

How will the FairDistrictsFlorida.org Amendments Work?

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What do the amendments say?

- Legislative and Congressional districts may not be drawn with intent to favor a party or incumbent.
- Districts must maintain the equal opportunity of minority communities to elect representatives of their choice and participate fully in the political process.
- Districts must be contiguous and to the extent possible must be compact and adhere to existing local boundaries.
- Districts must be roughly equal in population.

How will the amendments work to prevent political gerrymandering while preserving minority voting rights?

- They establish rules the legislature must follow when it draws Congressional and Legislative district lines.
- The public, the press and non-governmental organizations will have the opportunity to publicly comment before and after the Legislature draws the initial maps and will be able to notify the Legislature of any failure to comply with the standards before the maps are finalized. (The notices will be part of the public record.)
- Then the legislature will have two choices: either ignore the deficiencies or correct them.
 - If the Legislature corrects them, then the constitutional provisions will have worked.
 - If the Legislature ignores the deficiencies, then there is evidence on the record that the Legislature was on notice of the defects and nevertheless it drew the district(s) with intent to favor a party or incumbent.
- Any deficiencies in the districting that are not corrected after public debate can be challenged in court and the courts will be able to enforce the constitutional standards.

How will the standards prevent political gerrymandering?

- It is difficult or impossible for a drafter to draw districts to achieve a particular political result if the districts have to be compact and adhere to local boundaries.
- Districts that are not compact or community based – ones that are bizarrely shaped – will have to be justified. An odd looking district that favors a particular party should be presumed to be unconstitutional.



- The use of registration or performance data when drawing the district lines would be discoverable and could be evidence of a violation of the standards.

How are the proposed standards different from the existing law?

- There is presently no prohibition in the Florida law against political gerrymandering.
- There is presently no requirement that districts be compact or that they adhere to existing local boundaries.
- While minority voting rights are presently guaranteed by federal statute, the new standards will enshrine them in the Florida Constitution and they will be difficult to repeal. These standards will not change current law but they will ensure that the law is permanent in Florida.
- In the 2002 redistricting litigation, there was a political gerrymandering challenge to the plan on the basis that the districts were not compact or community based. The Florida Supreme Court rejected the challenge because compactness and adherence to community boundaries **"are not constitutionally required."** *In re Constitutionality of House Joint Resolution 1987*, 817 So.2d 819, 832 (Fla. 2002) (emphasis added). The 2002 challengers would have had strong grounds for their challenges if the proposed standards had been in the Florida Constitution.

Won't the Legislators just ignore the standards or find a way around them?

- Legislators will, because of public scrutiny and pressure, find it necessary to acknowledge and honor the new constitutional requirements.
- If, after notice of non-compliance from the public, they ignore the standards, that will provide evidence that the resulting political favoritism was intended.
- Courts will enforce the new constitutional requirements.

Will there be any other advantages?

- The standards will increase the role and effectiveness of public comment.
- The enhanced public involvement will provide a very potent incentive for following the rules.
- Public comment and debate of redistricting plans will now have real meaning. In fact the new standards will define the debate on redistricting.

In summary, the standards proposed in the two FairDistrictsFlorida.org amendments will have a real and substantial impact in bringing fairness and partisan equity to redistricting in Florida. They are far more than litigation standards. They will be drafting guidelines. They will be the basis for public comment and objections. If legislators fail to follow the rules after of the public has pointed out violations of those standards, that failure will provide evidence that the districts or plans have been drawn with intent to favor a party or incumbent. There will be a constitutional framework for court challenges on the basis of unfair political gerrymandering.