

By the Committee on Ethics and Elections; and Senator Hutson

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1 A bill to be entitled
2 An act relating to legislative redistricting and
3 congressional reapportionment; creating s. 97.029,
4 F.S.; providing that candidate qualifying, nomination,
5 and election for certain offices must proceed using
6 current district boundaries if revisions to districts
7 subject to a court challenge are not made as of a
8 certain date; specifying public oversight procedures
9 that a court is encouraged to follow when drafting a
10 remedial redistricting plan; providing for
11 construction; providing an effective date.

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13 WHEREAS, uncertainty regarding the boundaries of state
14 legislative and congressional districts can create confusion
15 among candidates and voters, with candidates uncertain as to
16 which districts they should run in and how they should allocate
17 finite campaign resources, and voters uncertain as to which
18 district they reside in or the polling place to which they are
19 assigned, and

20 WHEREAS, with each redistricting of state legislative
21 districts and each reapportionment of congressional districts,
22 supervisors of elections are tasked with the timely and
23 intricate process of redrawing precinct lines and reassigning
24 voters to new polling places, and

25 WHEREAS, finalizing the boundaries of state legislative and
26 congressional districts shortly before an election hampers the
27 ability of supervisors of elections and other election officials
28 to effectively administer an election, and

29 WHEREAS, in recent rulings relating to challenges to

582-01940-17

2017352c1

30 district boundaries, courts have recognized the legal and
31 logistical difficulties associated with implementing revised
32 district boundaries within an abbreviated timeframe, as well as
33 the financial cost of holding a special election to implement
34 new districts, NOW, THEREFORE,

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36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. Section 97.029, Florida Statutes, is created to
39 read:

40 97.029 Challenges to state legislative or congressional
41 districts.-

42 (1) If a challenge to the validity of boundaries of
43 senatorial, representative, or congressional districts of the
44 state is still pending in court when the qualifying period for
45 persons seeking nomination or election to state or multicounty
46 district office, other than the office of state attorney or the
47 public defender, begins pursuant to s. 99.061(1), candidate
48 qualifying, nomination, and election for the offices in the plan
49 subject to the challenge must proceed using the districts that
50 are in place on the 71st day before the primary election. If a
51 court orders revisions to senatorial, representative, or
52 congressional districts on or after the 71st day before the
53 primary election, the revised districts shall govern beginning
54 with the subsequent primary and general elections in the next
55 even-numbered year.

56 (2) If a court orders revisions to congressional districts
57 after the qualifying period for persons seeking nomination or
58 election to federal office has concluded at noon of the 116th

582-01940-17

2017352c1

59 day before the primary election, candidates for the United
60 States House of Representatives must requalify in accordance
61 with the revised congressional districts during the qualifying
62 period from noon on the 71st day before the primary election to
63 noon on the 67th day before the primary election.

64 (3) In the event that a court drafts a remedial
65 redistricting plan as a result of a successful challenge to the
66 validity of boundaries of senatorial, representative, or
67 congressional districts, the court is encouraged to use the
68 following procedures in drafting the remedial plan in order to
69 maintain public oversight:

70 (a) Conduct public hearings on proposed configurations of
71 district boundaries in the remedial plan.

72 (b) Record and maintain minutes of meetings on the remedial
73 plan which are closed to the public.

74 (c) Provide a mechanism for the public to submit and
75 comment on alternative maps.

76 (d) Offer an opportunity for the public to review and
77 comment on any proposed map before the remedial plan is
78 finalized.

79 (e) Maintain all e-mails and documents related to the
80 drafting of the remedial plan.

81 (4) This section does not supersede or impair the
82 procedures governing the judicial review of apportionment as set
83 forth in s. 16, Art. III of the State Constitution.

84 Section 2. This act shall take effect upon becoming a law.