

Florida Association of County Attorneys

Redistricting County Commissions in 2021



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What and How

Redistricting is the process by which the legislative body equalizes differences in the population of districts by making adjustments to district boundaries.

Redistricting \neq Reapportionment

Why?

Examination of the need to redistrict after each decennial census is required by Florida Constitution and Chapter 124, FS

Additional direction to redistrict may be contained in county charter

Furtheres the principal of “one person, one vote”

- 14th Amendment (1868)
- 15th Amendment (1870)
- Voting Rights Act (1965)

General Guidelines for Redistricting

General Guidelines

- **Equal (almost) in population**
- Don't dilute minority voting strength
- Follow census blocks
- Follow significant boundaries
- Must be contiguous
- Should be compact
- Should preserve communities of interest
- May consider existing boundaries
- May consider party affiliation

General Guidelines

- Individual criteria and guidelines are balanced in concert with each other
- *Use common sense*

General Guidelines - Population

As equal in population as “possible” or “practicable”

- Examine *need to adjust* after each decennial census released
- *May adjust* boundaries during any odd-numbered year

General Guidelines - Population

As equal in population as “possible” or “practicable”

Article VIII, section 1(e):

After each decennial census the board of county commissioners **shall divide** the county into districts of contiguous territory as **nearly equal** in population as practicable.

General Guidelines - Population

As equal in population as “possible” or “practicable”

Chapter 124, FS:

(3) The board of county commissioners shall from time to time, fix the boundaries of the above districts so as to keep them as **nearly equal in proportion to population as possible**; provided, that changes made in the boundaries of county commissioner districts pursuant to this section shall be made **only in odd-numbered years**.

General Guidelines - Population

As equal in population as “possible” or “practicable”

Charter example:

“After each decennial census...there shall be established a county redistricting board composed of eleven members...In developing the county redistricting board's proposals...districts shall be contiguous and as **nearly equal in population as practicable.**”

* As equal in population as “possible” or “practicable”

Absolute population equality is impossible.

- ✓ Minimize the deviation from the mean - less than 3% over/under ideal is good

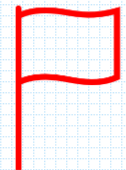
Population \neq Registered Voters

Two districts with population differences over 10 percentage points raises red flag

* As equal in population as “possible” or “practicable”

Two districts with population differences ≥ 10 percentage points raises red flag

District #	Average Population	Actual Population	Actual Deviation	Percent Deviation
1	2,952	3,108	156	5.28%
2	2,952	2,741	(211)	-7.15%
3	2,952	3,066	114	3.85%
4	2,952	3,113	161	5.45%
5	2,952	2,733	(219)	-7.42%



Deviation =
12.87 points

* As equal in population as “possible” or “practicable”

Examples of possible exceptions to 10-point rule (with well-documented record and in concert with other criteria)

- ✓ To create minority influence or majority district
- ✓ To under populate high growth area of county

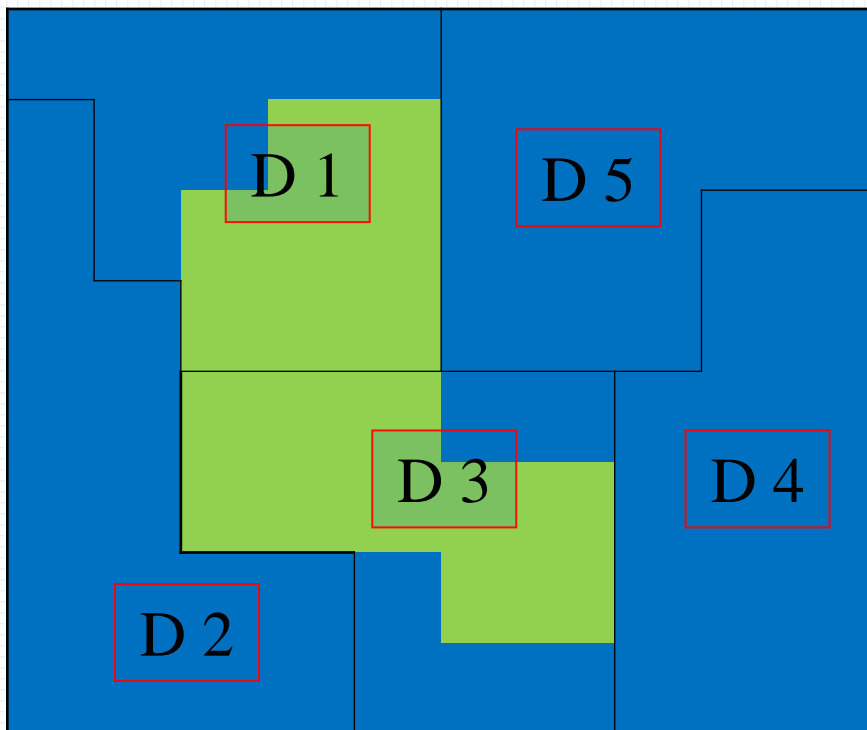
Don't Dilute Minority Voting Strength

Packing – locating most of minority population into one district so as to dilute influence in other districts

Cracking – splitting minority population into two or more districts so as to dilute influence in all districts

Don't Dilute Minority Voting Strength

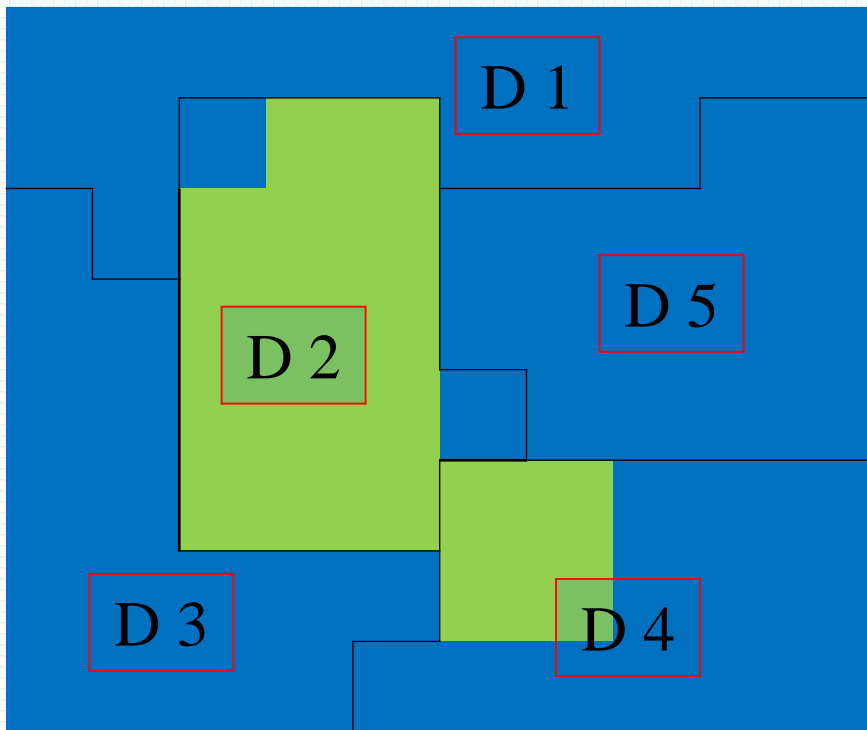
Sunshine County population is 22.5% Green and 77.5% Blue. Below shows a relatively even distribution of blue and green electorate into five districts.



District	Blue %	Green %
1	50	50
2	100	0
3	40	60
4	100	0
5	100	0

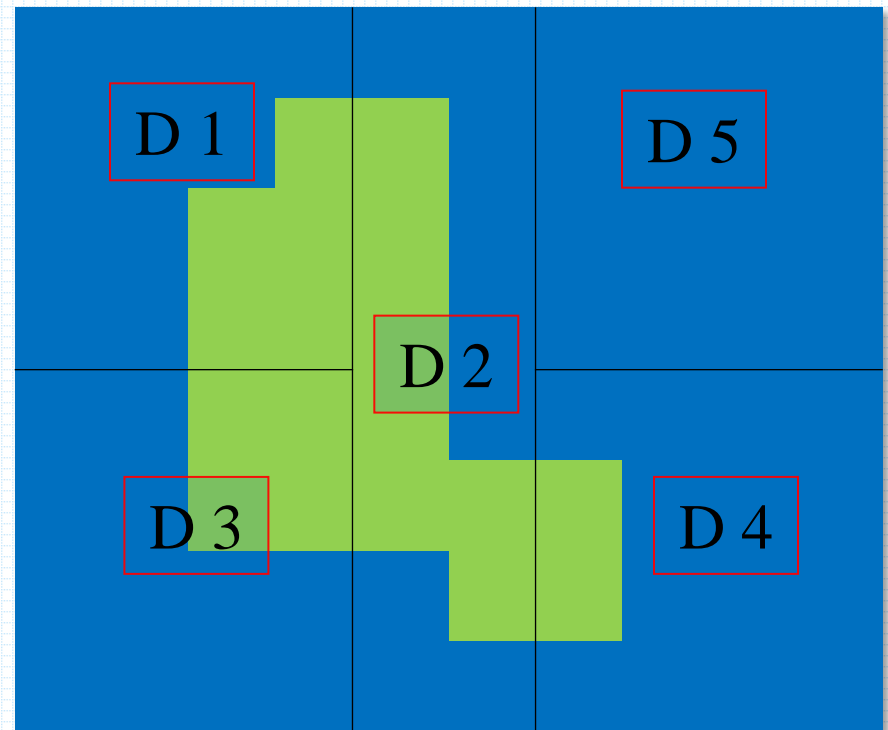
Don't Dilute Minority Voting Strength

Packing: 4 blue, 1 green



Green electorate concentrated in one district

Cracking: 4 blue, 1 green influence



Green electorate split among four districts

Use Census Blocks

Readily available

Smallest unit of “building blocks”

Presumed to be valid...but look for anomalies

Total population v. 18+ years

May be altered or supplemented with other sources of data but should document valid reasons why and how

Follow Significant Boundaries

Follow major natural or man-made boundaries – waterbodies, arterial roads, etc.

- ✓ Easier to understand
- ✓ Less disruptive to precincts
- ✓ Coterminous with census blocks

Follow existing district boundaries when possible

- ✓ Easier to understand
- ✓ Recognizes will of voters

Other Criteria...

Individual districts must be contiguous

- ✓ Contiguity may be maintained via waterbody

Attempt to keep communities of interest together

- ✓ Cities, neighborhoods

Don't draw incumbents out of their district

May consider party affiliation (don't!)

Avoid districts with "bizarre" shapes

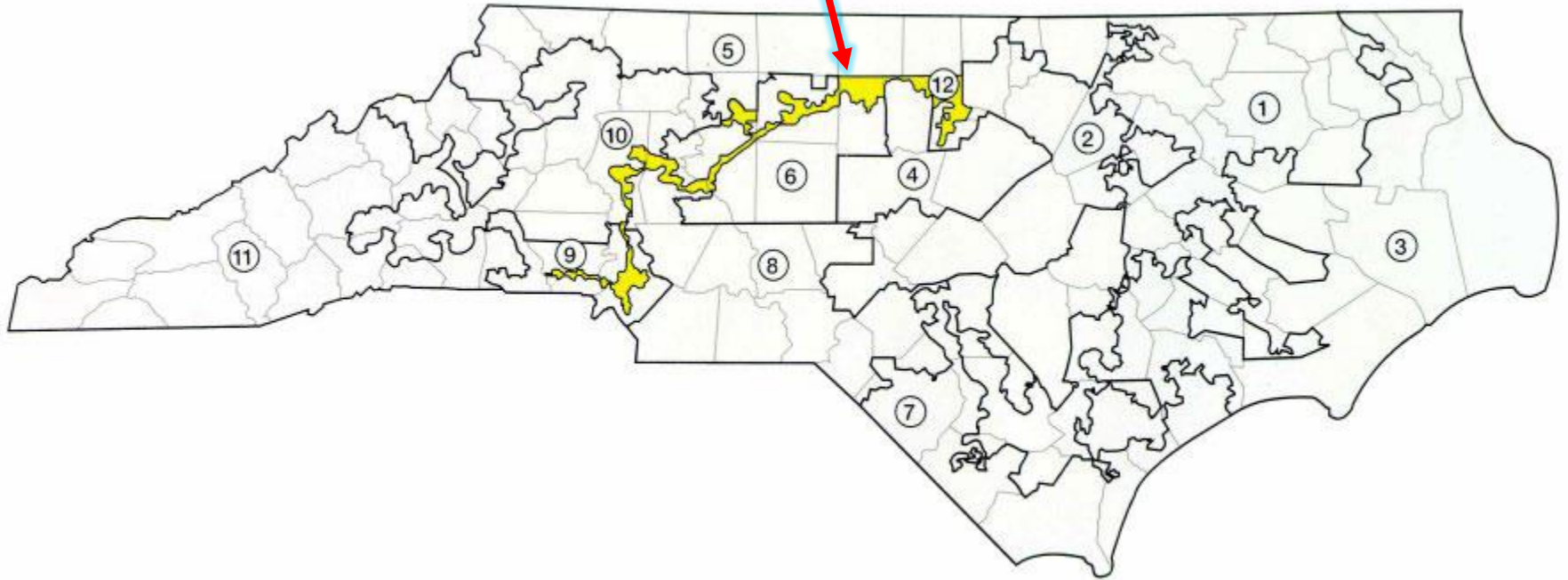
Gerrymandering



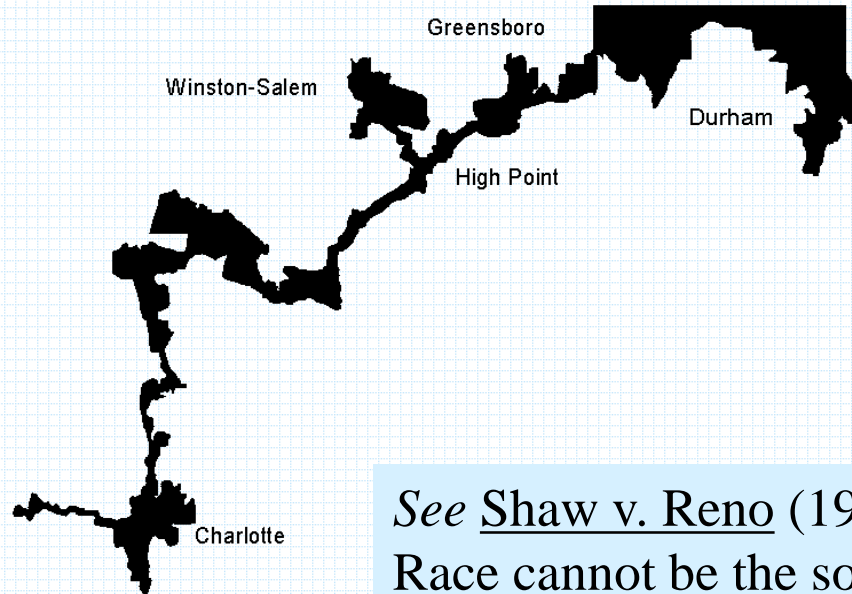
Gov. Elbridge Gerry

- ✓ 9th Governor of Massachusetts
- ✓ 5th Vice President of US

North Carolina Congressional District 12



North Carolina Congressional District 12



*See Shaw v. Reno (1993).
Race cannot be the sole or
predominant factor when
redistricting.*

General Guidelines

- **Equal (almost) in population**
- Don't dilute minority voting strength
- Follow census blocks
- Follow significant boundaries
- Must be contiguous
- Should be compact
- Should preserve communities of interest
- May consider existing boundaries
- May consider party affiliation

General Guidelines

- It is impossible for any redistricting plan to attain 100% compliance with every criteria
- Individual criteria are *balanced in concert with each other* with population being the dominant criteria

General Guidelines

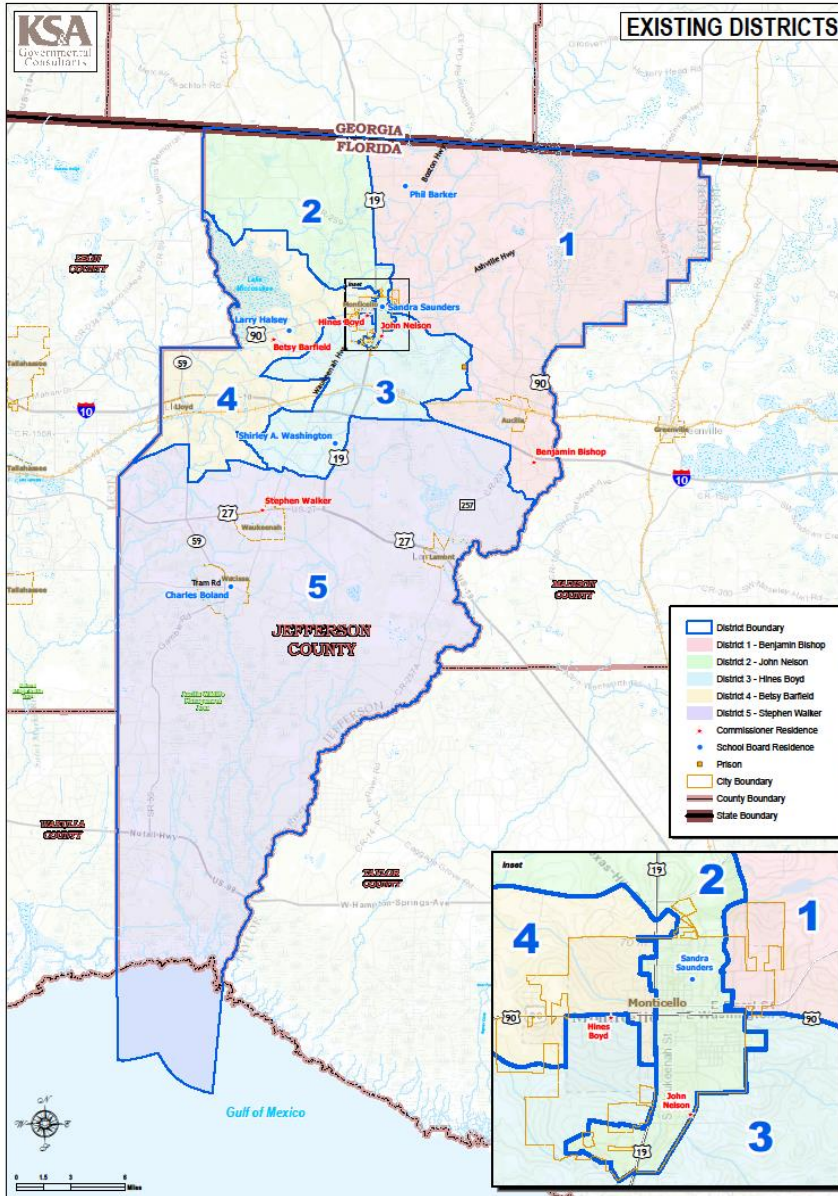
Use Common Sense!

Comparison of Plans (Total Population)											Pop. for proposed districts				
Remains in same district						New in district					Formula Table				
Plan	Total	White	Black	Others	%	Total	White	Black	Others	%	Total	White	Black	Others	% Dev.
Plan 5															
Dist 1	34,140	28,003	4,589	1,548	71.8%	13,439	11,615	1,263	561	28.2%	47,579	39,618	5,852	2,109	-0.65%
Dist 2	34,764	25,250	7,889	1,625	72.3%	13,312	9,945	2,793	574	27.7%	48,076	35,195	10,682	2,199	0.39%
Dist 3	22,354	3,607	17,919	828	46.9%	25,300	12,424	11,695	1,181	53.1%	47,654	16,031	29,614	2,009	-0.49%
Dist 4	38,190	30,090	6,626	1,474	79.2%	10,010	7,073	2,453	484	20.8%	48,200	37,163	9,079	1,958	0.65%
Dist 5	21,749	13,848	6,476	2,425	47.5%	26,194	17,038	8,001	1,155	54.6%	47,943	30,886	14,477	2,580	0.11%
	151,197	100,798	43,499	7,900	63.6%	88,255	58,095	26,205	2,955	36.9%	239,452	158,893	69,704	10,855	1.3 pts
Plan 1															
Dist 1	42,632	34,854	5,933	1,845	90.1%	4,691	4,052	377	262	9.9%	47,323	38,906	6,310	2,107	-1.18%
Dist 2	46,659	32,735	11,752	2,172	93.5%	3,249	1,925	1,162	162	6.5%	49,908	34,660	12,914	2,334	4.21%
Dist 3	34,887	11,221	22,212	1,454	76.1%	10,927	5,316	5,203	408	23.9%	45,814	16,537	27,415	1,862	-4.33%
Dist 4	43,940	35,945	6,523	1,472	92.6%	3,508	2,467	884	157	7.4%	47,448	38,412	7,407	1,629	-0.92%
Dist 5	45,337	27,962	14,793	2,582	92.6%	3,622	2,416	865	341	7.4%	48,959	30,378	15,658	2,923	2.23%
	213,455	142,717	61,213	9,525	89.1%	25,997	16,176	8,491	1,330	10.9%	239,452	158,893	69,704	10,855	8.54 pts

Case Studies

Case Studies

Jefferson County



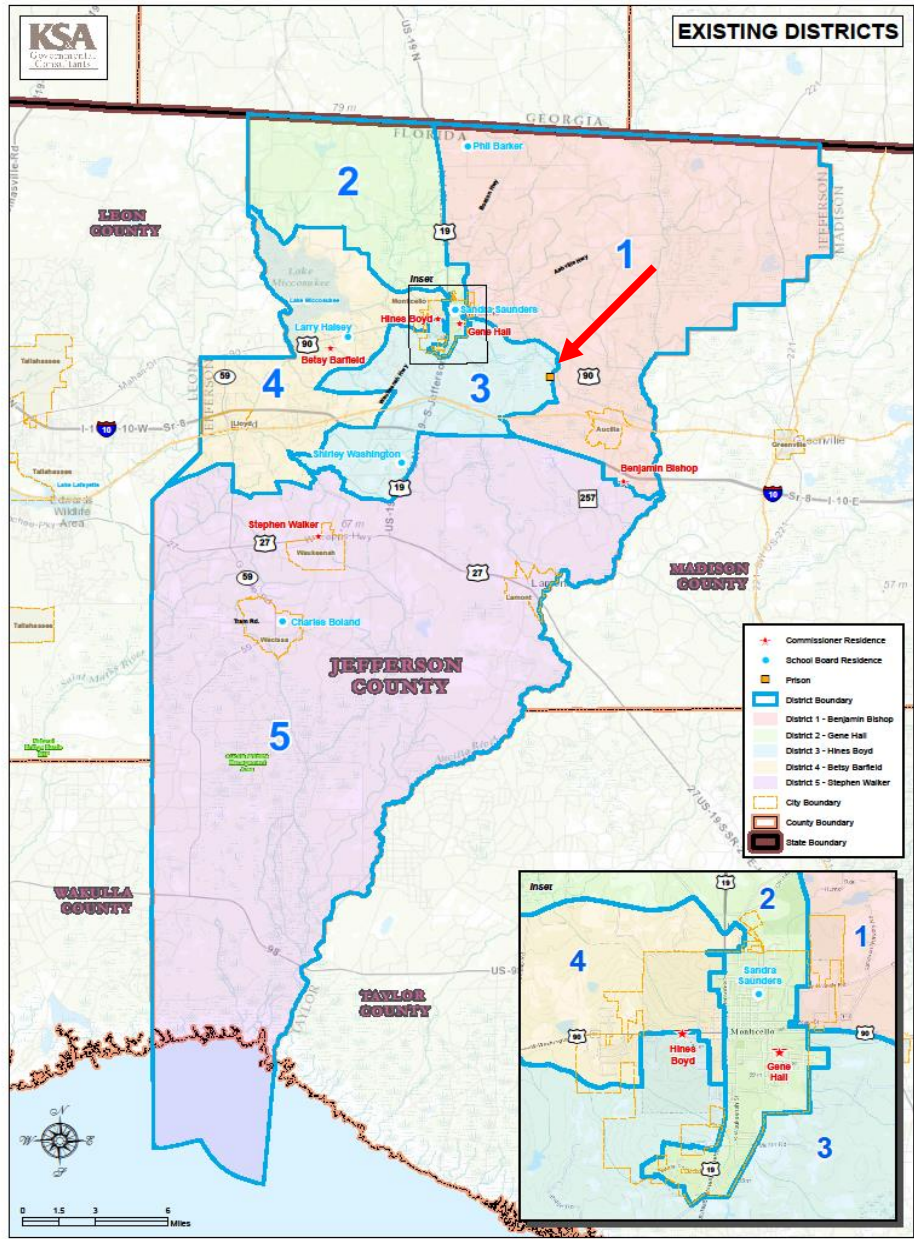
DISTRICT #	AVERAGE MEAN POPULATION	ACTUAL POPULATION	DEVIATION	PERCENT DEVIATION	WHITE	PERCENT WHITE	BLACK	PERCENT BLACK	HISPANIC	PERCENT HISPANIC	OTHER	PERCENT OTHER
1	2,952	3,108	156	5.28%	2,104	67.70%	874	28.12%	135	4.34%	130	4.18%
2	2,952	2,741	(211)	-7.15%	1,851	38.34%	1,602	58.45%	67	2.44%	80	3.21%
3	2,952	3,066	114	3.85%	1,663	54.24%	1,297	42.30%	165	5.38%	106	3.46%
4	2,952	3,113	161	5.45%	2,379	76.42%	629	20.21%	106	3.41%	105	3.37%
5	2,952	2,733	(219)	-7.42%	1,715	62.75%	938	34.32%	73	2.67%	80	2.93%

Case Study – Jefferson County

DISTRICT #	AVERAGE (MEAN) POPULATION	ACTUAL POPULATION	DEVIATION	PERCENT DEVIATION	WHITE	PERCENT WHITE	BLACK	PERCENT BLACK	HISPANIC	PERCENT HISPANIC	OTHER	PERCENT OTHER
1	2,952	3,108	156	5.28%	2,104	67.70%	874	28.12%	135	4.34%	130	4.18%
2	2,952	2,739	(213)	-7.22%	1,051	38.37%	1,600	58.42%	67	2.45%	88	3.21%
3	2,952	3,068	116	3.92%	1,663	54.20%	1,299	42.34%	165	5.38%	106	3.46%
4	2,952	3,113	161	5.45%	2,379	76.42%	629	20.21%	106	3.41%	105	3.37%
5	2,952	2,733	(219)	-7.42%	1,715	62.75%	938	34.32%	73	2.67%	80	2.93%

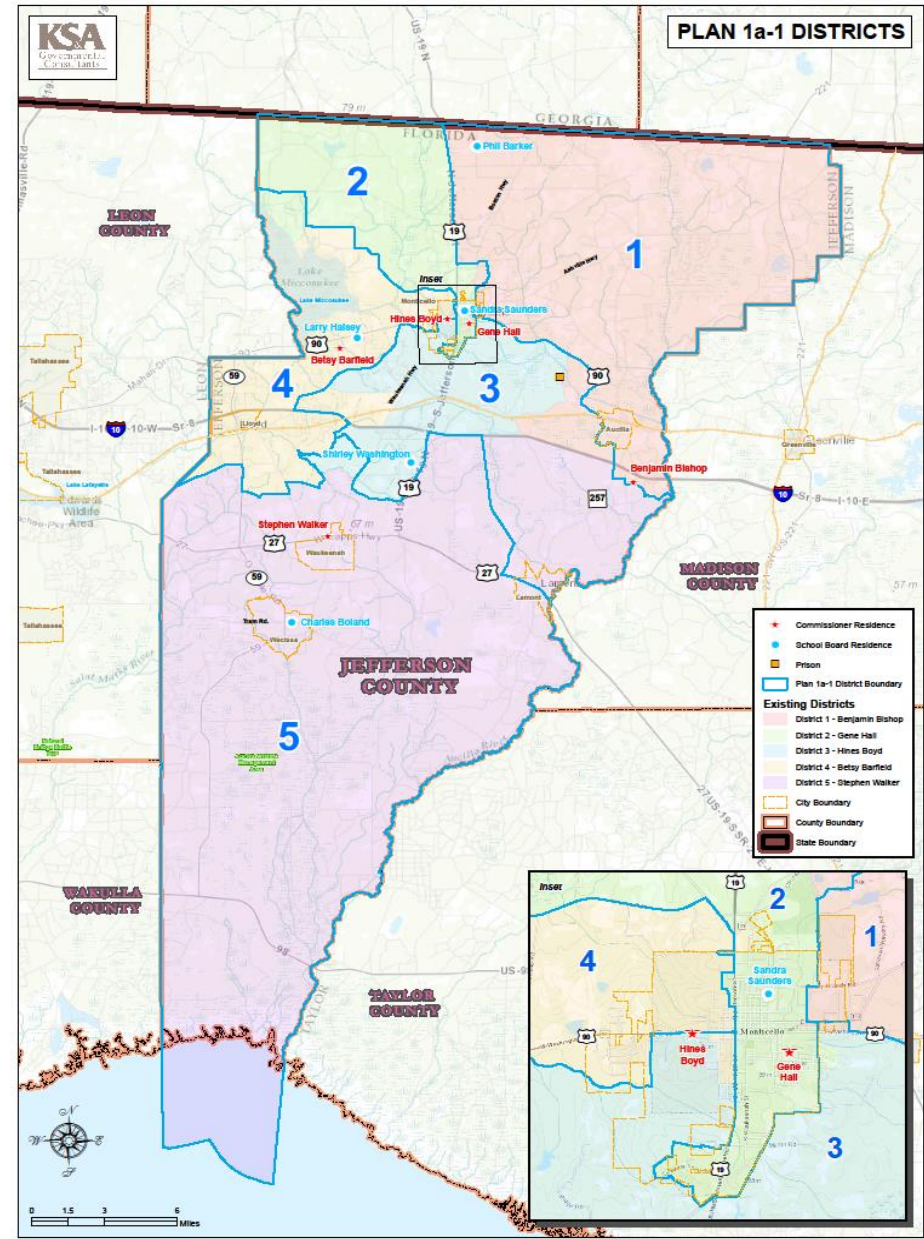
14,761

EXISTING DISTRICTS



DISTRICT #	AVERAGE (MEAN) POPULATION	ACTUAL POPULATION	DEVIATION	PERCENT DEVIATION	WHITE	PERCENT WHITE	BLACK	PERCENT BLACK	HISPANIC	PERCENT HISPANIC	OTHER	PERCENT OTHER
1	2721	2968	277.00	9.24%	2078	69.31%	790	26.35%	129	4.30%	130	4.34%
2	2721	2820	99.00	3.51%	1057	37.48%	1675	59.40%	73	2.59%	88	3.12%
3	2721	1899	(822.00)	-43.29%	1069	56.29%	747	39.34%	81	4.27%	83	4.37%
4	2721	3073	352.00	11.45%	2348	76.41%	623	20.27%	104	3.38%	102	3.32%
5	2721	2817	96.00	3.41%	1777	63.08%	953	33.83%	75	2.68%	87	3.08%

PLAN 1a-1 DISTRICTS



DISTRICT #	AVERAGE (MEAN) POPULATION	ACTUAL POPULATION	DEVIATION	PERCENT DEVIATION	WHITE	PERCENT WHITE	BLACK	PERCENT BLACK	HISPANIC	PERCENT HISPANIC	OTHER	PERCENT OTHER
1	2721	2855	134.00	4.69%	1904	68.79%	771	27.01%	117	4.10%	120	4.20%
2	2721	2690	(31.00)	-1.15%	1074	39.93%	1533	56.90%	64	2.38%	83	3.06%
3	2721	2839	118.00	4.16%	1553	54.70%	1144	40.30%	141	4.97%	142	5.00%
4	2721	2611	(110.00)	-4.21%	2010	76.98%	536	20.53%	69	2.64%	65	2.49%
5	2721	2612	(109.00)	-4.17%	1728	66.16%	804	30.78%	71	2.72%	80	3.08%

Case Study – Jefferson County

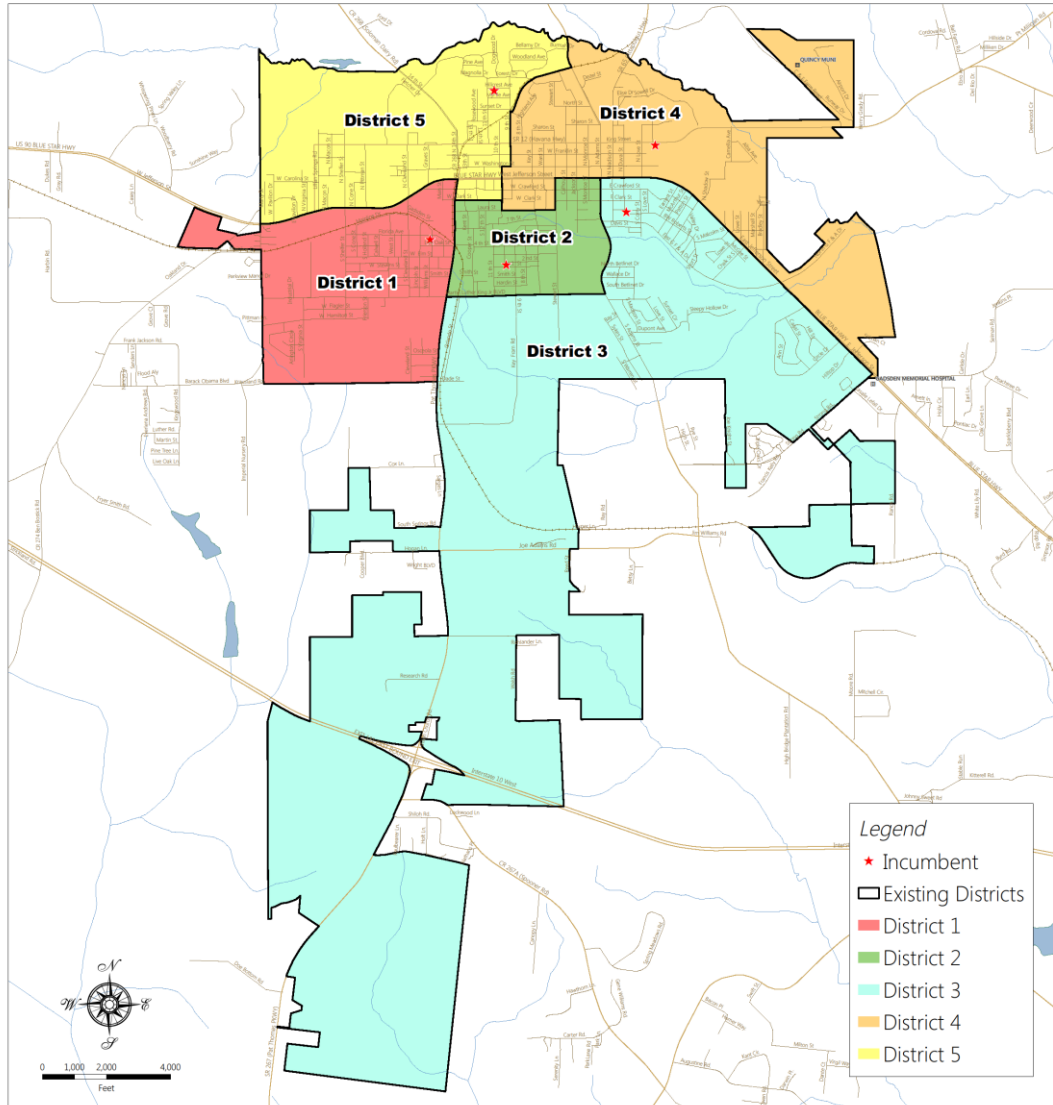
Existing Districts - 2016

<u>Existing (Plan A) Districts</u>								
	WHT	BLK	OTH	HSP	TOT	PCT_BLK	Deviation	
District 1	2,078	790	130	129	2,998	26.35	277	9.23
District 2	1,057	1,675	88	73	2,820	59.40	99	3.50
District 3	1,069	747	83	81	1,899	39.34	-822	-43.31
District 4	2,348	623	102	104	3,073	20.27	352	11.44
District 5	1,777	953	87	75	2,817	33.83	96	3.39
Jefferson County	8,329	4,788	490	462	13,607	35.19		
<u>Alternative 1a (Plan 1a) Districts</u>								
	WHT	BLK	OTH	HSP	TOT	PCT_BLK	Deviation	
District 1	2,010	773	124	121	2,907	26.59	186	6.38
District 2	1,060	1,538	84	68	2,682	57.35	-39	-1.47
District 3	1,552	1,060	139	135	2,751	38.53	30	1.08
District 4	2,038	535	68	67	2,641	20.26	-80	-3.04
District 5	1,669	882	75	71	2,626	33.59	-95	-3.63
Jefferson County	8,329	4,788	490	462	13,607	35.19		

Case Studies

City of Quincy

Existing Districts



DISTRICT	2010 Population ACTUAL	2010 Population IDEAL	Population Deviation	Percent Deviation	Population White	Percent White	Population Black	Percent Black	Population Other	Percent Other	Population Hispanic	Percent Hispanic
1	1,668	1,734	(66)	-3.83%	113	6.77%	1,272	76.26%	283	16.97%	315	18.88%
2	1,007	1,734	(727)	-41.94%	10	0.95%	980	97.36%	17	1.69%	20	1.94%
3	2,958	1,734	1,224	70.55%	574	19.41%	2,075	70.15%	309	10.45%	385	13.02%
4	1,123	1,734	(611)	-35.25%	511	45.50%	545	48.53%	67	5.97%	62	5.56%
5	1,916	1,734	182	10.47%	765	39.90%	801	41.78%	351	18.32%	400	20.88%
TOTALS	8,672	8,672	-	-	1,972	-	5,673	-	1,027	-	1,182	-

Case Study – City of Quincy

Existing Districts

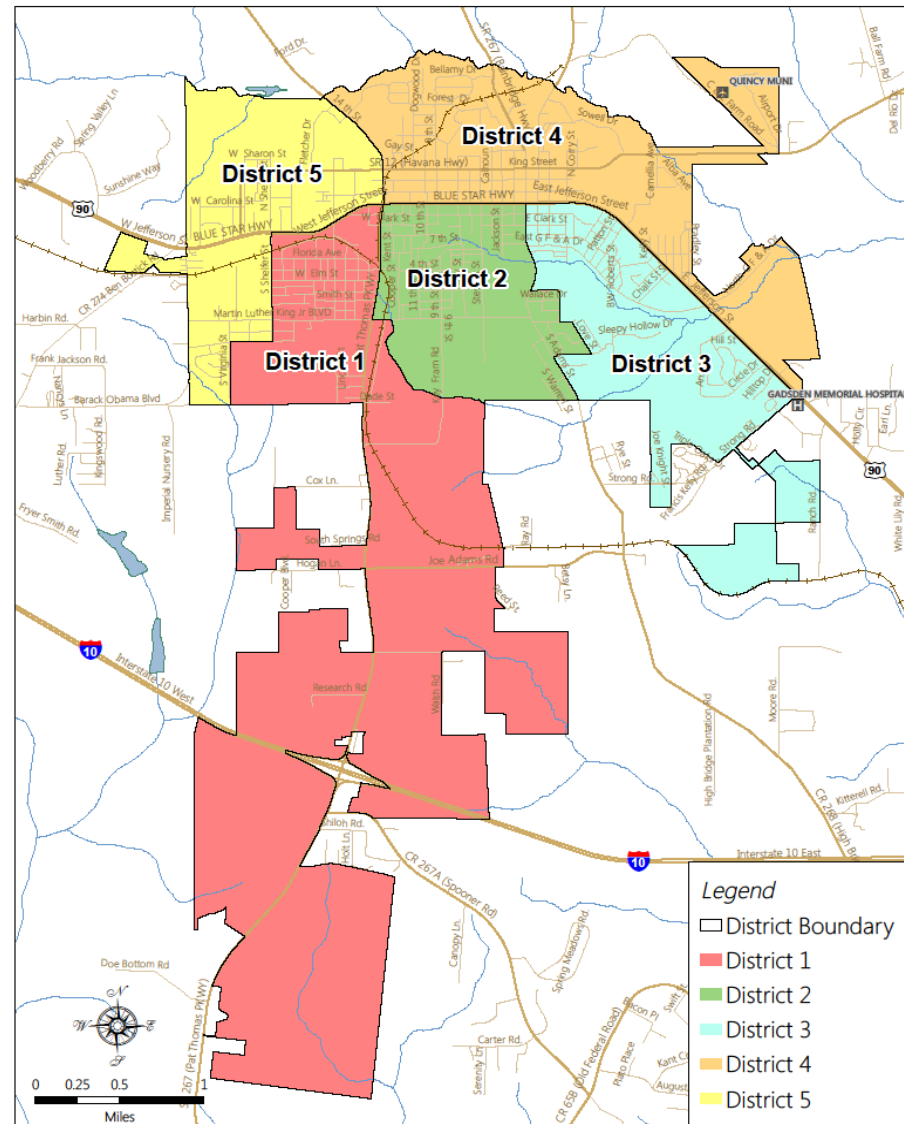
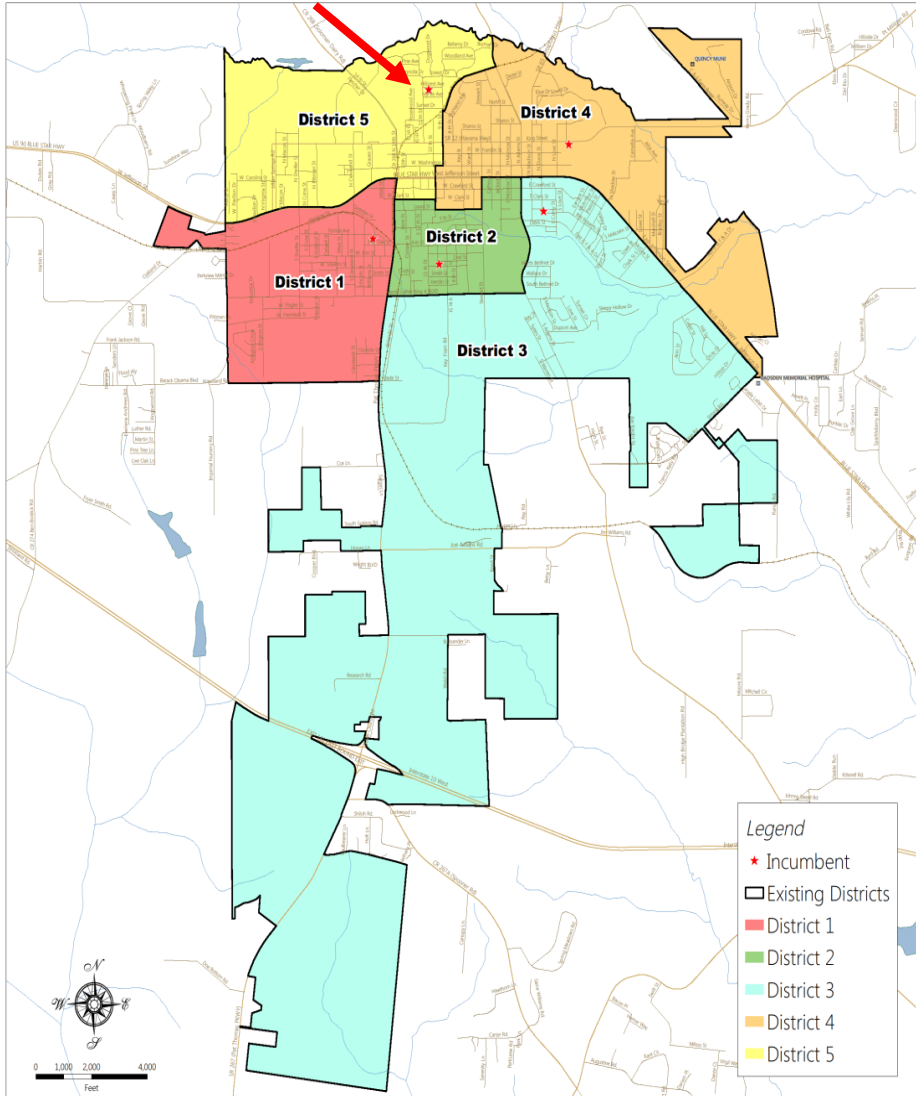
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2	1,007	1,734	(727)	-41.94%	10	0.95%	980	97.36%	17	1.69%	20	1.94%
3	2,958	1,734	1,224	70.55%	574	19.41%	2,075	70.15%	309	10.45%	385	13.02%
4	1,123	1,734	(611)	-35.25%	511	45.50%	545	48.53%	67	5.97%	62	5.56%
5	1,916	1,734	182	10.47%	765	39.90%	801	41.78%	351	18.32%	400	20.88%
TOTALS	8,672	8,672	-	-	1,972	-	5,673	-	1,027	-	1,182	-

Adopted Plan

DISTRICT	2010 Population ACTUAL	2010 Population IDEAL	Population Deviation	Percent Deviation	Population White	Percent White	Population Black	Percent Black	Population Other	Percent Other	Population Hispanic	Percent Hispanic
1	1,724	1,734	(10)	-0.60%	319	18.50%	1,330	77.15%	75	4.35%	111	6.44%
2	1,696	1,734	(38)	-2.21%	155	9.14%	1,456	85.85%	85	5.01%	104	6.13%
3	1,792	1,734	58	3.32%	184	10.27%	1,393	77.73%	215	12.00%	242	13.50%
4	1,739	1,734	5	0.27%	961	55.26%	625	35.94%	153	8.80%	162	9.32%
5	1,721	1,734	(13)	-0.77%	353	20.51%	869	50.49%	499	28.99%	563	32.71%
TOTALS	8,672	8,672	-	-	1,972	-	5,673	-	1,027	-	1,182	-

Existing Districts

Commission Districts March 2020



DISTRICT	2010 Population ACTUAL	2010 Population IDEAL	Population Deviation	Percent Deviation	Population White	Percent White	Population Black	Percent Black	Population Other	Percent Other	Population Hispanic	Percent Hispanic
1	1,668	1,734	(66)	-3.83%	113	6.77%	1,272	76.26%	283	16.97%	315	18.88%
2	1,007	1,734	(727)	-41.94%	10	0.95%	980	97.36%	17	1.69%	20	1.94%
3	2,958	1,734	1,224	70.55%	574	19.41%	2,075	70.15%	309	10.45%	385	13.02%
4	1,123	1,734	(611)	-35.25%	511	45.50%	545	48.53%	67	5.97%	62	5.56%
5	1,916	1,734	182	10.47%	765	39.90%	801	41.78%	351	18.32%	400	20.88%
TOTALS	8,672	8,672	-	-	1,972	-	5,673	-	1,027	-	1,182	-

DISTRICT	2010 Population ACTUAL	2010 Population IDEAL	Population Deviation	Percent Deviation	Population White	Percent White	Population Black	Percent Black	Population Other	Percent Other	Population Hispanic	Percent Hispanic
1	1,734	1,734	(0)	-0.00%	319	18.50%	1,330	77.15%	75	4.35%	111	6.44%
2	1,696	1,734	(38)	-2.21%	155	9.14%	1,456	85.85%	85	5.01%	104	6.13%
3	1,792	1,734	58	3.32%	184	10.27%	1,393	77.73%	215	12.00%	242	13.50%
4	1,739	1,734	5	0.27%	961	55.26%	625	35.94%	153	8.80%	162	9.32%
5	1,721	1,734	(13)	-0.77%	353	20.51%	869	50.49%	499	28.99%	563	32.71%
TOTALS	8,672	8,672	-	-	1,972	-	5,673	-	1,027	-	1,182	-

Upcoming Challenges in Redistricting

Upcoming Challenges

1. To count or not to count?
2. Fair Districts Amendments
3. What is a “minority” in the redistricting process?
4. The 2020 Census

1. Count Prison Population?

- Florida (state & federal) prison population = 100,000+
- Impact especially significant in small jurisdictions when redistricting
- Census counts “people” without regard to age or voting status

Count Prison Population?

- Florida AGO 2001-55 – you must count prison population
- Calvin v. Jefferson County (1st DCA, ND Fla - March 19, 2016) - you may not count prison population
- Evenwel v. Abbott (US S/Ct - April 4, 2016) – you [a state] may draw districts based on total population (not registered voters)

2. “Fair Districts” Amendments

Fair Districts Amendments (2010) to Article III

- Section 20 (Standards for Congressional Districts)
- Section 21 (Standards for Legislative Districts)

“Fair Districts”

(a) No apportionment plan or 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**.

“Fair Districts”

- Amendments do not apply to cities or counties
- But are reasonable policies or criteria to follow at local level

3. What is a “minority”?

VRA enacted during the height of the civil rights movement in 1965

- Enforces rights guaranteed by the 14th and 15th Amendments to the US Constitution
- Prohibits laws/policies that result in discrimination against racial or language minorities

What is a “minority”?

- Is a non-Hispanic white community that is an arithmetic minority of a jurisdiction’s population afforded protections under 14th Amendment or VRA?
- TBD...*See* Baroody v. City of Quincy
No. 4:20-cv-217-AW-MAF

4. The 2020 Census

- First Census conducted in 1790 (US population = 3,929,214)
- 2020 Census
 - ✓ Organizational functions started January 2019
 - ✓ Census Day = April 1, 2020
- Presumed to be correct but check for anomalies



The 2020 Census – Original Plan

Date	Task
January 2020	Census begins counting remote Alaska
March	Paper instructions sent re: responding online
April 1	Census Day – snapshot of households
Mid-April	Paper Questionnaires mailed
April – June	Census Takers visit group quarters
May - August	Census Takers visit homes not yet responded
December 31	Reapportionment counts to Congress
March 31, 2021	Census Bureau delivers counts to states

The 2020 Census - Reality

Date	Task
January 2020	Census begins counting remote Alaska <ul style="list-style-type: none">• 1st US COVID-19 case - travel ban
March	Paper instructions sent on responding online <ul style="list-style-type: none">• Census suspends field operations
April 1	Census Day – snapshot of households
Mid-April	Paper Questionnaires mailed
April – June	Census Takers visit group quarters <ul style="list-style-type: none">• Field operations reinstated in May
May - August	Census Takers visit homes not yet responding
December 31	Reapportionment counts to Congress <ul style="list-style-type: none">• Released: April 2021
March 31, 2021	Census Bureau delivers counts to states <ul style="list-style-type: none">• New target: September 2021

2021 Redistricting Options: #1 – Use 2020 Census Data (preferred)

Date	Task
July - September	Prepare for redistricting process Acquire software and/or consulting assistance Decide redistricting criteria to be used Determine process and set schedule
September	Review 2020 data Examine need to redistrict Prepare initial maps
October	Discuss initial maps Public Workshops Revise Maps
November	Public Workshops/Revise Maps Notice of Change of Boundaries BCC Hearings
December 2021	BCC Adopts new district maps

2021 Redistricting Options: #2 – Use Modified 2010 and 2020 Data

Date	Task
April	Prepare for redistricting process Acquire software and/or consulting assistance Adjust 2010 Data for growth Decide redistricting criteria to be used Determine process and set schedule
May	Examine need to redistrict Prepare initial maps
June – September	Discuss initial maps Public Workshops Revise Maps
October - November	Upload 2020 Data Public Workshops/Revise Maps Notice of Change of Boundaries BCC Hearings
December 2021	BCC Adopts new district maps

Questions?



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