

# Redistricting: Florida Constitutional Provisions

Presentation to:

House Redistricting Committee, Congressional Redistricting Subcommittee, House Redistricting Subcommittee, Senate Redistricting Subcommittee

Presentation by:

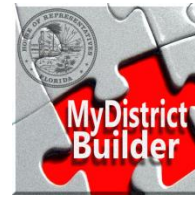
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Florida House of Representatives

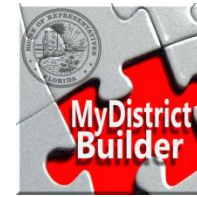
April 26-29, 2011

# Text of Amendments 5 and 6



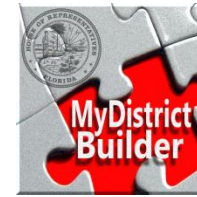
- ❑ Article III, Section 21 [20]. Standards for Establishing Legislative [Congressional] District Boundaries. In Establishing Legislative [Congressional] District Boundaries:
  - ❑ (1) No apportionment plan or [individual] district shall be drawn with the intent to favor or disfavor a political party 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.

# Text of Amendments 5 and 6



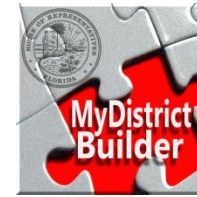
- (2) Unless compliance with the standards in this subsection conflicts with the standards in subsection (1) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.
  
- (3) The order in which the standards within subsections (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.

# Two Tiers of Standards



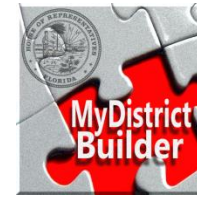
- Amendments 5 and 6 create two tiers of standards.
- When in conflict, first-tier (1) standards supplant second tier (2) standards.
- Within each tier, standards are assigned no order of priority (per 3).

## First Tier: Incumbents, Political Parties



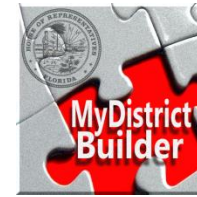
- Incumbents and political parties:
  - No district or apportionment plan shall be drawn with the intent to favor an incumbent.
  - No district or apportionment plan shall be drawn with the intent to disfavor an incumbent.
  - No district or apportionment plan shall be drawn with the intent to favor a political party.
  - No district or apportionment plan shall be drawn with the intent to disfavor a political party.

# First Tier: Minority Protections



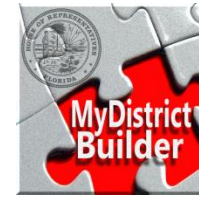
- Racial minorities:
  - Districts shall not be drawn with the intent or result of denying the equal opportunity of racial minorities to participate in the political process.
  - Districts shall not be drawn with the intent or result of abridging the equal opportunity of racial minorities to participate in the political process.
  - Districts shall not be drawn to diminish the ability of racial minorities to elect representatives of their choice.

# First Tier: Minority Protections



- Language minorities (undefined):
  - Districts shall not be drawn with the intent or result of denying the equal opportunity of language minorities to participate in the political process.
  - Districts shall not be drawn with the intent or result of abridging the equal opportunity of language minorities to participate in the political process.
  - Districts shall not be drawn to diminish the ability of language minorities to elect representatives of their choice.

# First Tier: Contiguity

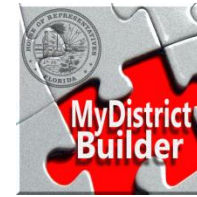


## □ Contiguous territory:

- Often defined as a district in which one may travel to every part without having to cross into another district (water bodies may be crossed without violating contiguity).

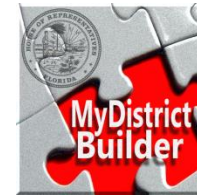


# Second Tier



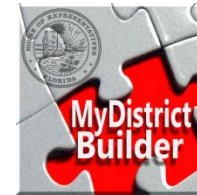
- Districts shall:
  - Be as nearly equal in population as practicable.
  - Be compact.
  - Where feasible, utilize existing political and geographical boundaries.

# Not Required



- What Amendments 5 and 6 do NOT require:
  - They neither mandate nor address proportionate representation: rough equality of Republicans and Democrats in a given district.
  - They do not require or give consideration to how a district will likely “perform” in a non-minority area.

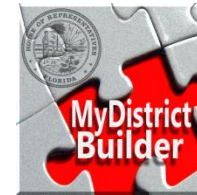
# Important Issues in Implementation



## To favor or disfavor:

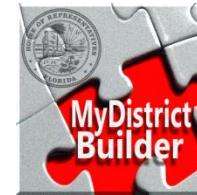
- Only and INTENT to favor or disfavor an incumbent or political party is prohibited.
- Legislators take the same oath to uphold the Constitution as members of the Executive and Judicial branches.
- To provide wrongful intent, one must show that lines were drawn with the predominate purpose of favoring or disfavoring an incumbent or political party.

# Important Issues in Implementation



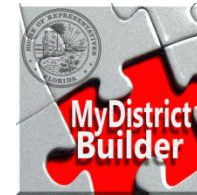
- Intent can be proven in many ways;
  - Statements of intent.
  - Actions taken, or not taken.
  - Statements of others, and action taken consistent with those statements.

# Important Issues in Implementation



- Racial and language minority protections:
  - Uses language from the federal Voting Rights Act, although not exactly the same.
  - “Section 5” standard statewide.

# Important Issues in Implementation



- Second tier issues:
  - Compactness: Multiple definitions; no direction.
  - Where “feasible,” follow geographic and political boundaries.
  - Equal population “as practicable.”