

REDISTRICTING IN FLORIDA WITH THE LEAGUE OF WOMEN VOTERS WHAT YOU NEED TO KNOW

BY PAMELA S. GOODMAN, PRESIDENT, LWVFLORIDA

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SUMMARY: THE TOP THREE DECISIONS WITH THE MOST LASTING EFFECT...

1. Early on...the first Supreme Court case written by Pariente in Feb. 2012 that interpreted every word of the amendments. Brought them alive. Came as a result of us challenging the first set of maps drawn. A map had never been analyzed using the new standards before this.
2. Early 2013...The holding that the initial facial review does not bar challengers from bringing an action in Circuit Court to challenge the maps based on factual evidence.
3. The decision holding that the legislative privilege does not apply in redistricting cases. We already had most of what we need from staff depositions, but this opened it up. The second round ordered all legislators to hold all e-mails. Of course, they can get around that by using texts and phone calls. Also the Florida Supreme Court ruled that lawmakers can be forced to testify in redistricting court battles.

THE TOP 3 DECISIONS THAT CHANGED THE POLITICAL LANDSCAPE OF FLORIDA

1. The July landmark Supreme Court decision that also forced the hand of the senate
2. The Supreme Court's decision that enacted the new Congressional maps.
3. Judge Reynolds decision enacting the new Senate map

The bedrock of our democracy is the rule of law and that means we have to have an independent judiciary. Judges will make decisions independent of the political winds that are blowing. **Continue reading for a complete historical timeline:**

-Background on how we got to where we are today

When the League was first formed in Florida 76 years ago, gerrymandered districts and the need for redistricting was one of the first issues identified as an issue for League to study and begin work on... Since that time, we have been working on resolving what was one of the MOST gerrymandered states in the country.

Finally in 2008, we composed two citizen initiative constitutional ballot amendments with a coalition of other organizations, mainly Common Cause and Democracia, called **Fair Districts**. One ballot amendment was for congressional redistricting standards, the other for state House and Senate standards. The standards were the same for each...in summary, "that districts had to be drawn that were contiguous, compact, use natural geographic boundaries and borders and, most importantly, to not benefit one political party over another."

The purpose of these amendments, known as amendments 5 and 6, was to finally give constitutional mandates to our legislature who drew these new districts every 10 years following the census results. Up to this point in time, our legislature had absolutely NO guidelines, which were resulting in them drawing districts that benefited them and their jobs. This occurred when Democrats were in power and when Republicans were in power.

It was the quintessential “fox guarding the hen house”. Our legislators were drawing districts choosing their voters, rather than drawing districts where voters had a choice of choosing their representative. They were protecting their jobs.

For 2 years, we collected petitions, over 1.6 million; 800,000 for each amendment, and got both amendments on the ballot in 2010. They passed by 63% with over 3.1 million voters saying YES!

Our legislature and Governor began fighting these amendments from day one. League continued to push back with litigation and education and advocacy. Our Florida Editorial Boards all endorsed the implementation of these standards and were a strong ally. Finally, coming into 2012, the redistricting year, our leaders said, “the will of the people has been heard. This cycle of redistricting will be the MOST transparent and open in Florida’s history. And will follow the letter of the law.”

Sadly, the resulting maps, with the exception of the State House maps, were not even close. More litigation lead by LWVFlorida began.

-Recent litigation

In 2014, we concentrated on the congressional maps and brought our case to the Circuit Court in Tallahassee. Judge Terry Lewis was presiding. We were aware of the poorly drawn maps and that the process had not been followed, but what our legal team laid out in the course of five days of testimony read like a Carl Hiassan or James Patterson novel.

Political operatives were exchanging late night emails and deleting them.

Secret meetings to plan maps for their benefit and then having them submitted by what was supposed to be an objective student from a Florida University. Good old boy comments in emails and vacation trips together gleefully proud of themselves thwarting this new system. It was disgusting, embarrassing and egregious finger flicking to the people of Florida and the constitution. Judge Lewis ruled in our favor and mandated that the legislature come back into special session to remedy the maps. The legislature reconvened last August for 3 days...yes, 3 days to complete this task. Again, secret meetings....no transparency. Florida was headed into a primary election and a general election in November. The clock was ticking and without congressional maps, the election cycle would surely have been changed at a costly rate to Florida and confusion for our voters.

Judge Lewis accepted the redrawn maps. And elections went on as planned. But, we did not give up. We appealed this decision to the highest court, The Florida Supreme Court. Our case was heard in March of last year and we anxiously awaited their decision.

-Thursday July 9, 2015

The Florida Supreme Court ruled in our favor on all counts! We had argued that 8 congressional districts were unlawful. 5 and 13 were at the top of the list, followed by 14, 21, 22,25, 26, 27. They agreed and mandated that those 8 had to be redrawn....and that any district that was affected by the movement of those 8, must ALSO be redrawn. Suggested maps were entered into the court’s records by our counsel, but they do not necessarily mean that the court has to follow those specific maps in their redrawing. In essence, the strong likelihood that almost the entire state’s congressional map of 27 districts will be changed to follow the mandates of amendments 5 and 6. Additionally, the court requested that ALL meetings and material be open to the public, recorded and filed back to them. Also, that a trial be held upon completion of the maps for both sides to argue their positions.

And finally, that the maps come back to the Supreme Court for final approval. The Court mandated that all of this be completed in 100 days, or by October 17, 2015.

The Florida Supreme Court took our legislature to the woodshed where they belonged for their egregious behavior. And they are keeping them on a short leash to finally get this done right.

On July 16, one week after the Supreme Court ruling, Judge Reynolds in Tallahassee, laid out a tighter timeline mandating that by next Wed July 22, both sides have their plan and timeline submitted to the court. He also mandated that the new maps AND the trial for both sides to argue their positions on the new maps be completed by September 25. Trial has been set for Sept. 24-25. This will leave about 3 weeks for the Supreme Court to then review the resulting maps and render their decision.

(Another important date to keep in mind in all of this is that we begin a NEW case in circuit court on the SENATE maps on September 25. Much of the same egregious behavior will again be repeated in our case against the legislature on these maps as it was in the congressional map case.)..This has now changed....see update

-What Can the Supreme Court do if our legislature fails again?

This is a really good lesson in American Civics. Checks and balances among the branches of our government worked in that the Judiciary branch “checked” the Legislature’s unconstitutional behavior, set strict guidelines, will oversee, and if necessary, take over the task of drawing maps.

The Supreme Court will hopefully accept the maps because they will be done correctly.

However, if they are not, the Court may:

-Assign a Master to draw the maps. This was done in New York when their legislature failed to draw maps and the congressional districts that exist there today are a result of this method.

-Review every map that has been submitted throughout this entire process and choose one of them

-Open the process for submittal of new maps by the public.

-What impact does the Federal Supreme Court decision on redistricting commissions have, if any, on Florida?

That decision released 3 weeks ago is a big win for all of the states battling redistricting with their legislature. The decision states simply that redistricting does NOT have to be the sole responsibility of a state’s legislature. An objective redistricting commission is a viable alternative. Currently 21 states utilize some form of nonpartisan/bipartisan redistricting commissions.

Florida could implement a commission 3 ways:

-Our legislature proposing it and placing it on the ballot.

-The Constitutional Commission review in 2017 before legislative session could place it as an amendment

-A citizen initiative, could work to place it on the ballot most probably in 2018.

-What about the request from Congressional representatives to hold public hearings around the state to gain public opinion and input before maps are drawn?

The League consistently supports public input, transparency in government process and civic engagement. However, the clear guidelines of the Supreme Court opinion did not include this as a proposed part of the necessary legislative process. We support the court's guidelines of public meetings and complete filing of all records and communications related to the redistricting process, but feels that the timeline is not sufficient for appropriate traveling statewide hearings. A schedule of special legislative session and trial is the priority of meetings to meet the court deadline.

This provides a very brief synopsis of this issue. Any and all of this paper may be used for press background or comment by local League presidents. Also, we encourage the writing of letters to the editors or "My Word" pieces with facts taken from this paper. This is a good time to have a Hot Topics Redistricting "Update" for your members and/or include it in your Voter. This paper may be posted on your web site and on Facebook page. The public needs to understand what all the front-page stories really mean! Or please continue to refer press questions to me at pamelasgoodman@gmail.com 561-843-1233 Any questions regarding litigation that are not answered in this synopsis, please ALWAYS refer to me first! We are NOT commenting on any specific maps or districts that have been presented in litigation. It is in the Court's hands at this point.

-Special Session announced and Court date Announced!

Legislative Special session will be held Aug 10-Aug 21, 2015. Redistricting Committees will work with staff only with all records filed to the Senate President and Speaker of the House. The first unveiling of the new maps will be on Tuesday August 11 in a joint session. Committees are:

House: Chair Rep. Jose Oliva, R-Hialeah who is scheduled to become House Speaker after the 2018 elections. Others Republicans are: vice Chair Rep. Charles McBurney, Jacksonville, Carlos Trujillo Doral, Dana Young, Tampa. Travis Cummings, Orange Park, Larry Metz, Groveland, Marlene O'Toole, The Villages, David Santiago, Daytona, Jennifer Sullivan, Eustis.

Democrats are Mark Pafford, West Palm Beach, Reggie Fullwood, Jacksonville, Jared Moskowitz, Coral Springs, Irv Slosberg, Delray Beach.

Senate: Republicans Chair Senator Bill Galvano, Bradenton, Rob Bradley, Orange Park, Tom Lee, Brandon, David Simmons, Altamonte Springs.

Democrat Chris Smith, Ft. Lauderdale.

The court date for both sides to argue the resulting maps is set for **Sept 22, 2015**.

-Senate Confesses to wrongdoing. Trial Cancelled. Another Special Session...

On July 28, 2015, the Florida Senate filed a Stipulation and Consent Judgement that states “the Florida Senate stipulates and agrees that the apportionment plan adopted by the Florida legislature on March 27, 2012 to establish Florida’s Senate districts violates the provisions of the Florida Constitution. They admitted “the Enacted plan and certain districts WERE drawn to favor a political party and incumbents”. They agreed that the plan should NOT be enforced for the 2016 elections and will agree to redraw the map. They will draw new map with same guidelines mandated by Supreme Court for Congressional maps. They agreed no deference should be given to them. A THIRD Special Session will be called for Oct. 19-Nov. 6. A trial will follow for both sides to argue the maps. This should be completed by year end. We can still appeal these resulting maps to the Supreme Court who would expedite the case so that a decision on Senate maps would be in place for 2016 elections.

-8/3/15 League Calls on legislature for Complete Transparency in Redistricting Process
A letter sent today to Senator Gardinier , Speaker Crisafulli and all legislators one week before the August 10 Special Session begins, reminds officials of the mandates for transparency of this process set forth by the Florida Supreme Court and League’s expectations of complete adherence.

-8/10/15 Special Session Begins

A “base map: prepared by staff and counsel for both the House and the Senate was revealed. Amendments can be added in public forum and/or recorded sessions throughout session.

-8/14/15 League sends letter to House and Senate leadership and Redistricting Chairs, Senator Galvano and Rep. Oliva commending them on transparent process, but pointing out that Dist. 26, 27 in Miami after combining Homestead may have partisan intent and requests that they look at a potential adjustment. This was never done.

-8/17-8/21- The final 5 days of special session made minor amendments to the base map by both the House and Senate. The House made fewer.
When it appeared that a map compromise was very close on Thursday, the House chose not to compromise on an amendment made by Sen. Tom Lee that affected his district. It appeared partisan intentional. The House rejected and talks failed. The Senate asked for an extended session. House rejected. The Legislature adjourned at noon Friday with NO compromised map completed.

-2 points of note: LWVF and Common Cause have intervened with the defendant (Secretary of State and Legislature) in two legal cases brought forth during session. One case is by a group of Republican Lawyers and the other is by Congresswoman Corinne Brown. Both cases question the legality of Amendment 6 in the Florida Constitution. We intervened anticipating that our SOS and legislature would not strongly protect the amendments as a sole defendant in these cases.

-Additionally, The Democrats in the House have asked for an Independent Redistricting Commission and have presented bill(s) for regular session to that end.

If passed, this commission could not be implemented soon enough for 2016 elections. LWVF stands strong in focusing on litigation and the process in place to assure we have fair districts for 2016.

-A hearing yesterday on **8/25/15** with Judge Terry Lewis resulted in the Senate requesting another chance at a redraw in another special session, the House wanting Judge Lewis to draw the map or choose between the current Senate map or the current House map that was a result of the last session, and the plaintiffs wanting the process moved along recognizing that the House and Senate are at “loggerheads”. Judge Lewis has asked for direction from The Supreme Court as none of this is in his jurisdiction.

-On September 4, the Florida Supreme Court ruled that the lower court should hold a remedial hearing to review and debate maps presented by House, Senate and plaintiffs. The lower court, Judge Lewis, should send his recommendations on to the Supreme Court following that hearing on or before Oct 17, the 100-day deadline from the original Supreme Court opinion.

-Monday, September 14 Maps from House, Senate and Plaintiffs are filed with the court and hearing has been set for September 24-25 in Tallahassee with Judge Lewis.

The Plaintiff Coalition (The League of Women Voters and Common Cause) submitted 3 separate maps. These maps may be viewed on the League’s website at www.thefloridavoter.org

All three maps are similar and generally agree with the House map c9071, however they address Southern Florida districts differently with Tier 2 improvements.

-Trial held Sept 24, 25, 28

The three-day trial was held with Judge Terry Lewis having a total of 7 maps presented to him. One from the House, 2 from the Senate, 3 from the Coalition Plaintiffs (LWVF and Common Cause) and one from the Romo Plaintiffs. The Judge could choose one map to recommend to the Supreme Court or a hybrid by the deadline of Oct 17.

-Friday Oct. 9

Judge Lewis rules that the Coalition Plaintiff Map 1 is clearly the best map to be sent on to the Supreme Court as a final judgement for Congressional Redistricting. While it clearly mirrors the House map submission for the northern and central districts, it defines the southeastern districts more clearly to avoid partisanship and incumbent protection. That map can be found at www.thefloridavoter.org and www.floridaredistricting.org

WE await the Supreme Court final authorization following scheduled final arguments on Nov. 10 and move on to Senate redistricting Special legislative session beginning Oct 19, 2015.

-Thursday November 5

After 3 weeks of Special Session, the Senate voted 23-16 to NOT support the final map given back to them from the House the day before. Session began with the Senate proposing 6 map variations to it’s body. One was chosen to present to House. Coalition Plaintiffs also presented a map for consideration at this time with a letter to senator Galvano and Rep. Oliva citing concerns.

The House amended the map with their own considerations and some of plaintiffs. Plaintiffs also submitted 2 additional maps for consideration.

The major bone of contention centered around South Florida districts. House map was passed and went to Redistricting conference on Wednesday Nov 4, 2015. Today, the House map was confirmed by the conference and sent back to Senate Session where the final vote did not support it. Senate adjourned at 5:45 p.m. with no intent of re –adjourning and no map produced.

-Wednesday November 18-Deadline for all maps to be filed for Senate trial. Senate President Andy Gardiner took responsibility for combining the House and Senate maps into a new hybrid and submitted to Judge Reynolds. Coalition plaintiffs presented 6 maps. Prior to this deadline date, the Senate requested that a Master Map drawer be used for this process to Judge Reynolds. That request was swiftly refused saying” that ship has sailed...”

-December 2, 2015- HISTORICAL FINAL DECISION BY FLORIDA

COURT...In a 5-2 decision, the court gave final approval to Florida’s congressional districts in time for the 2016 elections rejecting the Legislature’s arguments for the fourth time and selecting boundaries drawn by challengers ,The League of Women Voters of Florida and Common Cause.

“Our opinion today...the eighth concerning legislative or congressional apportionment during this decade since the adoption of the landmark Fair Districts amendment...should bring much needed finality to litigation concerning this state’s congressional redistricting that has now spanned four years in state courts,” The court wrote.

House and Senate redistricting leaders, who have spent more than \$11 million in taxpayer money unsuccessfully defending their congressional and Senate maps, said they disagreed with the ruling but were not surprised by it.

-December 14-17, 2015- Four day trial with Leon County Circuit Court Judge George Reynolds presiding on Senate maps. The Senate argued one map that was drawn by Senate staff but never voted on by the legislature and the plaintiffs presented 4 options. Lawyers for the Senate requested that if the Judge did not choose their map , he retain the authority to draw the new map.

-Wednesday December 30, 2015-LANDMARK DECISION!!!! Judge Reynolds rules in favor of the plaintiff’s first map option stating their map best complies with the constitutional amendments.

-Wednesday, Jan. 20, 2016- Senate President Andy Gardiner releases statement that the Senate will NOT appeal the maps ruled by Judge Reynolds on Dec. 30.

At this writing, BOTH the Congressional maps and the state Senate maps have been completed and are in place for 2016 elections and beyond until the next redistricting cycle in 2022. Both approved maps were submitted by The League of Women Voters and Common Cause. They can be viewed on this website.

LWVFlorida looks forward to a robust election cycle of more candidates filing to run for these offices and better discourse on issues throughout their campaigns.

Voters WILL be choosing their elected officials and our officials will be responsible to the voices of their constituents. At every election, the ballot box, once again, becomes the voice of the people!

Finally, NONE of this, I mean NONE...could have been accomplished without YOU! I truly believe that each and every one of our members had a piece of this...whether you got a petition signed, spoke to 100 groups or mentioned it to your neighbor or fellow worker... This important issue is why the League exists today stronger and smarter than ever before! Thank you!!!!

In League,

Pam