the benchmark districts created by the court in prior redistricting litigation?*
- *Has a priority given to any Tier II element or any others?*
- *The current drafts from the Florida House of Representatives tilt heavily towards one party which has been clearly prohibited by Fair Districts. In one instance of a draft map, [an analysis](#) shows that the Republican party's votes are almost 7% more "efficient" than Democratic votes. In essence, that means that Republican votes have almost 7% less packing and cracking of their voting populations. Why has this route that does not comply with the Fair Districts Amendments been taken?*

Thank you for your attention to this very important matter.

Sincerely,



Cecile M. Scoon, Esq.
President
League of Women Voters of Florida