UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

Common Cause Florida, FairDistricts Now, Florida State Conference of the National Association for the Advancement of Colored People Branches, Cassandra Brown, Peter Butzin, Charlie Clark, Dorothy Inman-Johnson, Veatrice Holifield Farrell, Brenda Holt, Rosemary McCoy, Leo R. Stoney, Myrna Young, and Nancy Ratzan, *Plaintiffs,* v. Cord Byrd, in his official capacity as Florida Secretary of State, *Defendant.*	Case No. 4:22-cv-109-AW-MAF

DECLARATION OF ALVIN LI IN SUPPORT OF PLAINTIFFS' PROPOSED DEPOSITION TOPICS AND QUESTION

ALVIN LI hereby declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1.   I am admitted in this action *pro hac vice* and an attorney at Patterson Belknap Webb & Tyler LLP, attorneys for Plaintiffs in the above-captioned action. I submit this declaration in further support of Plaintiffs' proposed deposition questions and topics.

2.   Attached as **Exhibit 1** is a true and correct copy of Order 4, *Black Voters Matter Capacity Building Inst., Inc. v. Byrd*, No. 2022-CA-666 (Fla. 2d Cir. Ct. Oct. 27, 2022).

3.   Attached as **Exhibit 2** is a true and correct copy of excerpts of a transcript of a hearing of the Florida Senate Committee on Reapportionment, from April 19, 2022. The Plaintiffs commissioned transcripts of the public hearings and produced them to the Defendant.

4.   Attached as **Exhibit 3** is a true and correct copy of excerpts of a transcript of a hearing of the Florida House Committee on Reapportionment, from April 19, 2022. The Plaintiffs commissioned transcripts of the public hearings and produced them to the Defendant.

5.   Attached as **Exhibit 4** is a true and correct copy of a notarized affidavit signed by a licensed process server stating that he served Plaintiffs' Subpoena to Testify at a Deposition to Adam Foltz on February 24, 2023.

6.   Attached as **Exhibit 5** is a true and correct copy of a notarized affidavit signed by a licensed process server stating that he served Plaintiffs' Subpoena to Testify at a Deposition to Thomas M. Bryan on April 17, 2023.

7.   Attached as **Exhibit 6** is a true and correct copy of the Expert Report

of Matthew Barreto, Ph.D. and Kassra A.R. Oskooii, Ph.D., dated April 3, 2023.

Plaintiffs served a copy of this report on the Defendant on April 3, 2023.

8.   Attached as **Exhibit 7** is a true and correct copy of excerpts of a

transcript of a hearing to the Florida House Redistricting Committee, dated

February 25, 2022. The Plaintiffs commissioned transcripts of the public hearings

and produced them to the Defendant.

9.   Attached as **Exhibit 8** is a true and correct copy of email

correspondence between Ryan Newman and Robert Popper. Judicial Watch

produced this email to the Plaintiffs.

10.   Attached as **Exhibit 9** is a true and correct copy of a letter from Ryan

Newman to Tyler Sirois, dated February 18, 2022. This document was obtained

through a public records request made by American Oversight, a nonprofit

government oversight organization located in Washington, D.C.

11.   Attached as **Exhibit 10** is a true and correct copy of a draft of the

letter from Ryan Newman to Tyler Sirois, dated February 18, 2022. This

document was obtained through a public records request made by American

Oversight, a nonprofit government oversight organization located in Washington,

D.C.

12.   Attached as **Exhibit 11** is a true and correct copy of an email that contains a memorandum from Ray Rodrigues regarding the Congressional Map Submission from Governor DeSantis. Defendant produced this document to the Plaintiffs with bates numbering EOG Prod_2900-2901.

13.   Attached as **Exhibit 12** is a true and correct copy of veto memorandum from general counsel for Executive Office of Gov. DeSantis, Ryan Newman. Defendant produced this document to the Plaintiffs with bates numbering EOG Prod_ 2732-2738.

14.   Attached as **Exhibit 13** is a true and correct copy of excerpts of a transcript of a hearing of the Florida Senate Committee on Reapportionment, from September 20, 2021. The Plaintiffs commissioned transcripts of the public hearings and produced them to the Defendant.

15.   Attached as **Exhibit 14** is a true and correct copy of memorandum from Senate President Wilton Simpson and House Speaker Sprowls, dated March 29, 2022. Defendant produced this document to the Plaintiffs with bates numbering EOG Prod_0749.

16.   Attached as **Exhibit 15** is a true and correct copy of excerpts of a transcript of a hearing of the House Congressional Redistricting Subcommittee,

dated February 18, 2022. The Plaintiffs commissioned transcripts of the public

hearings and produced them to the Defendant.

17.   Attached as **Exhibit 16** is a true and correct copy of excerpts of a

transcript of a hearing of the House Session, dated April 21, 2022. The Plaintiffs

commissioned transcripts of the public hearings and produced them to the

Defendant.

18.   Attached as **Exhibit 17** is a true and correct copy of memorandum

from House Speaker Sprowls to House, dated February 25, 2022. The Plaintiffs

received this document as part of third party production from State Democratic

Lawmakers with bates numbering ALEXANDER - 000324. Those lawmakers also

made the same productions to the Defendant in the state court matter cited above.

19.   Attached as **Exhibit 18** is a true and correct copy of excerpts of a

transcript of a hearing of the House Session, dated April 20, 2022. The Plaintiffs

commissioned transcripts of the public hearings and produced them to the

Defendant.

20.   Attached as **Exhibit 19** is a true and correct copy of email

correspondence between counsel for the Plaintiffs and counsel for Adam Foltz,

confirming that Mr. Foltz's deposition will be governed by the same parameters as

J. Alex Kelly's deposition.

21.   Attached as **Exhibit 20** is a true and correct copy of email

correspondence between counsel for the Plaintiffs and counsel for Thomas Bryan,

confirming that Mr. Bryan's deposition will be governed by the same parameters as

J. Alex Kelly's deposition.

Dated: May 19, 2023
              New York, New York
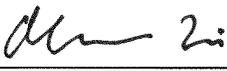
_____
Alvin Li

EXHIBIT 1

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA**

BLACK VOTERS MATTER CAPACITY
BUILDING INSTITUTE, INC., *et al.*,

     Plaintiffs,

                                   Case No. 2022-CA-000666

v.

CORD BYRD, in his official capacity as
Florida Secretary of State, *et al.*,

     Defendants.

_____/

ORDER ON MOTION FOR PROTECTIVE ORDER PREVENTING DEPOSITIONS OF INDIVIDUAL LEGISLATORS AND STAFF

This case came on for hearing on October 20, 2022, on a motion for protective order filed on behalf of six legislators[1] and five current and former legislative staff members[2] (the "Individual Legislators and Staff"), all non-parties who have been noticed by Plaintiffs for videotaped depositions. Upon consideration of the Motion, responses, replies, and the presentations by counsel, the Court hereby finds as follows:

In this case, Plaintiffs bring constitutional challenges to the congressional district map passed by the Legislature as Senate Bill 2-C on April 21, 2022, and signed by the Governor on April 22, 2022. Ch. 2022-265, Laws of Fla. As part of their discovery, Plaintiffs are seeking to depose the Individual Legislators and Staff to gain insight into the drawing of the

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[1] Speaker Chris Sprowls; Representatives Thomas Leek and Tyler Sirois; and Senators Ray Rodrigues, Aaron Bean, and Jennifer Bradley

[2] Mathew Bahl (Chief of Staff to Speaker Sprowls), Leda Kelly (former Staff Director, House Redistricting Committee), Jason Poreda (Chief Map Drawer, House Redistricting Committee), Jay Ferrin (Staff Director, Senate Committee on Reapportionment), and Thomas Justin Eichermuller (Legislative Analyst, Senate Committee on Reapportionment)

congressional district map.   The Individual Legislators and Staff seek a protective order preventing their deposition in this case under the legislative privilege[3] and the apex doctrine (Fla. R. Civ. P. 1.280(h)).

<u>Legislative Privilege</u>

In *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 138 (Fla. 2013) (*"Apportionment IV"*), the Florida Supreme Court "decide[d] for the first time that Florida should recognize a legislative privilege founded on the constitutional principle of separation of powers" in a case arising from last decade's redistricting.   The Court found the privilege exists but is "not absolute and may yield to a compelling, competing interest."   *Id.* at 143.   The Court also found that the "compelling interest in [that] case [was] ensuring compliance with article III, section 20(a), which specifically outlaws improper legislative 'intent' in the congressional reapportionment process."   *Id.* at 147.   It also held that the case presented "a compelling competing interest against application of an absolute legislative privilege."   *Id.* at 150.   Finally, the trial court's balancing approach that the "legislators and legislative staff members may assert a claim of legislative privilege at this stage of the litigation only as to any questions… revealing their thoughts or impressions or the thoughts or impressions shared with legislators by staff or other legislators, but may not refuse to

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[3] *League of Women Voters of Fla. v. Fla. House of Representatives*, 132 So. 3d 135, 138 (Fla. 2013) (*"Apportionment IV"*).   The parties agreed at the hearing that this Court is bound by the majority ruling in *Apportionment IV* (to the extent that it may apply in this case), and that the language used in the Individual Legislators and Staff's motion and argument regarding any alleged errors in that opinion are solely to preserve the issue for appeal.

testify…concerning any other information or communications pertaining to the…reapportionment process" was adopted by the Court. *Id.* at 154.

In this case, Plaintiffs have alleged that the Governor (through his staff) drew the congressional district map that was ultimately enacted into law. *Compl. at ¶ 74-76. See also,* Pl.'s Opp'n to Third-Parties' Mot. for Protective Order Ex. 6. They have alleged that the map violates the Fair Districts Amendment. *See,* Fla. Const. art III sect. 20. Accordingly, they seek to depose the Individual Legislators and Staff about the reapportionment map-drawing process as was done under *Apportionment IV*. The Individual Legislators and Staff argue that this case differs from the trial posture seen in *Apportionment IV* in that Plaintiffs have conducted no 3rd party discovery to date.[4] This Court will note the only real difference between this case and the trial posture addressed in *Apportionment IV* is that the Office of the Governor is now alleged to be the conduit through which the alleged partisan political organizations and political consultants are reaching the legislators. *See, e.g.* Pl.'s Notice of Supplemental Ex. 9., Pl.'s Opp'n to Third-Parties' Mot. for Protective Order Ex. 6., and Compl. at ¶ 77. Any directed sequence of discovery appears to give this Court unfettered discretion in controlling the application of the privilege. While this Court has great concerns about allowing Plaintiffs to intrude into the internal processes of a separate co-equal branch of government, the binding precedent of *Apportionment IV* provides little relief to the Individual Legislators and Staff other than

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[4] Plaintiffs are seeking to depose a member of the Governor's staff which is subject to a separate motion in this case. *See*, Governor and J. Alex Kelly's Mot. to Quash & for Protection from Subpoena Duces Tecum for Dep.

protection from revealing their thoughts or impressions or the thoughts or impressions shared with legislators by staff or other legislators.[5]

Apex Doctrine

Several of the Individual Legislators and Staff have also asserted that the apex doctrine shields them from deposition. *See,* Fla. R. Civ. P. 1.280(h). These individuals include Speaker of the House Chris Sprowls, President Pro Tempore of the Florida Senate Aaron Bean, Chair of the Select Committee on Congressional Reapportionment Senator Jennifer Bradley, Chair of the House Congressional Redistricting Subcommittee Tyler Sirois, Chair of the House Redistricting Committee Thomas J. Leek, Chair of the Committee on Reapportionment Senator Ray Rodrigues, and Chief of Staff to the Speaker of the House Mathew Bahl. Each of them has submitted an affidavit attesting to the fact that each lack unique, personal knowledge of the issues being litigated. Each generally reiterate that they hold leadership positions within the Legislature and fulfill leadership duties, relying on the expertise of legislative staff and, as it relates to the drawing of the map at issue in this case, the expertise of members of the Governor's staff. During the hearing on this matter, the Court took judicial notice of the fact that Senator Rodrigues actually sponsored Senate Bill 2-C that created the congressional districts in this case. *See also*, Pl.'s Opp'n to Third-Parties' Mot. for Protective Order Ex. 6.

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[5] The Court notes that *Apportionment IV* allows legislators to be questioned regarding the reapportionment process despite recognition of a legislative privilege. This Court, in fashioning relief in this case, attempts to set "objective rules that can be applied without the suggestion that the coordinate branch's privilege is subject to diminishment or abrogation through the unfettered discretion of judges." *Apportionment IV*, 132 So. 3d at 160 (Canady, J., dissenting).

Apportionment IV does not address the apex doctrine as applied under the common law. The apex doctrine has since been codified as part of Fla Rule of Civ. Pro. 1.280(h). *In re Amend. to Fla. Rule of Civ. Pro. 1.280*, 324 So. 3d 459, 461 (Fla. 2021). In this case, each of the individuals asserting the apex doctrine, save one, have shown the doctrine applies as to the internal process by which the legislation moved from introduction to enrollment. Senator Rodrigues, by contrast, has shown the apex doctrine only applies as to his function as chair of the Committee on Reapportionment. However, the Court cannot find the apex doctrine to shield him from questioning regarding the introduction of the bill. Nor can this Court, in light of the holding of *Apportionment IV*, find that the apex doctrine shields any individual legislator as to information he or she received prior to voting. Whereas this Court respects the role of each constitutionally elected legislator, it cannot find all 160 legislators to be an apex officer not subject to deposition as to legislation they introduce or vote on. That notion is not supported by the text of the Constitution itself which says that "Each house...shall biennially choose its officers." Fla. Const. art. III sect. 2. The Constitution also specifies that "On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers." Fla. Const. art. III sect. 3. There is no requirement that a legislator be an officer to introduce legislation, nor to vote.

5

The affidavits of each legislator asserting the apex doctrine show a reliance on information provided by staff members and the Governor's Office as to the map drawing. Because this Court is constrained by the holding in *Apportionment IV* as to legislators being deposed regarding map-making, this Court finds that the apex doctrine shields Chief of Staff Bahl and each legislator from questions regarding the process by which the bill moved through each respective chamber. The apex doctrine does not protect any individual legislator or Chief of Staff Bahl from information he or she received related to the drafting of the bill or drawing of the map.

<div align="center">Relief</div>

This Court finds the balancing test applied in *Apportionment IV* not to be directly applicable in this case. In *Apportionment IV,* "the challengers uncovered communications between the Legislature and partisan political organizations and political consultants" and the use of that information in map-drawing. 132 So. 3d at 141. In this case, based on the affidavits already submitted, the information regarding redistricting and map-drawing came from the Governor's office. Therefore, drawing the line between "thoughts or impressions of legislators" and "`objective' information and communications" within the respective chamber is unnecessary and does not strike the proper balance between the privilege and the compelling competing interest. The appropriate line in this case is where the doors to the House and Senate meet the outside world. Accordingly, each legislator and legislative staff member may be questioned regarding any matter

<div align="center">6</div>

already part of the public record and information received from anyone not elected to the Legislature, their direct staff members, or the staff of the legislative bodies themselves. They may not be questioned as to information internal to each Legislative Body that is not already public record (e.g., their thoughts or opinions or those of other legislators).

For the foregoing reasons, the Motion for Protective Order Preventing Depositions of Individual Legislators and Staff is **GRANTED in part and DENIED in part.** The motion for protective order as to all Individual Legislators and Staff is granted to the extent that they may not be questioned as to information internal to each Legislative Body that is not already public record (e.g., their thoughts or opinions or those of other legislators). The motion is denied in that they may be questioned only as to any matter already part of the public record and information received from anyone not elected to the Legislature, their direct staff members, or the staff of the legislative bodies themselves. This includes the identity of or sources of information outside of the groups identified in this paragraph.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this Thursday, October 27, 2022.

2022-CA-000666 10/27/2022 04:20:22
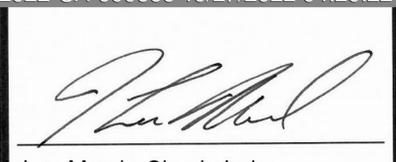
Lee Marsh, Circuit Judge
37-2022-CA-000666 10/27/2022 04:20:22 PM

J. LEE MARSH
CIRCUIT JUDGE

App. 40

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Copies furnished to:

All Counsel of Record

EXHIBIT 2

Page 1

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Common Cause, et al.   )

)

v.   ) 4:22-cv-109

)

Cord Byrd   )

_____)

TRANSCRIPTION OF AUDIO RECORDING

SENATE COMMITTEE ON REAPPORTIONMENT

APRIL 19, 2022

_____

DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

4/19/2022   Common Cause, et al. v. Cord Byrd   Audio Transcription

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 1   APRIL 19, 2022

 2            CHAIRMAN RODRIGUES:  Committee on

 3   Reapportionment will now come to order.

 4            Dana, please call the roll.

 5            THE CLERK:  Chair Rodriguez.

 6            CHAIRMAN RODRIGUES:  Here.

 7            THE CLERK:  Vice Chair Broxson.

 8            Senator Bean.

 9            SENATOR BEAN:  Here.

10            THE CLERK:  Senator Bracy.

11            SENATOR BRACY:  Here.

12            THE CLERK:  Senator Bradley.

13            Senator Brodeur.

14            SENATOR BRODEUR:  Here.

15            THE CLERK:  Senator Burgess.

16            SENATOR BURGESS:  Here.

17            THE CLERK:  Senator Gibson.

18            Senator Harrell.

19            SENATOR HARRELL:  Here.

20            THE CLERK:  Senator Rodriguez.

21            Senator Rouson.

22            SENATOR ROUSON:  Here.

23            THE CLERK:  Senator Stargel.

24            Senator Stewart.

25            SENATOR STEWART:  Here.
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 1              THE CLERK:  A quorum is present, Mr. Chair.

 2              CHAIRMAN RODRIGUES:  Thank you.  I'd like

 3   to ask everyone to silence your electronic devices.

 4   Anyone wishing to speak before the Committee should

 5   complete an appearance form and hand it in to a

 6   member of the Sergeant's Office.  Should you select

 7   to waive your speaking time, your position will be

 8   included in the Committee meeting records.

 9              Members, as you know, the Congressional

10   maps passed by the Legislature in our regular

11   session were vetoed.  We have been called back into

12   special session to fulfill our constitutional

13   obligation to reapportion this state.

14              On Tuesday, April the 12th, I was briefed

15   by the Governor's Office on a map which has been

16   published as P000C0109.  After a conversation with

17   our Senate counsel, I determined that this map

18   reflects standards that the Senate can support and

19   filed it as Senate Bill 2-C.

20              I've asked our general counsel, Mr. Dan

21   Nordby, to prepare a legal analysis of the

22   Governor's submission, and that legal analysis is

23   included in today's meeting materials for your

24   review.  The letter that the Governor's Office sent,

25   along with their map and their analysis the
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Page 4

1   accompanied the veto message, are also included in

2   today's materials.

3   At my request, the Governor's Office is

4   here today to provide members of this committee with

5   the same briefing that I received last week and to

6   answer questions about the map. Members earlier

7   today -- all interested Senators were invited to

8   attend this meeting.

9   Members of the Committee will be the first

10 to ask questions relating to the proposed map, after

11 which, if time permits, non-Committee members will

12 be allowed to ask questions. Questions should not

13 be framed in the form of debate. Debate is reserved

14 for members of the Committee at the appropriate

15 time.

16   We are scheduled to conclude this meeting

17 at 4:30. The Senate will reconvene at 5 o'clock, as

18 required by the earlier recess motion. In order to

19 keep with the special session schedule, the

20 President has indicated that he will not be open to

21 extending today's meeting.

22   If there are no questions about our process

23 for today, then we will proceed to today's agenda.

24   Seeing no questions, we will now move to

25 the agenda. Take up tab number 1, Senate Bill 2-C

Page 5

1   on establishing the Congressional districts of the

2   state.

3   Mr. Alex Kelly is here on behalf of the

4   Executive Office of the Governor to walk us through

5   the map.

6   Mr. Kelly, the floor is yours.

7   ALEX KELLY: Thank you, Chair and members.

8   Again, my name is Alex Kelly, and I

9   appreciate your time and this opportunity today to

10 present the map proposed by the Executive Office of

11 the Governor, the third map filed by our office, and

12 the proposed Congressional Reapportionment Plan and

13 to discuss our office's contribution to what is a

14 compromise plan.

15   And just for a background, I serve as at

16 the Deputy Chief of Staff for the Governor. A very

17 brief introduction before I get into the slides.

18 I'll frequently today refer to improvements in the

19 plan before you today. Senate Bill 2-C is followed

20 by the Chair Plan 0109.

21   Although when I refer to changes in this

22 map, as you may know, you know, my role in terms of

23 when I talk about my role in these changes, I'm only

24 really referring to 18 of the 28 districts in this

25 map. Ten of the districts are unchanged from Senate

Page 6

1   Bill 102 that you passed during session, so Primary

2   Plan 8019. So when I refer to changes and I refer

3   to my work on this map, I'm really just referring to

4   the 18 districts that I changed.

5   For my role in this process and my reason

6   for being here today, I am the map drawer of the 18

7   changed districts in this plan before you. As for

8   my experience, just to give a little context, a

9   decade ago I was the Redistricting Committee Staff

10   Director in the Florida House of Representatives.

11   Starting in January earlier this year, I

12   initially served for our office just in a role of

13   providing general guidance and oversight to our in-

14   house and contract counsel and also to a contract

15   map drawer, who we brought on to support this work,

16   and that contract map drawer supported our work in

17   the Governor's first map that was submitted back in,

18   I want to say, maybe late January, early February,

19   Plan 0079.

20   For reference, that contract map drawer of

21   Congressional Plan 0079, his name is Adam Foltz.

22   He's also previously drawn maps on behalf of the

23   Texas and Wisconsin Legislatures. He's currently

24   drawing maps right now on behalf of the Texas

25   Legislature.

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1   Adam and myself collaborated on our

2   office's second map, map 0094, which was submitted a

3   few weeks later. Much like your professional staff,

4   myself, and our contact map drawer, we've only ever

5   worked on maps for state government -- or I should

6   say much like your professional staff and your

7   Committee.

8   In this map before you today, I alone

9   authored the changes in this plan, 0109, with

10   respect to how this new plan compares to the map

11   that the Legislature passed, the Legislature's

12   primary plan. And generally speaking, today, I'll

13   refer to the Legislature's primary plan, except

14   where I might note otherwise, but generally, I'm

15   referring to Plan 8019.

16   I will also say at the outset some

17   important disclaimers. One, no one directed me to

18   favor or disfavor a political party or incumbent in

19   my work, and I did not draw with the intent to favor

20   or disfavor. Two, in drawing any of the districts

21   submitted by our office, I did not consider or even

22   look at political data, including party registration

23   and voting data. In other words, I do not know the

24   voting history or party registration numbers for any

25   of the districts that we've drawn as an office for

Page 8

1   any of the districts that we'll look at today.

2   The only time I did reference political

3   data was early in the process to determine a

4   question that you were having to address, to

5   determine whether or not it was possible to draw a

6   compact African-American performing district in

7   Northeast Florida, essentially a more compact

8   version of the benchmark District 5.

9   I did at that time reference political data

10   to determine if that was possible and determine if

11   there was a way to draw such a district that

12   complied with the U.S. Constitution, the Florida

13   Constitution, in particular the Florida Constitution

14   as interpreted by the Florida Supreme Court and

15   implemented by this Legislature. I ultimately

16   determined earlier in this process that it was not

17   possible to essentially check all those boxes.

18   Three, in drawing the plan before you today

19   -- in drawing and in really contributing to any of

20   our office's plans and in the totality of our

21   engagement in this process, I have not consulted

22   with any outside -- anyone outside the Executive

23   Office of the Governor, our contract counsel, our

24   contract map drawer, or the Legislature and the

25   Legislature staff and counsel.

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1   In other words, I can confirm I've had no

2   discussions with any political consultant, partisan

3   operative, or any political party official

4   concerning any plans presented by our office,

5   including the plan that you'll be considering today.

6   In effect, I have engaged in this process, including

7   authoring this proposed comprise plan, in a manner

8   that meets the same high standards that you set for

9   your professional staff.

10   And this proposed plan truly is -- Senate

11   Bill 2-C, Plan 0109, is indeed a compromise. It is

12   the project of -- a product of consultation and

13   collaboration between our office and the leadership

14   in the House and Senate, and it incorporates

15   portions of the plan passed by the Legislature. when

16   I noted earlier that 10 of the districts are

17   identical to what the Legislature passed.

18   It incorporates concepts from maps

19   previously discussed and presented by -- or

20   previously submitted to the Legislature by our

21   office, 0079 and 0094. It incorporates concepts

22   from the map that was referred out of the House's

23   Congressional Redistricting Subcommittee, Plan 8011,

24   and it aligns in several other ways that I'll

25   describe with the House and Senate's map drawing.

Page 10

1   I'll jump into the slides. Ten districts

2   in the compromised plan, as I noted, Districts 1, 2,

3   20-25, 27, and 28 are unchanged by the plan passed

4   by the Legislature. The remaining districts, 3-19

5   and 26, have been modified in various ways to

6   address the federal constitutional concerns raised

7   by the Governor and to improve various Tier 2

8   metrics.

9   In a few minutes, I will walk you through

10   visually the 18 districts that I changed in this

11   proposed plan. First though, I'll give you a

12   general overview on the next slide and then after

13   that some highlights of the improvements to the Tier

14   2 metrics.

15   First, in an effort to create a

16   collaborative product, I worked off the

17   Legislature's primary plan, 8019. So while I was

18   seeking to remedy the Governor's veto message and

19   make improvements throughout the map, I began my

20   work by downloading the Legislature's Plan 8019 and

21   subsequently making changes. And I should note that

22   I drew Plan 0109 entirely with the Legislature's

23   publicly available website and data.

24   Regarding the proposed plan, the plan

25   maintains the same number of performing

Page 11

1   minority/majority seats. It retains, as I noted

2   before, the Legislature's exact configuration for

3   congressional districts in the Florida Panhandle,

4   Districts 1-2, and Congressional Districts in the

5   southeastern region of the state, essentially St.

6   Lucie County down to Monroe County, just as in the

7   Legislature's primary plan.

8   For the reasons set forth in the detailed

9   memorandum that the Chair referenced and is in your

10   packets that was prepared by our office's general

11   counsel that accompanied the Governor's veto

12   message, the compromised proposal eliminates the

13   racially gerrymandered versions of Congressional

14   District 5, which were included in Senate Bill 102

15   in both -- in different ways, the primary plan and

16   the secondary plan. Again, members, that legal

17   memorandum is in your committee packets.

18   In summary, Congressional District 5, in

19   both the primary and secondary maps enacted by the

20   Legislature, violates the Equal Protection Clause of

21   the 14th Amendment of the United States Constitution

22   because it assigns voters primarily on the basis of

23   race but is not narrowly tailored to achieve a

24   compelling state interest.

25   That memorandum otherwise fully explains

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1   the Governor's legal objections to both versions of

2   the district as passed by the Legislature in the

3   primary and secondary maps. I should note, as a map

4   drawer, I'm not an attorney. So I'm not going to

5   play the role of an attorney here today. I'll keep

6   my comments focused on the map itself and do my best

7   to answer your questions, but I just want to note

8   that at the outset, that I'm not legal counsel to

9   the Governor.

10   Plan 109 creates in Northeast Florida two

11   new districts, Districts 4 and 5, in the area that

12   are consistent with the other maps previously

13   published by our office with some minor

14   improvements. These two districts are race neutral

15   and overall more compact than District's 4 and 5 in

16   the maps passed by the Legislature.

17   In addition to resolving federal -- the

18   federal constitutional objections raised by the

19   Governor, the compromised plan makes several overall

20   improvements with respect to Tier 2 metrics relative

21   to the maps passed by the Legislature by bringing

22   together some of the best concepts from the

23   Legislature's maps and of our office's maps.

24   Plan 109 adjusts the congressional

25   districts in the Tampa Bay area and the larger Gulf

Page 13

1   Coast region stretching from Citrus down to Lee

2   Counties and impacting some inland counties to

3   create sort of a hybrid, if you will, of some of the

4   Legislature's and our office's maps. These changes

5   improve overall visual compactness, have a net

6   affect of reducing a county split, and significantly

7   increase usage of other Tier 2 political and

8   geographic boundary lines.

9   In the Central Florida region, the plan

10   that you have before you today aligns more closely

11   with the map that was referred out of the House

12   Congressional Redistricting Subcommittee Plan 8011

13   with one distinction that I'll describe later that

14   aligns with Senate Plan 8060 as you passed out of

15   the Senate.

16   SENATOR GIBSON: Mister --

17   ALEX KELLY: With --

18   SENATOR GIBSON: Sorry.

19   CHAIRMAN RODRIGUES: (Indiscernible)

20   SENATOR GIBSON: Thank you, Mr. Chair. So

21   we're waiting until the entire packet is done to ask

22   any questions because I didn't hear the explanation

23   of the -- I think Mr. Kelly said of the Governor's

24   veto language. I don't see it in the packet. So

25   I'm just -- could he repeat? It was a rational for

Page 14

1   --

2   CHAIRMAN RODRIGUES: The veto language was

3   in the packet we provided.

4   SENATOR GIBSON: And is -- can I have

5   clarity if that is the language that Mr. Kelly is

6   talking about that's in this thing?

7   CHAIRMAN RODRIGUES: Do you understand the

8   question?

9   ALEX KELLY: Yes, Chair.

10   Yes, Senator. Yes. I gave a brief

11   synopsis of that veto message and the accompanying

12   message from our general counsel that went with the

13   veto message.

14   SENATOR GIBSON: I think that's the part I

15   didn't understand how you put it together. I just

16   want to make sure I hear it correctly. That's all

17   --

18   CHAIRMAN RODRIGUES: Okay.

19   SENATOR GIBSON: -- Chair. If he could

20   repeat it?

21   CHAIRMAN RODRIGUES: Would you repeat that

22   please?

23   ALEX KELLY: Thank you, Chair. Happy to.

24   SENATOR GIBSON: Thank you.

25   ALEX KELLY: In summary, Congressional

Page 15

1   District 5, in both the primary and secondary maps

2   enacted by the Legislature, violates the 14th

3   Amendment of the United States Constitution because

4   it assigns voters primarily based on race but is not

5   tailored to achieve a compelling state interest.

6   SENATOR GIBSON: Okay. Thank you.

7   CHAIRMAN RODRIGUES: Thank you. Please

8   proceed.

9   ALEX KELLY: Thank you.

10   So again, in the Central Florida region,

11 the plan that you're looking at today, Plan 0109,

12 aligns more closely with the map that was referred

13 out of the House Congressional Redistricting

14 Subcommittee Plan 8011 with one distinction that

15 aligns with Senate Plan 8060.

16   With respect to similarities with House

17 Plan 8011, specifically with respect to

18 Congressional District 10, we accept the position

19 articulated by the House's professional staff in

20 their subcommittee, that this district is not

21 subject to the Florida Constitution's non-

22 diminishment standard because the benchmark district

23 does not contain an African American population

24 sufficiently large enough to realiably elect a

25 candidate of their choice.

EXHIBIT 3

Page 1

Common Cause, et al.   )

)

v.   ) 4:22-cv-109

)

Cord Byrd   )

)

TRANSCRIPTION OF VIDEO RECORDING

HOUSE CONGRESSIONAL REDISTRICTING SUBCOMMITTEE

APRIL 19, 2022

DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

Page 2

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 1    APRIL 19, 2022

 2              CHAIRMAN SIROIS:  The Congressional

 3    Redistricting Subcommittee will come to order.

 4              DJ, please call the roll.

 5              THE CLERK:  Chair Sirois.

 6              CHAIRMAN SIROIS:  Here.

 7              THE CLERK:  Vice Chair Tuck.

 8              VICE CHAIR TUCK:  Here.

 9              THE CLERK:  Ranking Member Skidmore.

10              DEMOCRATIC RANKING MEMBER SKIDMORE:  Here.

11              THE CLERK:  Representatives Benjamin.

12              REPRESENTATIVE BENJAMIN:  Here.

13              THE CLERK:  Brown.

14              REPRESENTATIVE BROWN:  Here.

15              THE CLERK:  Fabricio.

16              REPRESENTATIVE FABRICIO:  Here.

17              THE CLERK:  Fetterhoff.

18              REPRESENTATIVE FETTERHOFF:  Here.

19              THE CLERK:  Harding.

20              REPRESENTATIVE HARDING:  Here.

21              THE CLERK:  Hunschofsky.

22              REPRESENTATIVE HUNSCHOFSKY:  Here.

23              THE CLERK:  Joseph.  Joseph.

24    Latvala.

25              REPRESENTATIVE LATVALA:  Here.
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Page 3

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 1              THE CLERK:  Maggard.

 2              REPRESENTATIVE MAGGARD:  Here.

 3              THE CLERK:  Massullo.  Massullo.

 4    McClure.

 5              REPRESENTATIVE MCCLURE:  I'm here.

 6              THE CLERK:  Morales.

 7              REPRESENTATIVE MORALES:  Present.

 8              THE CLERK:  Perez.

 9              REPRESENTATIVE PEREZ:  Here.

10              THE CLERK:  Plakon.

11              REPRESENTATIVE PLAKON:  Here.

12              THE CLERK:  Silvers has been excused.

13    Trabulsy.

14              REPRESENTATIVE TRABULSY:  Here.

15              THE CLERK:  Truenow.

16              REPRESENTATIVE TRUENOW:  Here.

17              THE CLERK:  Williamson.

18              REPRESENTATIVE WILLIAMSON:  Here.

19              THE CLERK:  Ex Officio Driskell.

20              REPRESENTATIVE DRISKELL:  Here.

21              THE CLERK:  Ex Officio Leek.

22              REPRESENTATIVE LEEK:  Here.

23              THE CLERK:  Quorum is present, Mr. Chair.

24              CHAIRMAN SIROIS:  Thank you very much, DJ.

25    Members, a few reminders before we begin.
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Page 4

1   Please silence all electronic devices, and if you're

2   here today to give public testimony, please take

3   time now to fill out an appearance form and turn it

4   into the Sergeant staff.

5   As a reminder for our members and speakers

6   today, please turn your microphone on when you are

7   speaking and off when you are finished.

8   Members, welcome back to special session.

9   We have a lot of work ahead of us today. So let's

10 jump right in.

11   For those of you who may be tuning in for

12 the first time and as a refresher for the rest of

13 it, I'd like to first take a moment to recap. We

14 began our redistricting process back in September of

15 2021. Since then, we've debuted a website, a map

16 drawing application, and held numerous committee

17 meetings.

18   On March 4th, the House and Senate both

19 passed Committee Substitute for Senate Bill 102.

20 Now, from there, unlike what happens in our state

21 legislative redistricting maps that receive Florida

22 Supreme Court review, our congressional

23 redistricting maps do not receive court review and

24 instead move like a normal bill, which means they

25 are sent to the Governor for approval or veto.

Page 5

1   On March 29th, the bill was sent to the

2   Governor, who vetoed it the same day, citing

3   concerns with the United States Constitution. That

4   same day, he issued a proclamation, calling the

5   Legislature into special session to resolve these

6   concerns and established Florida's 28 congressional

7   districts to be used in the upcoming election cycle.

8   Chair Leek and I received a briefing from

9   the Governor's Office about their proposed map. It

10   is my understanding that the Senator received a

11   similar briefing. I'm glad to inform everyone that

12   the Governor's Office is joining us today to provide

13   that same briefing to all Committee members and the

14   public, as well as be available for questions about

15   the proposed map.

16   As the Speaker, as well as the Senate

17   President, have stated, our goal during special

18   session is to pass a new congressional map that will

19   both earn the Governor's signature and withstand

20   legal scrutiny, if challenged. This elected body is

21   responsible to the citizens of Florida to complete

22   our constitutional obligation to pass a

23   congressional map.

24   Now, let's talk about the flow and the

25   roadmap for today's meeting. We have one bill on

Page 14

 1   vote.

 2   THE CLERK: Perez.

 3   REPRESENTATIVE PEREZ: No.

 4   THE CLERK: Plakon.

 5   Silvers has been excused.

 6   Skidmore.

 7   DEMOCRATIC RANKING MEMBER SKIDMORE: Yes.

 8   THE CLERK: Trabulsy.

 9   REPRESENTATIVE TRABULSY: No.

10   THE CLERK: Truenow.

11   REPRESENTATIVE TRUENOW: No.

12   THE CLERK: Tuck.

13   VICE CHAIR TUCK: No.

14   THE CLERK: Williamson.

15   REPRESENTATIVE WILLIAMSON: No.

16   THE CLERK: Ex Officio Driskell.

17   REPRESENTATIVE DRISKELL: Yes.

18   THE CLERK: Ex Officio Leek.

19   REPRESENTATIVE LEEK: No.

20   THE CLERK: Six yeas, fifteen nays,

21   Mr. Chair.

22   CHAIRMAN SIROIS: Thank you, DJ.

23   Members, the motion fails.

24   The Governor's Office is recognized, and if

25   you would please identify yourself, sir, for the

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1   Committee and the record that would be appreciated.

2   ALEX KELLY: Thank you, Mr. Chair.

3   I'm Alex Kelly with the Executive Office of

4   the Governor, and I'm a deputy chief of staff for

5   the Governor. And I should say apologies for the

6   PowerPoint. Obviously, I made the PowerPoint before

7   House Bill 1-C was filed. So obviously, I'll be

8   speaking to House Bill 1-C and I guess obviously the

9   identical content of Senate Bill 2-C today. But

10 that's it again. Thank --

11   CHAIRMAN SIROIS: Mr. Kelly, I'm sorry to

12 interrupt you. If you could pull that microphone a

13 little bit closer and just speak up a little bit.

14   ALEX KELLY: Thank you, my apology.

15   Again, thank you, member -- thank you --

16 thank you, Mr. Chair, members, and thank you for

17 this opportunity to present the views of the

18 Executive Office of the Governor on the -- the

19 proposed congressional reapportionment plan and to

20 discuss our work and our contributions to this

21 compromise plan.

22   Just to give you a very brief introduction,

23 you know. Frequently today, I'll refer to

24 improvements in the plan, and I think obviously the

25 Chair and the -- and the sponsor gave a great

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1   introduction to the plan. I'll be really speaking

2   to just the 18 districts that are different,

3   although sometimes I'll very generically refer to

4   the plan as a whole. But I really am really

5   referring to our specific and my specific

6   contributions to those 18 districts.

7   And oftentimes throughout the presentation,

8   I will compare very specifically this plan, Plan

9   0109, to the primary plan the Legislature passed,

10   Plan 8019. Although there are some instances where

11   I'll refer to both, and I'll try to remember to

12   identify both when I'm making a comment that

13   definitely refers to both.

14   So for the purpose of my introduction, so I

15   am the map drawer of the 18 districts in this plan.

16   Obviously, I assumed that context would be helpful.

17   So I am the map drawer of these districts, and to

18   give you just a little bit of background of myself,

19   10 years ago, I was the staff director of the House

20   Redistricting Committee here in the Florida House of

21   Representatives.

22   Starting in January this year, I initially

23   served for our office in a role of just providing

24   guidance and oversight to our in-house counsel and

25   our contract counsel and also a contract map drawer

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1   that we brought on board to help initially start our

2   engagement in this process.

3   For reference, that contract map drawer

4   that we brought on board -- his name is Adam Foltz

5   -- the initial map that we submitted on behalf of

6   our office, map 0079, was drawn by -- was authored

7   by Mr. Foltz. For just a little context for his

8   background, he has been a map drawer for state

9   Legislatures in Wisconsin and Texas, and actually

10 currently he's drawing maps for the state of Texas

11 at this present time.

12   Much like your professional staff, myself,

13 our map drawer who drew our original map, map 0079,

14 we've only drawn maps on behalf of state government.

15 Adam Foltz and I collaborated on our office's second

16 contribution, map 0094, and, again, I alone authored

17 the 18 changes -- the 18 districts that are changed

18 in the map before you today and as to how they

19 compare to map 8019.

20   Some additional notes I'll point out at the

21 outset that will be helpful for today, one, no one

22 directed me to favor or disfavor a political party

23 or incumbent throughout this process, and I did not

24 draw any districts or make any districts or make any

25 contributions with the intent of favoring or

Page 18

1   disfavoring a political party or an incumbent.

2   Two, in drawing any of the districts

3   submitted by our office, I did not consider or even

4   look at political data, including party

5   registration, voter data. In other words, I do not

6   know the voting history or party registration

7   numbers for any of the districts that I have drawn.

8   With that said, the only time I did

9   reference political data in my work was early in the

10   process. I did -- I did reference pollical data

11   early in the process when we were observing the work

12   of the Legislature and we were identifying whether

13   or not it was possible to draw a compact African

14   American performing district in Northeast -- in

15   Northeast Florida to both try to comply with the

16   U.S. Constitution and the State Constitution and

17   apply -- comply with the State Constitution in the

18   way that the Florida Supreme Court has interpreted

19   it and the way this Legislature has implemented it.

20   So essentially, I took a look at whether or

21   not it was possible to sort of check all the boxes,

22   so to speak, with complying with the U.S.

23   Constitution and the State Constitution in drawing a

24   more compact minority performing district.

25   Ultimately, I determined it was not possible to do

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1   so.

2   Three, in drawing the compromised plan that

3   you -- that you have before you here today in this

4   legislation and contributing to office's two prior

5   proposals and in the totality of our office's

6   engagement in this process, I have not in any way

7   consulted with anyone outside the Executive Office

8   of the Governor, our contract counsel, our contract

9   map drawer, the Legislature, and its counsel. So

10   I've only worked within the parties here in the

11   House, Senate, and our office and our contract

12   counsel.

13   In other words, I can confirm -- said

14   differently, I can confirm that I've had no

15   discussions with any political consultant, no

16   partisan operative, no political party official

17   concerning any plans proposed by our office and

18   plans considered by the Legislature. In effect, I

19   have engaged in this process, including authoring

20   this proposed compromise plan, in a manner that

21   meets the same high standards that you set forth for

22   your professional staff.

23   And this plan that you're considering today

24   in House Bill 1-C, Plan 0109, is indeed a

25   compromise. It is the product of consultation and

Page 20

1   collaboration between our office and House and

2   Senate leadership, and it incorporates portions of

3   the plan passed by the Legislature.

4   As Chair Leek noted, Senate Bill 102,

5   Primary Plan 8019, concepts, of course, from 10

6   districts are included block for block in their

7   entirety in this map. This compromise plan also

8   includes concepts from our two prior office's

9   submissions, Plan 0079 and 0094.

10   It also includes concepts from the map that

11   was actually referred out of this Subcommittee, map

12   -- or Plan 8011 prior to -- or I guess out of this

13   Subcommittee on its way to the full committee and

14   aligns in several other ways that I'll describe with

15   plans considered and the style of the House and

16   Senate's map drawing.

17   As we noted -- in fact, I think, Chair

18   Leek, you did a great job of really summarizing this

19   slide. So I can probably just -- probably just skip

20   this. But, you know, again, in general, the main

21   crux of it is that I'm going to really focus my

22   comments today on the 18 districts that did change.

23   First, in an effort to create a

24   collaborative product, I worked off the

25   Legislature's primary plan 8019. So while I was

Page 60

1 a seat drawn predominantly based on one criteria,

2 based on race. It is a racial gerrymander, and

3 there was a failing to demonstrate that compelling

4 state interest in doing so.

5   The other side of this, I can speak to from

6 my time at that time working in the Legislature from

7 2009 to 2012. The driving question behind Fair

8 Districts was a district -- the poster child

9 district was a district that sprawled from

10 Jacksonville to Orlando. And in the end resolution

11 a few years later, the court drew a district that

12 sprawls from Jacksonville to Gadsden County. It

13 didn't remedy the issue. It just replaced one

14 gerrymandered district with another.

15   REPRESENTATIVE BENJAMIN: Mr. Chair?

16   CHAIRMAN SIROIS: (Indiscernible)

17   REPRESENTATIVE BENJAMIN: Thank you.

18   CHAIRMAN SIROIS: Representative Benjamin,

19 you're recognized.

20   REPRESENTATIVE BENJAMIN: Thank you.

21   Are you aware that compliance with the

22 Voting Rights Act by the courts has been considered

23 a compelling state interest?

24   CHAIRMAN SIROIS: Mr. Kelly.

25   ALEX KELLY: Thank you, Mr. Chair.

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1   That's a great question, and, again, you

2   know, I'm not counsel for the Governor. But I'll

3   speak to the extent of my knowledge of the Voting

4   Rights Act. The Voting Rights Act speaks to

5   districts where the minority community is 50 percent

6   or more of the total community in the district, so

7   in other words, if the African American or Hispanic

8   voting age population of the district is 50 percent

9   or more of the voting age population in the

10   district.

11   That's not the end of that analysis, but

12   that is a sort of introduction to that analysis.

13   The district in question does not meet that

14   threshold. So I don't see any scenario in which the

15   Voting Rights Act is implicated by Congressional

16   District 5.

17   CHAIRMAN SIROIS: Representative Benjamin,

18   let's have one follow-up in this round, and then

19   we're going to move to Representative Joseph. Thank

20   you, sir.

21   REPRESENTATIVE BENJAMIN: Okay. Thank you,

22   Mr. Chair.

23   In determining that it's not -- it was not

24   narrowly tailored to be a compelling state interest,

25   was it that it wasn't narrowly tailored or was it

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1   that it wasn't a compelling state interest? Which

2   14th Amendment or strict scrutiny analysis are we

3   looking at?

4   CHAIRMAN SIROIS: Mr. Kelly.

5   ALEX KELLY: Mr. Chair.

6   I'm not sure I could answer that question

7   directly. I can just say, in general, the

8   obligation to define that compelling state interest

9   is an obligation the map drawer has. So I, as

10 someone who am saying that that district didn't

11 define that, whoever drew that district has to meet

12 that obligation, not me.

13   Counsel could probably elaborate a little

14 bit further on the question if you want.

15   REPRESENTATIVE BENJAMIN: I would want.

16   CHAIRMAN SIROIS: If you have -- if your

17 counsel is present --

18   ALEX KELLY: Yeah.

19   CHAIRMAN SIROIS: -- they can speak to the

20 remaining portion of Representative Benjamin's

21 question, and then we'll move on to Representative

22 Joseph.

23   ALEX KELLY: Ryan Newman, the Governor's

24 general counsel will hopefully help answer the

25 remainder of the question.

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1   CHAIRMAN SIROIS: Mr. Newman, you're

2   recognized.

3   RYAN NEWMAN: Great. Thank you.

4   Sure, I'd be happy to answer that.

5   CHAIRMAN SIROIS: Forgive me.

6   Representative Benjamin.

7   REPRESENTATIVE BENJAMIN: Mr. Chair, can

8   you have him go over the how the court got it wrong

9   more specifically (Indiscernible)

10   CHAIRMAN SIROIS: If you would speak into

11   the microphone and offer that -- offer that question

12   please.

13   REPRESENTATIVE BENJAMIN: Can you give us

14   more of a legal analysis as to the Governor's

15   constitutional challenge to the -- to the map?

16   RYAN NEWMAN: Sure. So --

17   CHAIRMAN SIROIS: Mr. Newman, you're

18   recognized.

19   RYAN NEWMAN: Thank you.

20   Sure. On the issue of the federal

21   constitutionality of District 5 as it was originally

22   configured, the Florida Supreme Court never actually

23   addressed that question. That question has never

24   been resolved by the federal -- by the -- by the

25   Florida Supreme Court as to whether or not District

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 1   5, as it was configured, complied or not with the
 2   federal Constitution.
 3            And so the -- so what we did in the memo
 4   that we submitted -- and it lays out, I hope, in
 5   sufficient detail the legal argument for why
 6   compliance with the Florida Constitution in Northern
 7   Florida -- and that's complying with the non-
 8   diminishment standard of the Florida Constitution --
 9   can't square with the Equal Protection Clause of the
10   United States Constitution.
11            And so just a step back to sort of walk
12   through the analysis, all right.  The Supreme Court
13   has made very clear that you cannot draw voting
14   districts based on race unless the state can satisfy
15   strict scrutiny.  So there must be a compelling
16   interest, and the district must be narrowly tailored
17   to achieve that compelling interest.
18            Now, the only time that the United States
19   Supreme Court has been willing to even countenance a
20   compelling interest in this context is when there is
21   good reason to believe that the district is
22   necessary to comply with either Section 2 or Section
23   5 of the Voting Rights Act.
24            And I need to point out, even on this
25   point, that is still an open question.  The U.S.
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1   Supreme Court has only assumed that compliance with

2   the Voting Rights Act is a sufficient compelling

3   interest to justify a race-based district. That's

4   very narrow, and the Supreme Court has only been

5   willing to assume that much. It's never actually

6   definitively held that.

7   So with respect to compliance with the

8   Voting Rights Act, okay, there's two components to

9   the Voting Rights Act. There's Section 2 of the

10   Voting Rights Act, and there's Section 5 of the

11   Voting Rights Act. Section 5 of the Voting Rights

12   Act no longer applies in this context because of the

13   Shelby County case, right, which wiped out Section

14   4.

15   So Section 5 is no longer operative, but I

16   do want to make an important point here. Section 5

17   never applied to the state of Florida as a whole.

18   It never has. So there was never -- even back, you

19   know, in 1968 or whatever, you know, back when the,

20   you know, the evidentiary basis for the Voting

21   Rights Act of 1965 was being assembled, there was

22   never sufficient evidence to determine that the

23   entire state of Florida should be subject to the

24   Voting Rights Act. It was only determined that five

25   counties, none of which are in Northern Florida,

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1   were subject to the Voting Rights Act for Section 5.

2   So Section 5 of the Voting Rights Act, I

3   guess my point is, that's just out of the picture,

4   all right. So that just leaves us then with Section

5   2, okay. So does Section 2 of the Voting Rights Act

6   require that District 5 in Northern Florida be

7   drawn? And the answer has to be no. Why? Because

8   of the Gingles preconditions that are required for

9   making out a Section 2 claim.

10   You can't even make out a Section 2 claim

11   unless you satisfy the Gingles precondition. The

12   first precondition -- and this is what Alex was

13   trying to get to. The first precondition is, is

14   there a minority population that's reasonably

15   compact, in a reasonably compact geographic location

16   that constitutes a majority of the district?

17   And District 5, notwithstanding the fact

18   that it's gerrymandered. I mean, the district was

19   drawn for the specific purpose of connecting African

20   American populations in Jacksonville with the

21   African American population in Tallahassee and

22   Gadsden Counties.

23   And even then that district is not a

24   majority-minority district. It only got up to 44

25   percent or so, 44, 45 percent if my -- if my memory

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1   serves.   And that's even without respecting

2   traditional districting criteria.

3   So that district cannot be -- is not

4   required by the Voting Rights Act, and because it's

5   not required by the Voting Rights Act, it doesn't --

6   cannot serve as a compelling interest to justify the

7   drawing of a district in Northern Florida based on

8   race, okay.

9   So the only -- the only question then is

10   whether or not mere compliance with the Florida

11   Constitution alone by itself is a compelling

12   interest to justify a race-based district.

13   And in this context, where you're having to

14   ignore all traditional districting criteria, which

15   is what the federal courts look at to determine

16   whether or not, you know, the district is necessary,

17   it cannot be a compelling interest, for the same

18   reason that we would never say that, if Florida had

19   a law segregating the schools, that that would

20   somehow trump the Equal Protection Clause.   Why?

21   Because, you know, the Florida Constitution says so.

22   The only point -- my only point is mere

23   reliance on the Florida Constitution cannot by

24   itself be enough.   Now, don't get me wrong.   That's

25   not to say that there are other applications of the

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1   Florida Constitution's non-diminishment standard

2   that could be or that could survive strict scrutiny.

3   One example would be if you had a

4   sufficiently compact African American community,

5   right, in a district. You can't necessarily just

6   carve up that district. That perhaps -- that

7   perhaps could satisfy strict scrutiny.

8   But what does not and cannot satisfy strict

9   scrutiny is trying to cobble together disparate

10   minority communities from across Northern Florida to

11   cobble together a district that might perform for

12   the minority community.

13   And I think that -- that's where District 5

14   goes wrong because it's clearly cobbled together.

15   It's clearly a gerrymander, not unlike the preceding

16   district that went from Jacksonville down to

17   Orlando, you know, as a salamander-type district

18   that went from Jacksonville down to Orlando.

19   But that's the -- that's the fundamental

20   problem. There's no compelling interest here

21   because the Voting Rights Act does not require this

22   district to be drawn in Northern Florida, and mere

23   compliance alone without more of the non-

24   diminishment standard in the Florida Constitution

25   cannot satisfy strict scrutiny, at least as the

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1   Supreme Court has explained it.

2   And just to put a bell on all of this, I

3   mean, the Supreme Court just spoke again just a

4   matter of weeks ago and slapped down a Wisconsin map

5   for containing, you know, improperly racially drawn

6   districts because the --

7   CHAIRMAN SIROIS: Sir, if you'd -- if you'd

8   bring it in for a landing for us, we have members

9   with other questions.

10   RYAN NEWMAN: Thank you. I could go on and

11   on. To -- yeah. So the Wisconsin -- the Supreme

12   Court came in, sort of struck down the Wisconsin --

13   you know, a summary reversal of the Wisconsin maps

14   for not satisfying strict scrutiny.

15   So strict scrutiny is a very, very high --

16   very high standard, and it just wouldn't satisfy it

17   in this context.

18   CHAIRMAN SIROIS: Thank you.

19   Representative Benjamin, I've put you on

20   the list for our second --

21   REPRESENTATIVE BENJAMIN: Well --

22   CHAIRMAN SIROIS: -- round of questions.

23   REPRESENTATIVE BENJAMIN: -- I don't -- I

24   don't have -- well --

25   CHAIRMAN SIROIS: Let me --

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1   REPRESENTATIVE BENJAMIN: -- just thank

2 you, Mr. Chair, because that's the heart and the

3 crux of the changes that were made, and I think that

4 analysis was much needed. Thank you.

5   CHAIRMAN SIROIS: Thank you, Representative

6 Benjamin.

7   Representative Joseph, you're recognized.

8   REPRESENTATIVE JOSEPH: Thank you,

9 Mr. Chair.

10   Wow, so many questions. Earlier, you were

11 asked in the Senate to define race neutral in your

12 approach in drawing these maps. Can you define that

13 for us please?

14   CHAIRMAN SIROIS: Mr. Kelly.

15   ALEX KELLY: Thank you, Mr. Chair.

16   Essentially not factoring in race as I'm

17 drawing a district.

18   CHAIRMAN SIROIS: Representative Joseph.

19   REPRESENTATIVE JOSEPH: What, if any,

20 analysis did you do regarding retrogression in

21 creating these maps to analyze both black

22 representation and Hispanic representation or Latino

23 representation?

24   CHAIRMAN SIROIS: Mr. Kelly.

25   ALEX KELLY: Thank you, Mr. Chair.

4/19/2022   Common Cause, et al. v. Cord Byrd   Audio Transcription

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1   Great question. And I didn't have a need

2   to with the districts that I was drawing. So I

3   didn't do any kind of analysis like that. Like I

4   didn't do any kind of functional analysis.

5   CHAIRMAN SIROIS: Representative Joseph.

6   REPRESENTATIVE JOSEPH: Thank you,

7   Mr. Chair.

8   Looking at your version of, I guess, CD 26,

9   which spans from the Everglades to Collier County in

10   Miami all the way to Hialeah, talk to us about your

11   premise in drawing that particular map in crossing

12   over the way you did.

13   CHAIRMAN SIROIS: Mr. Kelly.

14   ALEX KELLY: Sure. Thank you, Mr. Chair.

15   So that district -- if you -- and if you

16   think about it in the context of the district that

17   the Legislature drew and where I made changes, the

18   eastern boundaries of the district in Miami-Dade

19   County are identical to the boundaries that the

20   Legislature drew. The western half of the county is

21   the portions of the -- portions of the district, I

22   should say, that I drew.

23   So as I was approaching that area with

24   District 18, I described earlier that I was in need

25   of population to complete District 18, and I

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1   assigned Hendry County, the totality of Hendry

2   County as a whole county, to district 18. And using

3   some major roadways in the unincorporated Immokalee

4   area of northern Collier, I then moved a little bit

5   of Collier County into District 18 as well, again

6   though using those major roadways, not splitting any

7   cities in the process.

8   The result of that, I made changes to

9   District 26 exclusively in the -- in the Hendry

10   County side, pulling that district out of Hendry

11   County in its entirety and moving that district,

12   District 26 then, further east into unincorporated

13   East Naples basically and utilizing the major

14   roadways there. There's a few waterways as well, so

15   trying to utilize some clear, natural boundaries.

16   Overall, as I mentioned earlier in my

17   testimony, the Hispanic voting age population of the

18   district is still quite high. It's a little more

19   than 73 percent Hispanic voting age population. So

20   again, I didn't change any of the boundaries in the

21   Miami-Dade County side of the district, just

22   exclusively in the Collier and Hendry side of the

23   district.

24   CHAIRMAN SIROIS: Representative Joseph.

25   REPRESENTATIVE JOSEPH: Thank you,

EXHIBIT 4

PATTERSON BELKNAP WEBB & TYLER LLP 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036-6710

Client's File No.: Z9999-800433

Index Number: 4:22-cv-109-AW/MAF

AFFIDAVIT OF SERVICE

Date Filed:

Court Date: March 28, 2023

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

:

COMMON CAUSE FLORIDA, et al.,

Plaintiff

VS

CORD BYRD, IN HIS OFFICIAL CAPACITY AS FLORIDA SECRETARY OF STATE,

Defendant

STATE OF   TEXAS COUNTY OF   TRAVIS   SS.:

The undersigned being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in the State of   Texas

That on the following date: February 24, 2023   , at the following time: 2:30 PM   ,

at   1219 S. LAMAR BLVD. APT 804, AUSTIN, TX 78704   deponent served the within

Subpoena to Testify at a Deposition in a Civil Action and Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

[X] Papers so served were properly endorsed with the Index Number.

Upon: **ADAM FOLTZ**

[X] **Individual**   By delivering a true copy thereof to said recipient personally; deponent knew the person so served to be the individual described therein.

[ ] **Responsible Person**   By delivering to and leaving with _____ _____
Relationship
a true copy thereof, a person of suitable age and discretion. Said premises being the defendant / respondent's
[ ] dwelling place   [ ] place of business/employment   [ ] last known address within the State. [ ] usual place of abode

[ ] **Mail**   A copy thereof was deposited in a postpaid, properly addressed envelope, marked "Personal and Confidential" in a depository maintained by the U. S. P. S. and mailed First Class mail to the above address _____
on

[ ] **Corporation LLC / LLP**   By delivering to and leaving with _____ said individual to be _____
who specifically stated he/she was authorized to accept service on behalf of the Corporation/Government Agency/Entity.

[ ] **Affixing To Door**   By affixing a true copy thereof to the door, being the defendant/respondent's   [ ] dwelling place   [ ] place of business/employment
[ ] last known address within the State. [ ] usual place of abode

[ ] **Previous Attempts**   Deponent previously attempted to serve the above named defendant/respondent on:

Description of Recipient   Sex: Male   Color of skin   White   Color of hair: Black   Age: 36 - 50 Yrs.   Height: 5ft 4inch - 5ft 8inch
Weight: 131-160 Lbs.   Other Features: _____

[X] **WITNESS FEES**   Subpoena Fee Tendered in the amount of $40.00.

[X] **MILITARY SERVICE**   I asked the person spoken to whether defendant was in active military service of the United States in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

[ ] **Other**

Sworn to before me on   FEB. 27, 2023

PROCESS SERVER - PRINT NAME BELOW SIGNATURE
Thomas Kroll

PROCESS SERVER LICENSE #   PSC-3012

COURT SUPPORT, INC., 265 POST AVE #150, WESTBURY, NY 11590 LICENSE #1382542

Work Order # 1469565
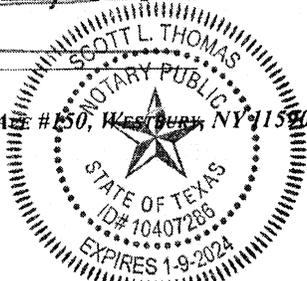
STATE OF   )
TEXAS   )
)   SS:
COUNTY OF   )
TRAVIS   )

The undersigned, _Scott L. Thomas_, does hereby certify that he/she is a notary public licensed by the _STATE_ of _TEXAS_, and that he/she witnessed the signature of _Thomas Krou_, as applied to the foregoing Affidavit of Service, which was signed on _Feb. 27_, 20_23_. The manner in which same was signed was and is in conformity with the laws of the _STATE_ of _TEXAS_, which is the place where same was signed.

IN WITNESS OF, I have hereunto set my hand this _27_ day of _Feb._, 20_23_
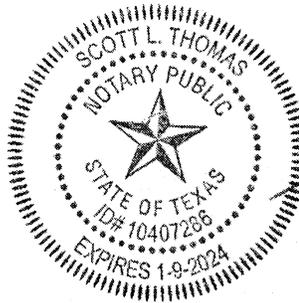
_____
Notary Public
Commission No.

EXHIBIT 5

PATTERSON BELKNAP WEBB & TYLER LLP 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036-6710

AFFIDAVIT OF SERVICE

Client's File No.: _____

Index Number: 4:22-cv-109-AW/MAF

Date Filed: _____

Court Date: May 18, 2023

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

: _____

Common Cause Florida, et al.,

                                                                    Plaintiff

VS

Cord Byrd, in his official capacity as Florida Secretary of State,

                                                                    Defendant

STATE OF   VIRGINIA COUNTY OF   CHESTERFIELD   SS.:

The undersigned being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in the State of   Virginia

That on the following date: April 17, 2023   , at the following time: 7:03 PM   ,

at   13106 DAWNWOOD TERRACE, MIDLOTHIAN, VA 23114   deponent served the within

Subpoena to Testify at a Deposition in a Civil Action and Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13) and Attachment

[X] Papers so served were properly endorsed with the Index Number.

Upon: THOMAS M. BRYAN

[X] **Individual** — By delivering a true copy thereof to said recipient personally; deponent knew the person so served to be the individual described therein.

[ ] **Responsible Person** — By delivering to and leaving with _____ , _____

                                                                    Relationship

a true copy thereof, a person of suitable age and discretion. Said premises being the defendant / respondent's

[ ] dwelling place   [ ] place of business/employment   [ ] last known address within the State. [ ] usual place of abode

[ ] **Mail** — A copy thereof was deposited in a postpaid, properly addressed envelope, marked "Personal and Confidential" in a depository maintained by the U. S. P. S. and mailed First Class mail to the above address

on _____ .

[ ] **Corporation LLC / LLP** — By delivering to and leaving with _____ said individual to be

who specifically stated he/she was authorized to accept service on behalf of the Corporation/Government Agency/Entity. _____

[ ] **Affixing To Door** — By affixing a true copy thereof to the door, being the defendant/respondent's   [ ] dwelling place   [ ] place of business/employment

[ ] last known address within the State. [ ] usual place of abode

[ ] **Previous Attempts** — Deponent previously attempted to serve the above named defendant/respondent on:

Description of Recipient — Sex: Male   Color of skin   White   Color of hair: Brown   Age: 36 - 50 Yrs.   Height: 5ft 9inch - 6ft 0inch

Weight: 131-160 Lbs.   Other Features: _____

[X] **WITNESS FEES** — Subpoena Fee Tendered in the amount of $40.00.

[X] **MILITARY SERVICE** — I asked the person spoken to whether defendant was in active military service of the United States in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

[ ] **Other**
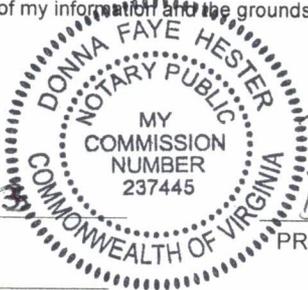
My Commission exp. 11/30/24

Sworn to before me on   4-18-2023

Donna F. Ht

Notary seal: DONNA FAYE HESTER, NOTARY PUBLIC, MY COMMISSION NUMBER 237445, COMMONWEALTH OF VIRGINIA

PROCESS SERVER - PRINT NAME BELOW SIGNATURE
David M. Hester, Jr.

DAVID HESTER JR.

PROCESS SERVER LICENSE # _____

COURT SUPPORT, INC., 265 POST AVE #150, WESTBURY, NY 11590 LICENSE #1382542

Work Order # 1471392

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

Common Cause Florida, FairDistricts Now, Florida State Conference of the National Association for the Advancement of Colored People Branches, Dorothy Inman-Johnson, Brenda Holt, Leo R. Stoney, Myrna Young, and Nancy Ratzan,

                Plaintiffs,

      v.

Cord Byrd, in his official capacity as Florida Secretary of State,

                Defendant.

Case No.: 4:22-cv-109-AW-MAF

EXPERT REPORT OF MATTHEW BARRETO, Ph.D. AND KASSRA A.R. OSKOOII, Ph.D. ON BEHALF OF COMMON CAUSE FLORIDA, et al., PLAINTIFFS

April 3, 2023

DECLARATION OF MATTHEW BARRETO, PHD AND KASSRA A.R. OSKOOII, PHD

I. Introduction

1.   I, Matthew A. Barreto, am over 18 years of age and am competent to testify.

2.   I am a Professor of Political Science and Chicana/o Studies at the University of California, Los Angeles ("UCLA"). I was appointed to the position of Full Professor with tenure at UCLA in 2015. Prior to that, I was a tenured Full Professor of Political Science at the University of Washington ("UW"), and before that, tenured Associate Professor from 2009 to 2014 and started as Assistant Professor from 2005 to 2009 at UW. At UCLA, I am the faculty director of the Voting Rights Project in the Luskin School of Public Affairs and teach a year-long course on the Voting Rights Act ("VRA"), focusing specifically on social science statistical analysis, demographics, and district mapping analysis that are relevant in redistricting expert reports. I have written expert reports and been qualified as an expert witness more than three-dozen times in federal and state voting rights and civil rights cases. I have published peer-reviewed, social science articles specifically about minority representation, voting patterns and racially polarized voting and have co-authored a software package for use in understanding district performance and racial voting patterns in redistricting cases.

3.   I have been retained as an expert consultant by counties and states across the country in many matters, advising them on redistricting as it relates to compliance with state and federal requirements. As an expert witness in VRA lawsuits, my testimony has been relied on by courts to find in favor of challenges to maps drawn by both Republicans and Democrats. In March 2022, a federal court relied on my analysis of district boundaries and voting patterns to strike down the defendants' maps that diluted the African American vote, and order a new map in Baltimore, Maryland.

1

4.   I hold a Ph.D. in Political Science from University of California at Irvine. I have attached my Curriculum Vitae as **Exhibit 1**.

5.   In this matter, I have been assisted by Dr. Kassra A. R. Oskooii, tenured Associate professor and Provost teaching fellow of Political Science and International Relations at the University of Delaware. Dr. Oskooii and I have worked on previous voting rights analyses together, including mapping and districting analyses, and we have co-authored peer-reviewed social science articles on racially polarized voting patterns. Dr. Oskooii's research and teaching focuses on American political behavior, political methodology, political psychology, political representation, voting rights, and redistricting. Dr. Oskooii has published numerous peer-reviewed, social science articles in leading journals, including Sociological Methods and Research, Political Behavior, Public Opinion Quarterly, Political Psychology, British Journal of Political Science, Electoral Studies, Perspectives on Politics, Urban Affairs Review, State Politics and Policy Quarterly, and Journal of Public Policy.

6.   Of relevance to this report, Dr. Oskooii and I have co-authored a 2022 article in the journal Sociological Methods and Research titled "Estimating Candidate Support in Voting Rights Act Cases: Comparing Iterative EI & EI-RxC Methods." We have also co-developed a software package called "eiCompare," which enables social scientists to use aggregate-level election data to estimate individual-level voting behavior by racial or ethnic group affiliations and evaluate the performance of enacted, proposed, or illustrative electoral maps.

7.   Dr. Oskooii has been retained as an expert witness in redistricting and voting rights cases such as *Dickenson Bay Area NAACP Branch v. Galveston County*, No. 22-cv-117-JVB (S.D. Tex.), *Baltimore County Branch of the NAACP v. Baltimore County*, No. 21-cv-03232-LKG (D. Md.), and *Reyes v. Chilton*, No. 4:21-cv-05075-MKD (E.D. Wash.). He has also been retained as an expert to advise jurisdictions on redistricting and voting rights compliance,

2

including by the State of Maryland. Dr. Oskooii holds a Ph.D. in Political Science from the

University of Washington with specialization in American politics and political methodology,

and his Curriculum Vitae is attached as **Exhibit 2**.

8.   I am being compensated for my work on this case at my standard rate of $450 per

hour. Dr. Oskooii is being compensated at a rate of $300 per hour. Our compensation is not

contingent upon our findings or on the result of this proceeding.

9.   References to documents and data we include in this Declaration are meant to provide

examples of supporting information but are not intended to be comprehensive or exhaustive lists

of all known support. The information in this Declaration is based upon information that has

been made available to us or known to us to date. Our work in this matter is ongoing, and we

reserve the right to modify or supplement any conclusions as additional information is made

available or as we perform further analysis.

A.   Scope of Work and Summary Findings

10.   We were retained by Plaintiffs' attorneys to assess the enacted Congressional District

map passed by the Florida Legislature on April 19, 2022 and signed by Florida Governor Ronald

DeSantis. In particular, we analyzed whether or not the adopted map diluted minority voting

strength and diminished opportunities to elect their candidates of choice[1], as compared to (i) the

benchmark map, as well as (ii) other unenacted maps proposed by the Florida Legislature. We

also reviewed voting patterns by race and ethnicity to determine if Black and other racial or

ethnic groups were cohesive in support of preferred candidates as compared to white, non-

Hispanic voters. Finally, we examined statements by Governor DeSantis and other policy

---

[1] The preferred candidate of minority voters, regardless of that candidate's race or ethnicity, is called a "candidate of choice."

making officials to evaluate whether their public statements matched actual outcomes in the adopted map.

11.   We conclude that the enacted map, "C0109," dilutes and diminishes minority voting strength across the state of Florida and the following:

    a.   Florida's population growth over the last decade was driven by non-white populations, which are solely responsible for the population increase that resulted in one additional Congressional seat being apportioned to Florida in 2021.

    b.   Despite minority population growth and white population share decline, the adopted Congressional map dismantles a Black-performing district and diminishes opportunities for minority voters to elect candidates of their choice as compared to the benchmark map and alternative options passed by the Florida Legislature.

    c.   Across Northern Florida, Black voters are cohesive and vote together for their preferred candidates while white voters bloc vote against Black-preferred candidates. The adopted map cracks a Black community of interest and dilutes Black voting strength by eliminating a Black-performing district.

    d.   In Central Florida, the adopted map cracks Black and Hispanic communities and diminishes opportunities for minority voters to elect candidates of choice. In the benchmark map, "FLCD2016," minority voters were large enough in size to influence electoral outcomes and elect minority candidates of choice from Tampa to Orlando in four districts, however in the adopted map, despite gaining an extra seat in apportionment, minority voters have one fewer opportunity district than before.

e. In South Florida, the adopted map closely adheres to racial neighborhood

boundaries well beyond any supposed voting rights justification, including overly

packing Black and Hispanic populations.   The adopted map makes additional

race-centered boundary changes beyond the benchmark or alternative maps with

no other justification other than packing Black and Hispanic populations.

f. Statements made by Florida Governor DeSantis and members of his

administration about why the maps passed by the Legislature were vetoed and

why the enacted map was preferred are inconsistent with the actual facts and data.

B.   Data and Analytical Approach

12.   For most of our analyses, we rely on the latest redistricting data available in downloadable format from Florida's official 2022 redistricting website, which was created by the Florida House of Representatives and the Florida Senate (https://www.floridaredistricting.gov/pages/resources). The data contains the population demographic, voter registration and turnout, and election data that is also found in the Legislature's Redistricting Portal available here: https://web.floridaredistricting.esriemcs.com/redistricting/. This data is made available to Florida Legislature members, staff, and the public, and has been relied upon by the state of Florida to produce reports on population summary and statistics, as well as boundary, district compactness, and functional/electoral performance analyses.[2]

13.   We supplement this data by using Dave's Redistricting Application ("DRA") (https://davesredistricting.org/maps#home) to obtain 2020 5-Year American Community Survey ("ACS") Citizen Voting Age Population Data by race and ethnicity for all the Congressional

---

[2] For example, see here: https://www.floridaredistricting.gov/pages/submitted-plans and here: https://www.flsenate.gov/Session/Redistricting/MapsAndStats.

districts ("CD") across the different Congressional maps that we examine herein. Additionally,

we rely on DRA to obtain statewide general elections data from 2016-2020 to produce election

composites for the partisan scores[3] that we report by Congressional districts and maps. In

constructing the partisan lean composite scores, we used all the election results available on

DRA for the state of Florida, which includes the 2016 and 2020 presidential elections, 2016 and

2018 senatorial elections, 2018 gubernatorial election, and the 2018 election for attorney general.

To obtain Congressional election results, we sourced data from the Florida Department of State,

Division of Elections website

(https://results.elections.myflorida.com/Index.asp?ElectionDate=11/8/2022&DATAMODE=0.

14.   We downloaded map boundaries from Florida's redistricting website

(https://www.floridaredistricting.gov/).[4] This includes boundaries for the FLCD2016 map

("Benchmark"), the enacted FLCD2022 map ("Adopted", "C0109"), map S035C8060 passed by

the Florida Senate on January 19, 2022 ("SC8060"), map H00C8019 passed by both Florida

House and Senate on March 4, 2022 ("HC8019"), and map H00C8015 passed by both Florida

House and Senate on March 4, 2022 as a secondary map that was intended to be enacted if the

primary map (i.e., HC8019) was found to be invalid by the court ("HC8015"). We also

downloaded map boundaries for the 2022 State House and Senate maps.

15.   To produce map boundary comparison figures, we used ArcGIS redistricting

application developed by Esri (https://www.esri.com/en-us/arcgis/about-arcgis/overview) and

imported block group level 2020 Decennial Census redistricting data (P.L. 94-171) as reported

by the U.S. Census Bureau to depict population concentrations by race and ethnicity.

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[3] For more information on DRA's composite partisan scores, see: https://medium.com/dra-2020/district-statistics-280ea441569b

[4] The benchmark and enacted Congressional map shapefiles can also be found here:
https://www.flsenate.gov/Session/Redistricting/MapsAndStats

16.   Other population demographic data was obtained from the 2010 and 2020 Decennial

Census redistricting data (P.L. 94-171). We also obtained data from the U.S. Census American

Community Survey (ACS) for 2021. When the ACS releases the 2022 data, we plan to analyze

any changes in population demographics.

17.   To conduct functional/electoral performance analyses, we used Florida's Esri

Redistricting Online Application and associated data made available here:

https://web.floridaredistricting.esriemcs.com/redistricting/. For ease of presentation, we

produced functional/electoral performance plots by Congressional districts using the ggplot2

package (https://ggplot2.tidyverse.org/reference/ggplot.html) in R, which is a statistical

computing and graphics software (https://www.r-project.org).

18.   To empirically examine racial and ethnic groups' candidates of choice, we conducted

racially polarized voting ("RPV") analyses using Ecological Inference ("EI")[5], which has been

deemed the "…benchmark method courts rely upon to evaluate RPV patterns in voting rights

lawsuits."[6] More specifically, we estimated candidate vote choice by race and ethnicity using

King's Iterative EI [7] and EI Rows by Columns ("RxC")[8] methods available in the "eiCompare"

R software package[9] available on GitHub (https://github.com/RPVote/eiCompare). For all the

---

[5] "Ecological inference is the process of using aggregate (i.e., "ecological") data to infer discrete individual-level relationships of interest when individual-level data are not available." (page 2) King, G. and Roberts, M., 2012. EI: a (n R) program for ecological inference. *Harvard University*.

[6] Barreto, M., Collingwood, L., Garcia-Rios, S. and Oskooii, K.A., 2022. Estimating candidate support in Voting Rights Act cases: Comparing iterative EI and EI-R× C methods. *Sociological Methods & Research*, *51*(1), pp.271-304 (quote at p.276).

[7] King, G., 2013. A solution to the ecological inference problem. In *A Solution to the Ecological Inference Problem*. Princeton University Press.

[8] Rosen, O., Jiang, W., King, G. and Tanner, M.A., 2001. Bayesian and frequentist inference for ecological inference: The R×C case. *Statistica Neerlandica*, *55*(2), pp.134-156.

[9] Collingwood, L., Oskooii, K., Garcia-Rios, S. and Barreto, M., 2016. eiCompare: Comparing Ecological Inference Estimates across EI and EI: RxC. *R J.*, *8*(2), p.92.

7

RPV analyses, we rely on election data and voter turnout by year and race/ethnicity made available on Florida's official 2022 redistricting website.

19.   We have reviewed the Fair Districts Amendments to the Florida Constitution, Fla. Const. Art. III, § 20. We understand that Section 20 of the Florida Constitution regulates Congressional reapportionment. This provision includes "Tier 1" standards and "Tier 2" standards. Tier 1 standards require that: (1) no apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; (2) 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 (3) districts shall consist of contiguous territory. Fla. Const. Art. III, § 20(a). Tier 2 standards, which are subordinate to Tier 1 standards in the event of a conflict, require that: (1) districts shall be as nearly equal in population as is practicable; (2) districts shall be compact; and (3) where feasible, districts shall utilize existing political and geographical boundaries.[10]

20.   We have also reviewed the April 3, 2023 Expert Report by Professor Morgan Kousser and have relied on the information he has presented.

---

[10] Fla. Const. Art. III, § 20 provides that: "(a) 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;" "(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection (a)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;" and "(c) The order in which the standards within subsections (a) and (b) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection."

II.   Findings

A.   Changing Demographics in Florida

21.   Examining population changes reported in Table 1 across the 2010 to 2020 decennial

Census reveals that Florida's total population grew by about 2.7 million during that decade. This

growth resulted in the net gain of one additional Congressional seat for Florida under national

apportionment, bringing Florida's total to 28 Congressional districts. However, the growth was

not equal across racial and ethnic groups, with white, non-Hispanic population growing the

slowest at only about a 2% growth rate. Indeed, Florida's population is considerably less white

today than it was ten years ago. According to decennial Census data, Florida was 57.9% white in

2010 and fell to 51.5% white in 2020, a drop of 6.4 percentage points. In direct contrast, the

non-white population in Florida grew at a rate 11.7 times more rapidly than the white population.

Overall, Florida's white population grew by 215,822 while Florida's non-white population grew

by 2,521,114 in ten years. According to the Florida Constitution, these racial and ethnic

population changes must be reflected in the adopted redistricting map— "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." Fla. Const. Art. III, § 20(a).

Table 1: Population Change State of Florida, 2010 – 2020 Decennial Census

	2010 Census		2020 Census		Change		Diff
Total Population	18,801,251		21,538,187		2,736,936	14.6%	
Hispanic	4,223,800	22.5%	5,697,240	26.5%	1,473,440	34.9%	4.0%
Non-Hispanic	14,577,451	77.5%	15,840,947	73.6%	1,263,496	8.7%	-4.0%
White	10,884,681	57.9%	11,100,503	51.5%	215,822	2.0%	-6.4%
Black	2,851,091	15.2%	3,127,052	14.5%	275,961	9.7%	-0.6%
American Indian	47,265	0.3%	42,169	0.2%	-5,096	-10.8%	-0.1%
Asian	445,216	2.4%	629,626	2.9%	184,410	41.4%	0.6%
Native Hawaiian PI	9,725	0.1%	11,521	0.1%	1,796	18.5%	0.0%
Other	48,462	0.3%	137,933	0.6%	89,471	184.6%	0.4%
Two or More Races	291,011	1.6%	792,143	3.7%	501,132	172.2%	2.1%

22.   The population change trends are even more stark when considering the most recent data from the Census Bureau, the 1-year American Community Survey ("ACS"). According to the 2021 ACS data reported in Table 2, the white population's share of the statewide population has continued to shrink, dropping from 51.5% to 51.1% in just one year. Despite the fact that whites only represent 51% of the state population, 20 of 28 Congressional districts (71%) are represented by white voters' candidates of choice.

23.   Looking closer at the population shifts across ten years of ACS data representing the two redistricting years (2011 to 2021) makes clear that among the four largest racial and ethnic groups in the state, the smallest raw growth, and the smallest growth rate was among white, non-Hispanics. From 2011 to 2021 Florida added 2,511,214 non-whites for a growth rate of 30.9% compared to white growth of only 212,372 for a growth rate of 1.9%.

Table 2: Population Change of the State of Florida, 2011 – 2021 Census 1-year ACS

	2011 ACS		2021 ACS		Change		Diff
Total Population	19,057,542		21,781,128		2,723,586	14.3%	
White NH alone	10,927,459	57.3%	11,139,831	51.1%	212,372	1.9%	-6.2%
Hispanic	4,355,051	22.9%	5,830,915	26.8%	1,475,864	33.9%	3.9%
Black alone or in comb.	3,245,366	17.0%	3,848,174	17.7%	602,808	18.6%	0.6%
Asian alone or in comb.	585,292	3.1%	822,675	3.8%	237,383	40.6%	0.7%
Total non-White	8,130,083	42.7%	10,641,297	48.9%	2,511,214	30.9%	6.2%

B.   The Adopted Congressional Plan Cracks and Dilutes Black Voting Strength in Northern Florida

24.   The benchmark map contains a district in Northern Florida that elects Black voters' preferred candidates of choice to Congress. In elections throughout the decade for 2012, 2014, 2016, 2018, and 2020 African American preferred candidates[11] have been able to win election to Congress in what had been numbered Florida's 5th Congressional District.

25.   The enacted map signed by Governor DeSantis purposefully cracks and dilutes African American voting strength in Northern Florida and resulted in no Black-preferred candidates elected to office in the Northern Florida region under the new Congressional map, C0109. For the first time since 1992, the large and cohesive Black community in Northern Florida was not able to elect a candidate of choice to Congress in the 2022 election. African American incumbent Alfred Lawson was drawn out of his former district and into a new district

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[11] Different versions of the minority district in Northern Florida; referred here as "the district." Corrine Brown won the district in 2012 and 2014. In 2016, 2018, 2020 Alfred Lawson won the district.

(CD2) and lost to Neal Dunn by nearly 20 percentage points. Dunn was heavily preferred by white voters, while Lawson was heavily preferred by Black voters.

26.   As reported in Table A1 in **Appendix A**, Representative Lawson's former district (CD5) was a majority-minority voting age population ("VAP"), and citizen voting age population ("CVAP") district with the largest share of the eligible electorate being Black (46.7%) and represented a clear and cohesive community of interest. Other maps proposed and passed by the Florida Legislature kept, to different degrees, this district intact. In stark contrast, the adopted map split apart and cracked the Black population, separating it within the city of Jacksonville as well as areas connected to Tallahassee.

27.   We outline these changes in detail, beginning by visually depicting the cracking of the Black population in the benchmark CD5. Figure 1 shows Northern Florida's Congressional benchmark district boundaries in solid black lines with the adopted Congressional district boundaries overlayed on top of the benchmark boundaries with dashed red lines. This graphic, and all the other map Figures presented herein, were produced for illustrative purposes with ArcGIS redistricting application to visualize VAP racial and ethnic group concentration at the Census block group-level based on the 2020 Decennial Census redistricting data (P.L. 94-171). The map Figures are color-coded with dots to depict the VAP concentration of the three largest racial and ethnic groups in the state of Florida: the green dots represent the non-Hispanic Black or African American VAP, the pink dots represent the non-Hispanic white VAP, and the orange dots represent the Hispanic VAP. As this Figure 1 and the zoomed-in Figure 2 illustrate, the adopted map cracks the Black VAP in benchmark CD5, dispersing the population across the newly adopted CDs 2, 3, 4, and 5.

Figure 1: Congressional District boundaries of the 2016 benchmark versus 2022 adopted map, Northern Florida
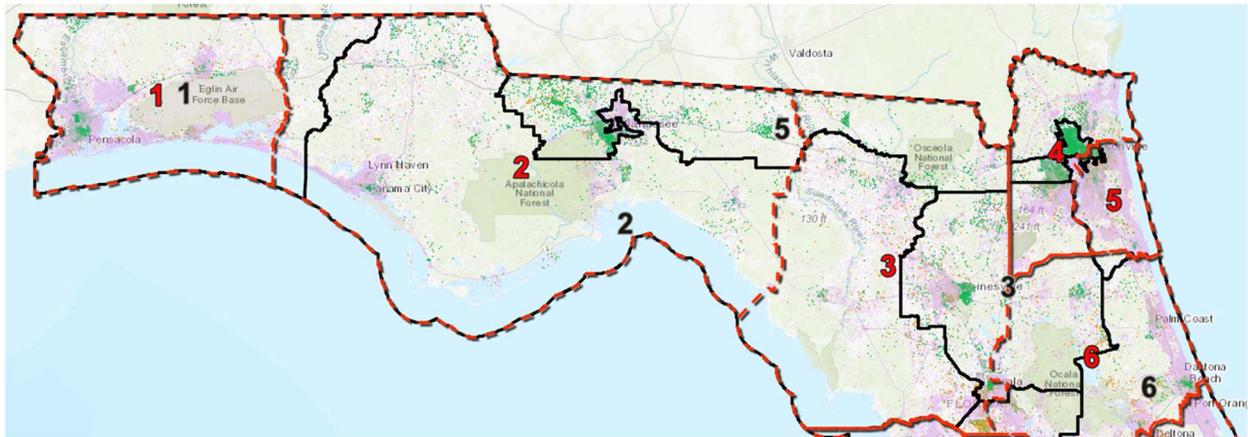

Figure 2: Congressional District boundaries of the 2016 benchmark versus 2022 adopted map, Northern Florida (zoomed-in)
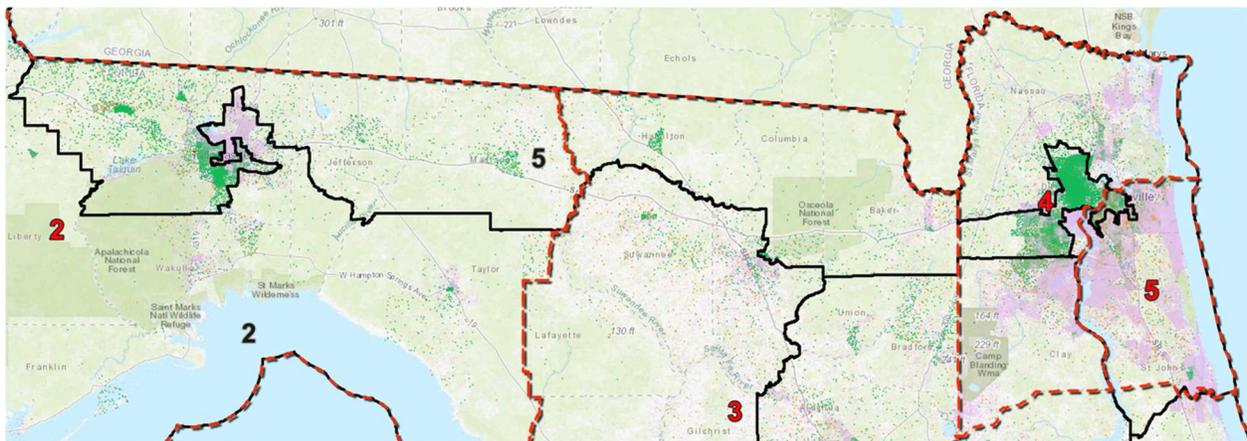
28.   The cracking of the Black VAP is clearly visible in two areas of Northern Florida. Within the city of Jacksonville, the adopted boundaries cut through the high-density Black VAP Census block groups, placing the Eastern part of the city in the newly adopted CD5 and the Western part of the city in the adopted CD4 (*see* Figure 3). The division between CD4 and CD5 in Jacksonville is created exactly where the high-density Black VAP Census block groups are located, as illustrated by the heavy concentration of green dots on the map. To accomplish this sort of cracking, the map boundary lines run through the middle of the St. Johns River from

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Mathews bridge all the way down to where the boundaries of the adopted CD6 begin, at which point no bridge or roadway connects CD4 to CD5.

Figure 3: Congressional District boundaries of the 2016 benchmark versus 2022 adopted map, Jacksonville Region
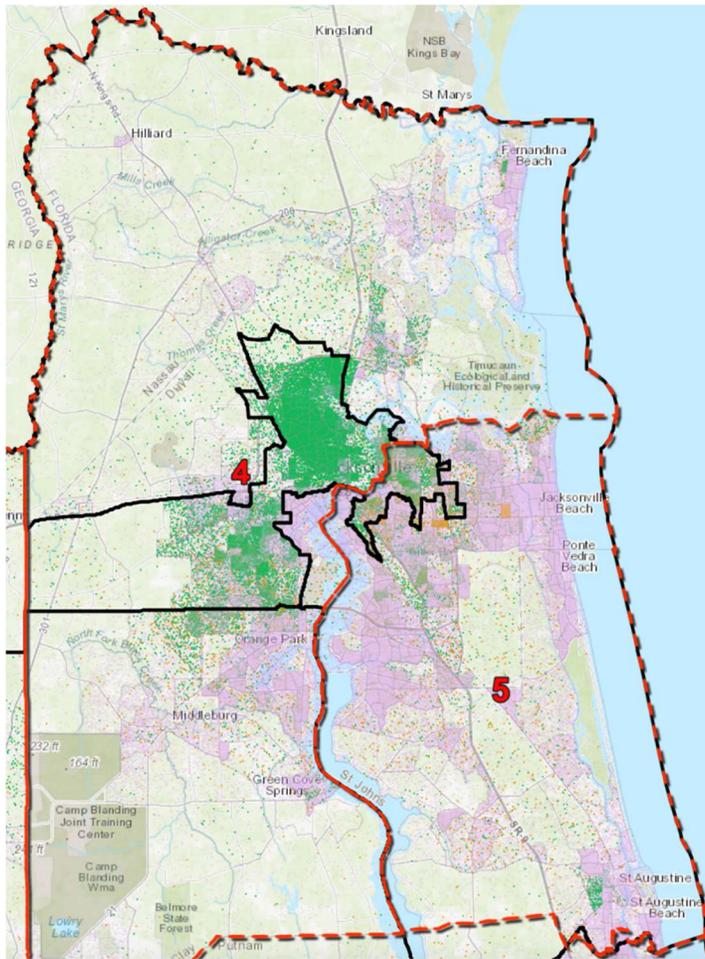

29.   The adopted boundaries also cuts off all the Black VAP areas outside of Jacksonville that connected the benchmark CD5 to Tallahassee, cracking this population into adopted CDs 2 and 3.

30.   As illustrated in Figures B1 and B2 in **Appendix B**, maps SC8060 and HC8015 retain much of the CD5 benchmark boundaries. As shown in Figure B3, the HC8019 map boundaries

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do not extend to Tallahassee, but the plan makes a reasonable attempt to create a visually compact district that keeps much of the city of Jacksonville intact. In contrast to the adopted map, HC8019 boundaries only cross the St. Johns River through the Henry H. Buchman Bridge so that Northern Florida residents can travel from the East to the West side of Jacksonville and remain in CD5. This cut-off point is also logical because it is where the Southwest boundary line of the city is located.

31.   HC8019's CD5 boundaries closely resemble the shape and boundaries of the adopted State Senate Legislative District 5, which also keep much of the city of Jacksonville and the high-density Black population areas intact. While Governor DeSantis rejected HC8019, he did not object, interfere, or comment on the State Senate Legislative District 5 boundaries. Figures 4 and 5 show the similarities between the CD5 and state Senate District 5 boundaries.

Figure 4: Congressional District boundaries of the 2016 benchmark versus HC8019 map, Jacksonville Region


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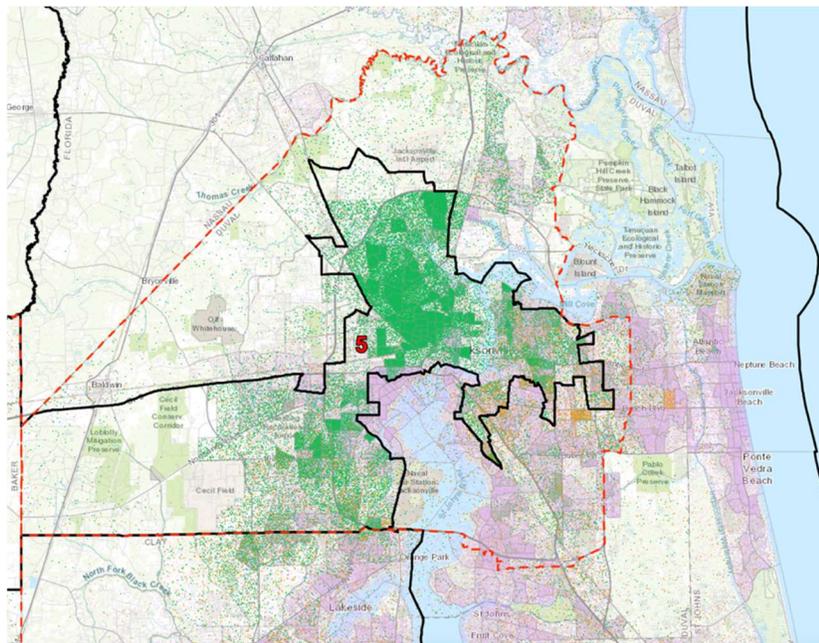
Figure 5: Adopted State Senate District 5 boundaries, Jacksonville Region
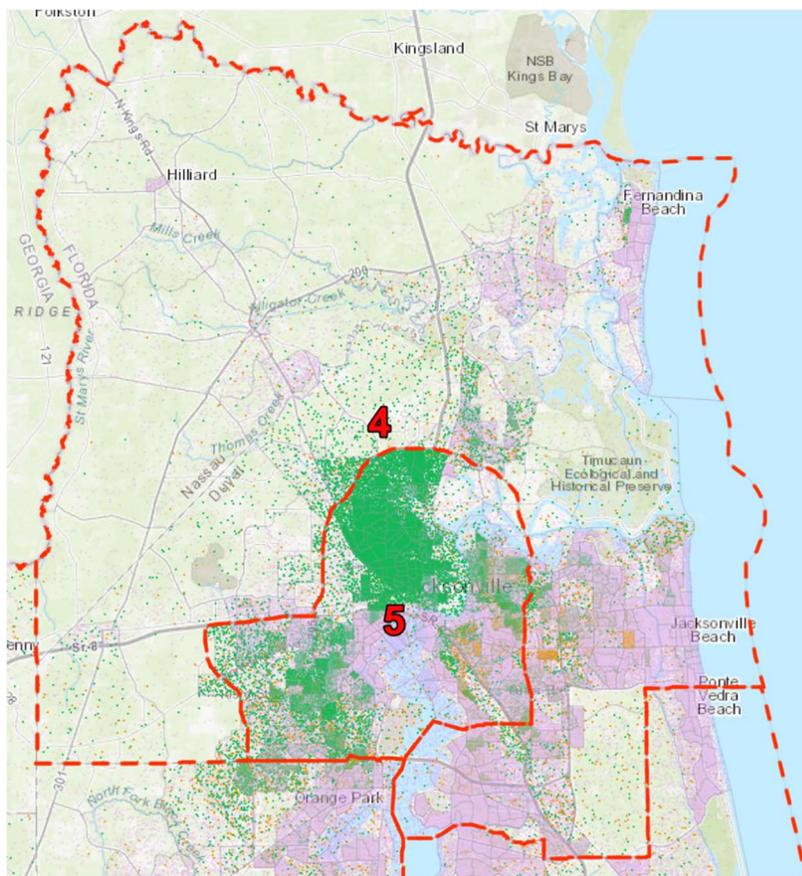
32.   Having visually depicted the patterns of cracking in Northern Florida, we next examine its effects on demographic changes—particularly changes in the Black voting age and citizen voting age population—Black voter registration and voter turnout, and the electoral performance of Black voters' candidates of choice.

33.   Starting with demographic changes, prior to the 2022 redistricting, benchmark CD5 covered Floridians that tended to be younger, more economically disadvantaged, and less educated than the median Floridian.[12] Floridians in benchmark CD5 had a median age of 35.1 years, compared to the state median of 42.8.[13] The median household income in benchmark CD5

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[12] https://censusreporter.org/profiles/50000US1205-congressional-district-5-fl/ (summarizing American Community Survey 2021 1-year survey data).
[13] *Id.*

was $46,344—about three-quarters of the median income of $63,062 statewide.[14] 22.2% of all

persons lived below the poverty line, including 30% of children (under 18 years old), compared

to the statewide rate of 13.1% of all persons, and 18% of children.[15] 87.3% of Floridians in

benchmark CD5 had graduated high school or higher, compared to 89.8% statewide.[16] 24.1% of

Floridians in benchmark CD5 had a bachelor's degree or higher, compared to 33.2% statewide.[17]

34.   The 2022 adopted plan cracked the population of benchmark CD5 into CDs 2, 3, 4,

and 5. Each of the resulting districts is older, more affluent, and better educated than benchmark

CD5, as summarized in Table 3.

**Table 3: Demographic Change between Benchmark CD5 and Adopted CDs 2-5, 2021 ACS
1-Year Estimates[18]**

	Benchmark CD5	Adopted CD2	Adopted CD3	Adopted CD4	Adopted CD5
Median Age	35.1	38.6	40.1	39.1	39.2
Median Household Income	$46,344	$56,301	$52,054	$61,311	$77,698
Persons Below the Poverty Line (%)	22.2%	15.8%	17.6%	15.8%	8.7%
Children (under 18) Below the Poverty Line (%)	30.0%	21.1%	19.2%	22.4%	10.5%
High School or Higher Education	87.3%	88.9%	89.9%	90.0%	94.7%
Bachelor's Degree or Higher Education	24.1%	31.5%	28.5%	26.4%	45.0%

35.   Table A1 in **Appendix A** also shows that the benchmark CD5 was a majority-minority

VAP and CVAP district composed of 46.2% Black VAP and 46.7% Black CVAP. In CD5,

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[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] ACS data drawn from https://censusreporter.org/profiles/50000US1205-congressional-district-5-fl/ and
https://www.census.gov/mycd/?st=12

Alfred Lawson, the only African American Congressional representative in Northern Florida, won 65.1% of the votes in the 2020 Congressional election. Benchmark CD5 was also the only district in Northern Florida that elected a Black voters' candidate of choice; CDs 1-4 all elected white voters' candidates of choice.

36.   Contrary to the benchmark map, the enacted 2022 map completely dismantles the only majority-minority district in Northern Florida by cracking the Black population across CDs 2, 3, 4, and 5. As Table A2 in **Appendix A** clearly demonstrates, all five Northern Florida CDs are now majority-white VAP and CVAP districts and elect white candidates of choice.

37.   Relative to the benchmark CD5, the Black population is significantly reduced in size. In the adopted CD5, African Americans make up only 12.8% of the total VAP and 12.5% of the total CVAP. Analysis of race and voting further shows that the adopted CD5 is now a majority white district which elected John Rutherford, a white candidate of choice, to Congress in an uncontested 2022 contest. In the adopted CD4, African Americans now make up 31.7% of the total VAP and 30.5% of the total CVAP. This district, which is also now majority white, elected white voters' candidate of choice to Congress, Aaron Bean, who defeated Black voters' preferred candidate, LaShonda Holloway, by a wide margin of 21 percentage points. In CD3, where the Black VAP and CVAP are less than 17%, white voters' preferred candidate Kat Cammack easily defeated Danielle Hawk, who was preferred by minority voters, by about 26 percentage points. Finally, the only African American incumbent in Northern Florida lost to incumbent Neal Dunn in the adopted CD2—comprised of less than 24% Black VAP or CVAP—by a wide margin of about 20 percentage points. Dunn was preferred by white voters while Lawson was preferred by Black and other minority voters.

38.   In contrast to the enacted congressional districts, maps SC8060 and HC8015 retain most of the pre-existing Black population in benchmark CD5. Tables A3 and A4 in **Appendix A**

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show that CD5 in both maps are majority-minority districts with about 44% Black VAP and

CVAP, which is comparable to about 46% Black VAP and CVAP in the benchmark CD5, and

overall over 50% non-white when Black and other minority voters are combined.

39.   As previously noted, HC8019 makes more changes to the benchmark boundaries of

CD5 but retains this district as majority-minority VAP jurisdiction. Since CD5 is retained within

the city of Jacksonville, rather than also including Tallahassee, the Black VAP and CVAP

population is reduced to 35.3% and 35.5%, respectively, but this district is still over 50% non-

white when Black and other minority voters are combined (*see* Table A5 in **Appendix A**).

40.   In Table 4, we report 2020 general election registered voter statistics for the

benchmark CDs. According to Florida's redistricting data, African Americans consist of an

estimated 17% (473,653) of registered voters across Northern Florida's five CDs. Of this

amount, 81.24% (384,808) are registered Democrats, 15% (71,025) have no party or minor party

affiliation, and only 3.72% (17,598) are registered Republicans. The highest concentration of

Black registrants is found in CD5, accounting for about 46% (227,599) of total registered voters

(494,045).

Table 4: Northern Florida 2020 General Election Registered Voter Statistics by CDs (FLCD 2016 Benchmark Boundaries)

CD	Total Registered	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	598,870	66,369	17,639	50,963	4,945	3,491	6,541	11,913	6,150
2	509,332	48,657	16,128	40,279	5,960	1,958	5,132	6,325	4,905
3	534,101	74,300	35,328	59,040	14,512	3,191	8,630	12,058	12,176
4	637,810	56,728	31,498	42,735	11,244	2,846	9,354	11,079	10,799
5	494,045	227,599	23,604	191,791	10,566	6,112	4,691	29,650	8,240
Total	2,774,158	473,653	124,197	384,808	47,227	17,598	34,348	71,025	42,270

41.   In Table 5, we report 2018 general election registration statistics for the benchmark map to illustrate that the Black voter registration patterns detailed above are not unique to the 2020 presidential election year. The 2018 registration statistics show that 209,634 out of 432,034 Black registrants (or 48.5%) in Northern Florida CDs resided in benchmark CD5, with the overwhelming majority (178,222) registered with the Democratic Party.

Table 5: Northern Florida 2018 General Election Registered Voter Statistics by CDs (FLCD 2016 Benchmark Boundaries)

CD	Total Registered	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	539,926	59,290	14,029	46,092	3,870	3,266	5,252	9,928	4,905
2	482,856	45,940	14,286	38,504	5,444	1,845	4,250	5,477	4,469
3	499,011	67,442	31,086	54,088	12,766	2,719	7,407	10,605	10,906
4	578,428	49,728	25,778	37,731	8,974	2,505	7,582	9,434	9,123
5	457,693	209,634	20,083	178,222	9,006	5,457	3,842	25,883	7,128
Total	2,557,914	432,034	105,262	354,637	40,060	15,792	28,333	61,327	36,531

42.   In Table 6, we detail changes in the 2020 general election Black voter registration between the enacted and the benchmark map. This analysis provides more nuanced evidence of cracking. The adopted map removed an estimated 168,382 (or about 74%) of Black registrants

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from Benchmark CD5, largely adding them to the adopted CD2 and CD4. Of the Black

registrants removed from benchmark CD5, 147,240 (or 76.8%) were Black Democrats and 3,168

Black Republicans. The 2018 general registration differences reported in Table 7 are consistent

with the 2020 findings: 156,559 Black registrants were moved out of the benchmark CD5 and

distributed to other Northern Florida CDs (primarily CD2 and CD4).

Table 6: 2022 Adopted v. 2016 Benchmark Map 2020 General Election Registration Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-27,651	-1,175	-413	-825	-114	-173	-180	-180	-135
2	37,948	66,699	442	58,071	1,323	982	-840	7,729	82
3	-15,781	-5,481	-26	-1,904	1,225	-725	-317	-2,852	-949
4	-91,196	103,241	-5,539	87,529	-1,874	3,020	-2,410	12,757	-1,164
5	45,752	-168,382	8,227	-147,240	1,152	-3,168	4,297	-17,926	2,855

Table 7: 2022 Adopted v. 2016 Benchmark Map 2018 General Election Registration Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-24,026	-1,079	-284	-801	-85	-163	-118	-137	-101
2	41,510	63,787	1,192	55,940	1,276	949	-386	7,001	390
3	-16,880	-4,269	-463	-1,133	1,172	-553	-558	-2,574	-1,097
4	-79,799	93,092	-4,305	79,632	-1,265	2,598	-1,926	10,922	-1,024
5	31,631	-156,559	6,100	-138,005	412	-2,891	3,421	-15,609	2,343

43.   In Tables A6-A11 in **Appendix A**, we report 2020 and 2018 registration changes

between the SC8060, HC8015, and HC819 maps versus the benchmark FLCD2016 map.

Consistent with the VAP and CVAP population changes, maps SC8060 and HC8015 did not

meaningfully alter the Black voter registration composition across the Northern Florida CDs.

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For instance, both maps reduced Black registrants in CD5 by less than 8,700 registered voters. The HC8019 map reduced the 2020 and 2018 Black registrants more noticeably (by 53,060 and 52,962, respectively) by creating a CD contained within the city of Jacksonville which does not extend to Tallahassee.

44.   A detailed look at voter turnout (i.e., those who voted) statistics further confirms that the adopted plan completely dismantled CD5 by significantly cracking Black voters. Table 8 provides 2020 general election turnout statistics for each of the five Northern Florida benchmark districts. As the turnout data shows, an estimated 154,247 out of 326,208 Black voters resided in benchmark CD5 (47.3%), which is the highest concentration of African Americans who voted in Northern Florida during the 2020 general election. Of the total Black voter turnout across all five CDs, an estimated 278,390 (85.3%) were registered Democrats, 10,811 (3.3%) were registered Republicans, and the remainder had minor or no party affiliation. These trends are also present in 2018, as reported in Table 9.

Table 8: Northern Florida 2020 General Election Voter Turnout Statistics by CDs (FLCD 2016 Benchmark Boundaries)

CD	Total Turnout	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	445,898	44,569	11,648	36,353	3,370	2,093	4,782	6,123	3,497
2	394,967	34,797	10,824	30,175	4,027	1,170	3,906	3,330	2,788
3	400,582	50,423	23,262	42,199	9,885	1,973	6,376	6,239	6,983
4	513,077	42,172	22,906	33,360	8,484	2,027	7,460	6,690	6,851
5	346,487	154,247	14,852	136,303	7,044	3,548	3,376	14,292	4,326
Total	2,101,011	326,208	83,492	278,390	32,810	10,811	25,900	36,674	24,445

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Table 9: Northern Florida 2018 General Election Voter Turnout Statistics by CDs (FLCD 2016 Benchmark Boundaries)

CD	Total Turnout	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	325,690	34,159	6,498	28,648	1,936	1,645	2,846	3,865	1,717
2	299,928	27,516	6,911	24,452	2,754	808	2,425	2,157	1,644
3	310,785	39,673	15,162	33,973	6,763	1,399	4,155	4,289	4,215
4	386,493	32,309	14,102	26,040	5,290	1,516	4,698	4,702	3,996
5	276,641	128,591	9,159	115,360	4,547	2,725	2,053	10,408	2,470
Total	1,599,537	262,248	51,832	228,473	21,290	8,093	16,177	25,421	14,042

45.   In Table 10, we also report changes in the 2020 voter turnout by Northern Florida CDs, directly comparing the adopted map to the benchmark map. Benchmark CD5 experienced a significant reduction in African Americans who voted in the 2020 general election: 112,070 were taken out and distributed to other CDs, primarily CDs 2 and 4. Of these Black voters, 102,971 (or 91.8%) were registered Democrats, and only 1,503 (or 1.5%) were registered Republicans.

Table: 10: 2022 Adopted v. 2016 Benchmark Map 2020 General Election Turnout Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-21,111	-745	-267	-569	-84	-108	-137	-87	-74
2	18,289	45,685	538	41,426	1,138	535	-633	3,831	103
3	-5,239	-3,436	153	-1,157	785	-586	-218	-1,689	-426
4	-110,707	67,805	-6,235	60,710	-2,226	1,714	-2,302	5,463	-1,596
5	82,471	-112,070	7,925	-102,971	1,627	-1,503	3,780	-7,534	2,593

46.   We find nearly identical results in terms of the percentage reduction in Black voters in benchmark CD5 when examining the 2018 midterm election general voter turnout, as reported in

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Table 11. An estimated 95,489 Black voters were removed from benchmark CD5, of which

92.9% were registered Democrats.

Table 11: 2022 Adopted v. 2016 Benchmark Map 2018 General Election Turnout Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-14,862	-581	-135	-468	-43	-86	-71	-34	-37
2	23,939	40,376	993	36,961	1,023	471	-257	3,026	296
3	-3,583	-2,238	-116	-649	485	-399	-317	-1,184	-297
4	-79,747	55,451	-4,175	50,501	-1,466	1,285	-1,436	3,713	-1,168
5	46,629	-95,489	4,727	-88,704	834	-1,206	2,381	-5,488	1,572

47.   Consistent with the registration statistics, we did not find that maps SC8060 or

HC8015 meaningfully reduced benchmark CD5's Black voter turnout statistics in 2020 or 2018

(*see* Tables A12-A15 in **Appendix A**). For example, HC8015 reduced the number of Black

registrants who voted in 2020 by only 5,809, which is significantly lower than the reduction of

112,070 under the adopted map. Under the HC8019 plan, 2020 Black voter turnout is reduced

by 34,704, which is a significantly lower reduction in Black voter turnout compared to the

adopted map (*see* Tables A16-A17 in **Appendix A**).

48.   Thus far, we have found clear evidence of cracking in CD5 under the enacted map.

We provided evidence of cracking with map visuals, VAP and CVAP statistics, and registration

and turnout statistics. There is no question that the adopted map completely dismantled

benchmark CD5. Next, we evaluate the extent to which the adopted map diminished Black

voting strength in CD5 and other Northern Florida districts.

49.   Vote "diminishment," sometimes referred to as "retrogression," refers to the

elimination of majority-minority districts or the weakening of other historically performing

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minority districts "where doing so would actually diminish a minority group's ability to elect its preferred candidates." *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So.3d 597, 625 (Fla. 2012) (*Apportionment I*). This is assessed by determining "whether the ability to elect exists in the benchmark plan and whether it continues in the proposed plan." *Id.* We understand that the Florida Supreme Court has also previously held that an evaluation of vote diminishment typically requires "an inquiry into whether a district is likely to perform for minority candidates of choice. This has been termed a 'functional analysis,' requiring consideration not only of the minority population in the districts, or even the minority voting-age population in those but of political data and how a minority population group has voted in the past." *Id.* Courts and scholars sometimes describe this form of analysis as a "performance analysis."

50.   As explained above, the adopted map eliminated the only majority-minority Congressional district in Northern Florida. To examine diminishment, we conducted functional/performance analyses across all the general elections from 2012-2020 that were made available and could have easily been conducted by Governor DeSantis' office through the state's redistricting application (https://web.floridaredistricting.esriemcs.com/redistricting/).

51.   Before reporting the functional/performance analysis results, we first report Black voters' preferred candidates ("candidates of choice") across all general elections in the Florida redistricting dataset. Specifically, we conducted racially polarized voting analysis ("RPV") using the iterative and RxC ecological inference ("EI") methods. For each election year, we used voter turnout by race and ethnicity for that election year.[19] For instance, when examining

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[19] In constructing the percent non-Hispanic white voter variable, we first subtracted the total voter count from the Black and Hispanic voter count, and then divided it by the total voters in each unit of analysis. We made this analytical choice because the redistricting data does not provide a stand-alone white voter turnout category. We believe this strategy has merit and captures white vote choice since less than three percent of eligible voters in Northern Florida do not identify as non-Hispanic white, Black, or Hispanic. Additionally, we compared our results with models using VAP by race and ethnicity—for which a standalone non-Hispanic white race category exists in the data—and found substantively identical results. This further suggests that our analytical choice is sound and is indeed capturing white voter candidate preferences.

RPV patterns in the 2020 election, we used 2020 voter turnout data, and when examining the

2018 election, we used 2018 voter turnout data. This method accounts for any differences in

voter turnout rates across different election years, particularly differences between midterm and

presidential election years, and accounts for changes in the overall voter turnout from 2012 to

2020.

52.   Figure 6 presents Northern Florida RPV results using the iterative EI method,

comparing estimated Black voter and white voter candidate preferences with 95% confidence

intervals from 2012 to 2020 election contests. The left side of the Figure lists the name of each

contest, the year in which the elections were held, and the associated candidate names. The bars

in the plot represent estimated vote percentages and the lines/bands attached to each bar

represent 95% confidence intervals ("CIs") around the point estimates. For ease of

interpretation, estimated vote percentages are also provided at the tail ends of the CI bands.

53.   The results clearly demonstrate that Northern Florida's Black voters vote cohesively to

support their candidates of choice, while white voters likewise vote as a bloc to disfavor the

candidates of choice of Black voters and support their own (different) candidates of choice. For

example, in the 2018 election for Governor, an estimated 90.5% of Black voters voted for

Andrew Gillum, and only 9.6% voted for Ron DeSantis. In stark contrast, an estimated 69.6% of

Northern Florida white voters voted for Ron DeSantis, and only 30.4% voted for the Black-

preferred candidate, Andrew Gillum. This pattern of RPV is consistently present in every single

election we examined going as far back as 2012.

Figure 6: Northern Florida iterative EI Estimates for Candidates by Race

Racially Polarized Voting Analysis Results
EI Estimates (North FL CDs)
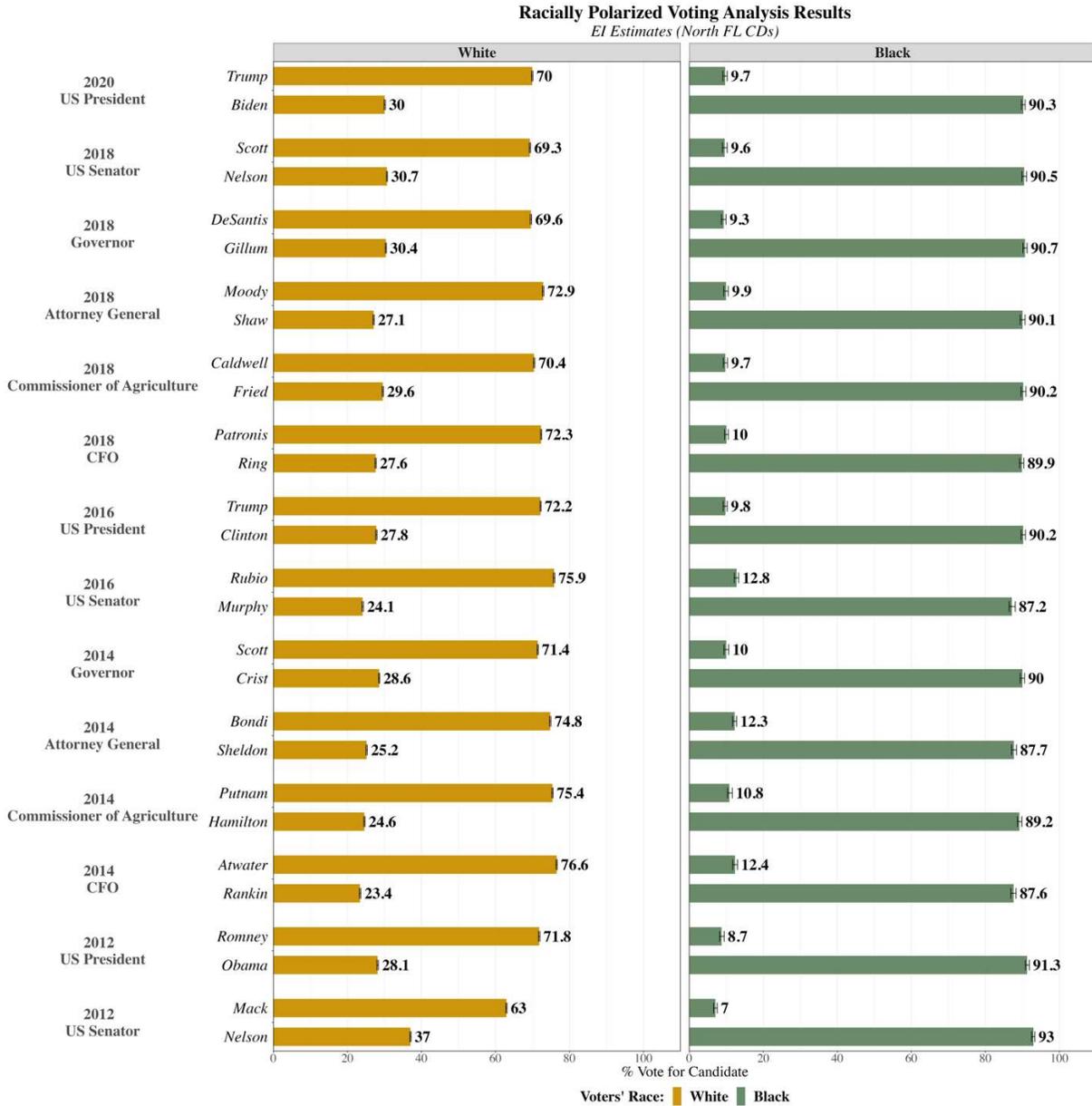
54.   The RxC EI estimates in Figure 7 also demonstrate that Black voters in Northern Florida are highly politically cohesive and have different candidate preferences than white voters. Across all the elections, over 87% of Black voters voted for candidates that a clear majority of white voters did not favor.

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Figure 7: Northern Florida RxC EI Estimates for Candidates by Race

Racially Polarized Voting Analysis Results
RxC Estimates (North FL CDs)

		White	Black
2020 US President	Trump	70.3	8.6
	Biden	29.7	91.4
2018 US Senator	Scott	69.7	8.1
	Nelson	30.3	91.9
2018 Governor	DeSantis	70.1	7.7
	Gillum	29.9	92.3
2018 Attorney General	Moody	73.3	8.7
	Shaw	26.7	91.3
2018 Commissioner of Agriculture	Caldwell	70.8	8.5
	Fried	29.2	91.5
2018 CFO	Patronis	72.8	8.6
	Ring	27.2	91.4
2016 US President	Trump	72.6	8.3
	Clinton	27.4	91.7
2016 US Senator	Rubio	75.8	12.7
	Murphy	24.1	87.3
2014 Governor	Scott	71.7	8.1
	Crist	28.3	91.9
2014 Attorney General	Bondi	74.9	10.9
	Sheldon	25.1	89
2014 Commissioner of Agriculture	Putnam	75.6	8.7
	Hamilton	24.4	91.3
2014 CFO	Atwater	76.7	10.7
	Rankin	23.3	89.3
2012 US President	Romney	72.1	7.4
	Obama	27.9	92.6
2012 US Senator	Mack	63.1	5.8
	Nelson	36.9	94.2

% Vote for Candidate

Voters' Race: White   Black

55.   The RPV analyses demonstrated that Northern Florida Black voters are politically cohesive and revealed their specific candidate preferences across all the election contests. For instance, based on the RPV analyses, we can conclude that Joe Biden, Bill Nelson, and Andrew Gillum were Black voters' preferred candidates or "candidates of choice." Relying on this information we can examine the "Tier 1" considerations from Article III, Section 20(a): "the

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extent to which the adopted map denies, abridges, or diminishes Black voters' ability to elect a

representative of their choice."

56.   To provide evidence of diminishment, we first report function/performance analyses[20]

results of the benchmark map and then for each of the other maps, particularly the enacted map.

This approach effectively demonstrates how alteration to CD boundaries can result in "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."

57.   Functional/performance analyses results in Figure 8 show that benchmark CD5

consistently performed for Black voters' preferred candidates from election years 2012 to 2020.

That is, every single candidate of choice for Black voters received more votes in CD5 than the

candidates not preferred by Black voters. For example, according to Florida's redistricting data,

Andrew Gillum won 64.9% of the total votes in the 2018 Gubernatorial general election, whereas

Ron DeSantis received only 34.2% of the total votes. Outside of CD5, no Black voters'

candidate of choice received a plurality or majority of votes in any of the election contests.

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[20] A functional/performance analysis is a simple, yet effective approach to examining the success (or failure) of different candidates under different map or district boundaries. To conduct such analysis, one does not need to rely on estimation methods. All that is required is to identify the voting tabulated districts that fall inside the electoral jurisdictions of interest and then aggregating the candidate votes in each jurisdiction. The aggregated vote total for each candidate is then divided by the total votes cast in that given election in that jurisdiction to produce vote percentages. For this report, the analysis was performed using Florida's Esri Redistricting Online Application.

Figure 8: **Electoral Performance Results of the Benchmark 2016 Northern Florida Congressional District Boundaries**

Performance Analysis Results
FLCD16 Benchmark Map

		CD1	CD2	CD3	CD4	CD5
2020 US President	Biden	32.4	32	42.8	38.8	62.6
	Trump	65.9	67	56	59.9	36.3
2018 US Senator	Nelson	31.9	34.8	44.7	37.6	64.8
	Scott	68.1	65.2	55.3	62.4	35.2
2018 Governor	Gillum	31.2	32.6	43.7	37.9	64.9
	DeSantis	67.3	66	55.1	61.2	34.2
2018 Attorney General	Shaw	28.6	30.6	40.6	34.3	61.6
	Moody	69.4	67.8	57.8	64.2	36.9
2018 Commissioner of Agriculture	Fried	31.3	33.4	43.2	37	63.8
	Caldwell	68.7	66.6	56.8	63	36.2
2018 CFO	Ring	30.1	30.5	42.3	35.3	62.8
	Patronis	69.9	69.5	57.7	64.7	37.2
2016 US President	Clinton	28.2	30.6	40.2	34.1	60.9
	Trump	67.5	66.2	56.1	62.1	36.2
2016 US Senator	Murphy	25.3	30.3	37.1	28.1	55.4
	Rubio	70.6	65.8	59.2	68.4	41.3
2014 Governor	Crist	26	34.7	39.4	29.3	59.3
	Scott	69.7	60.5	55.8	66.3	37.1
2014 Attorney General	Sheldon	25.6	32.1	35.5	26.4	55.7
	Bondi	70.8	64.3	61.6	70.3	41.9
2014 Commissioner of Agriculture	Hamilton	26.5	30.8	35.7	28.8	57.8
	Putnam	73.5	69.2	64.3	71.2	42.2
2014 CFO	Rankin	25	30.7	35.7	26.3	55.9
	Atwater	75	69.3	64.3	73.7	44.1
2012 US President	Obama	30.2	34.2	42	32.8	63.6
	Romney	68.7	64.6	56.8	66.3	35.6
2012 US Senator	Nelson	35.8	43.8	48.4	39.4	67.3
	Mack	61.3	53.2	48.7	57.4	30.3

Vote Share (%)

Preferred Candidate: White   Black

58.   Performance analysis of the adopted map reported in Figure 9 provides clear evidence of diminishment. The results show that none of the CDs perform for Black voter's candidates of choice in any election year or contest except for the 2012 Senatorial election. However, in that same presidential election year, President Obama, another Black candidate of choice, lost in

every single CD under the adopted map. Based on the accumulated evidence, we conclude that the adopted map is retrogressive and diminishes to the point of eliminating, Black voting strength in Northern Florida as a result of cracking the Black population.

Figure 9: **Electoral Performance Results of the Adopted 2022 Northern Florida Congressional District Boundaries**
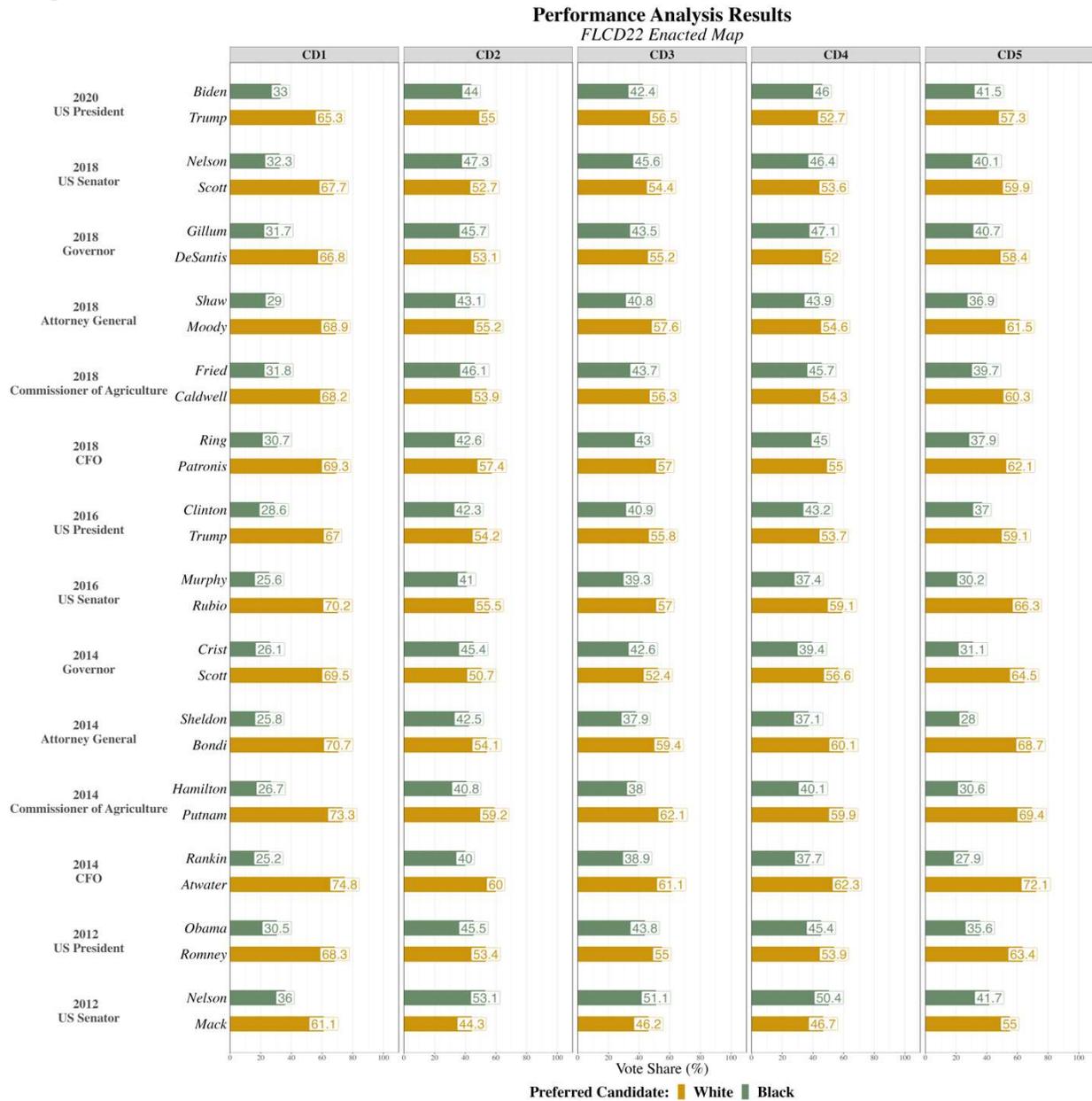
59.   Performance analysis results of the other maps reported in Figures B13-B15 in **Appendix B** show that these alternative plans maintained CD5 as a performing district for Black voters, particularly SC8060 and HC8015. HC8019 would also have performed in the 2018 and 2020 elections.

C.   Minority Influence District is Diminished in St. Petersburg-Tampa Region and Orlando Region

60.   In the Bay area region of Tampa-St. Petersburg, population growth resulted entirely due to increases in the Black, Hispanic and Asian communities. In Pinellas and Hillsborough counties combined, the overall population increased by 273,130 from 2010 to 2020. However, the white, non-Hispanic population *declined* from 13,082 while the non-white minority population increased by 286,212, as summarized in Table 12. The region is now 44% minority and 56% white, a significant shift from a region that had been 64% white ten years earlier.

Table 12: Hillsborough and Pinellas Counties combined 2010 – 2020 Population Change[21]

	2010		2020		Change		Diff
Total Population	2,145,739		2,418,869		273,130	12.7%	
Hispanic	379,870	17.7%	529,820	21.9%	149,950	39.5%	4.2%
Non-Hispanic	1,765,869	82.3%	1,889,049	78.1%	123,180	7.0%	-4.2%
White	1,365,336	63.6%	1,352,254	55.9%	-13,082	-1.0%	-7.7%
Black	283,174	13.2%	315,910	13.1%	32,736	11.6%	-0.1%
American Indian	5,014	0.2%	4,759	0.2%	-255	-5.1%	0.0%
Asian	68,077	3.2%	103,628	4.3%	35,551	52.2%	1.1%
Native Hawaiian / PI	1,427	0.1%	1,711	0.1%	284	19.9%	0.0%
Other	4,794	0.2%	14,490	0.6%	9,696	202.3%	0.4%
Two or More Races	38,047	1.8%	96,297	4.0%	58,250	153.1%	2.2%

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[21] 2010 and 2020 Census PL94 Redistricting data.

61.   In the benchmark Congressional map, minority voters in Tampa were able to elect

candidates of choice in two districts, CD13 and CD14. CD13 was a minority influence district

with a 27% minority VAP, and in the 2020 election, elected the minority voters' candidate of

choice. CD14 was a 54.8% majority-minority VAP district in 2020 that already performed for

minority voters' candidates of choice. The newly enacted map reduces the minority population

to 22.8% in CD13, down from 28.2%, resulting in the minority voters' preferred candidate losing

in the 2022 election. In particular, the Black population was cracked in St. Petersburg and

reduced by almost 5 points.

62.   As shown in Figure 10, in the benchmark map boundary shown in black lines, CD13

retained the entire southern portion of the Clearwater-St. Petersburg peninsula intact as a

community of interest, including the large Black community in the southern portion of St.

Petersburg. This configuration was honored in the map passed by the Florida State Legislature

(8019), which kept the CD13 boundaries virtually unchanged from the benchmark as a minority

influence district. In contrast, the adopted map boundary shown in red lines, cracks a community

of interest in St. Petersburg, notably cracking the Black population, which had formerly been in

CD13 and moving it into CD14. This creates a CD14 which is not geographically contiguous

nor connected by land, connecting the city of Tampa across the bay to portions of St. Petersburg.

The adopted map CD13 replaces the heavily Black population of St. Petersburg it discarded by

extending its boundary north to Palm Harbor, which has a population that is 84.2% white and

only 1.7% Black according to the 2020 Census.

Figure 10: Congressional District boundaries of the 2016 benchmark versus 2022 adopted map, Tampa-St. Petersburg Region
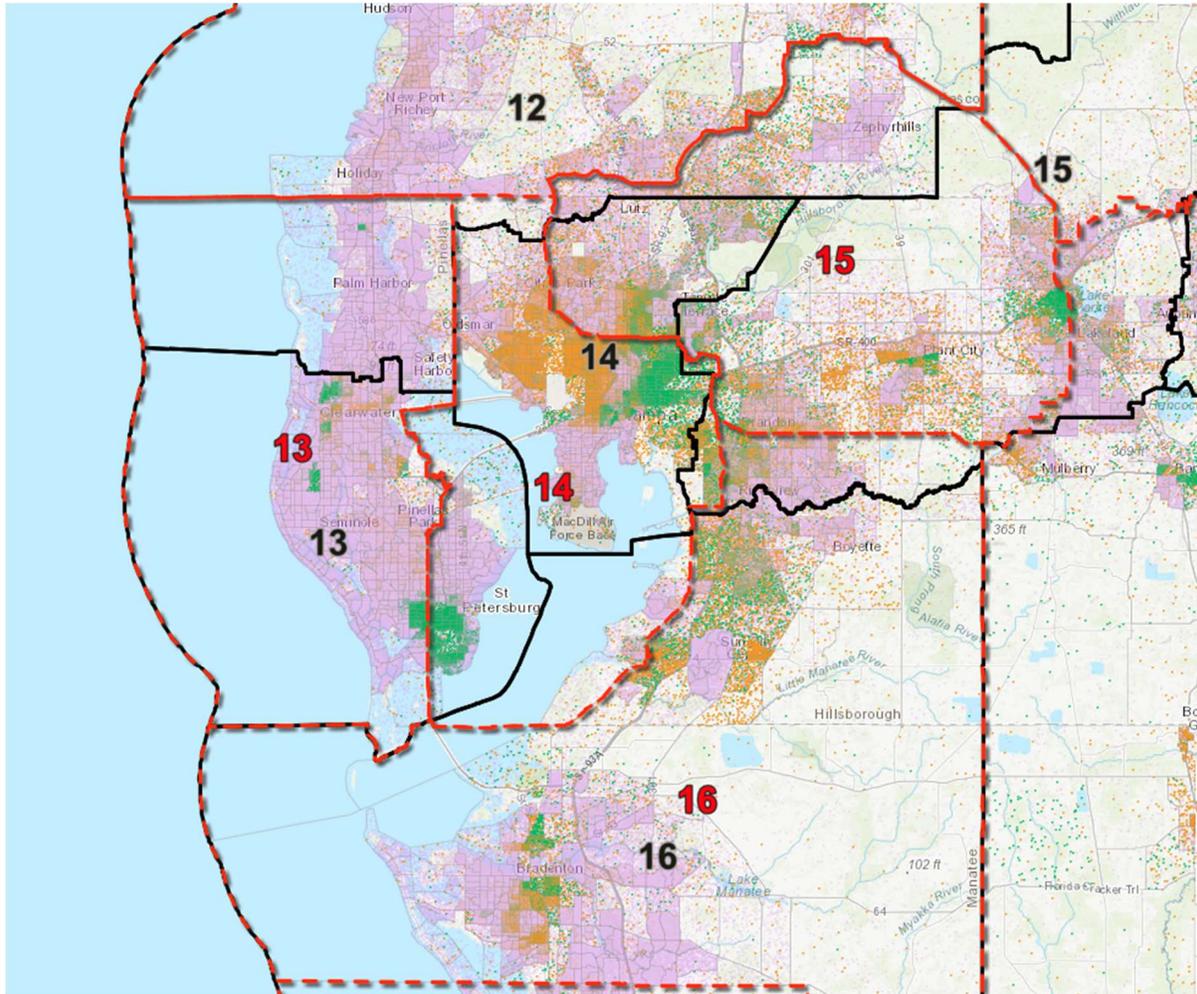
63.   Figure 11 shows a closer look at the cracking of the Black population in St. Petersburg in the enacted map. The enacted map splits the city of St. Petersburg and shifts it into a disconnected district with part of Tampa in CD14 without justification. The map passed by the Florida State Legislature (8019) demonstrated that it was possible to create a compact and contiguous district in Clearwater and St. Petersburg for CD13 and that the obvious cracking of the Black population was not necessary.

64.   In addition to the cracking in St. Petersburg, the adopted map cracks the Black and Latino population in North Tampa, which had formerly been entirely contained as a community

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of interest within CD14 as depicted by the red line (new boundary) dividing North Tampa in half along Busch Boulevard and shifting that population into CD15. Those Black and Latino residents in North Tampa used to be able to elect minority voters' preferred candidate in CD14 but now are located in CD15, which elects white voters' preferred candidates. This cracking of the minority population in North Tampa was not necessary and only the result of enacted map shifting the St. Petersburg population out of CD13 and into CD14.

Figure 11: Congressional District boundaries of the 2016 benchmark versus 2022 adopted map, Tampa-St. Petersburg Region (zoomed-in)
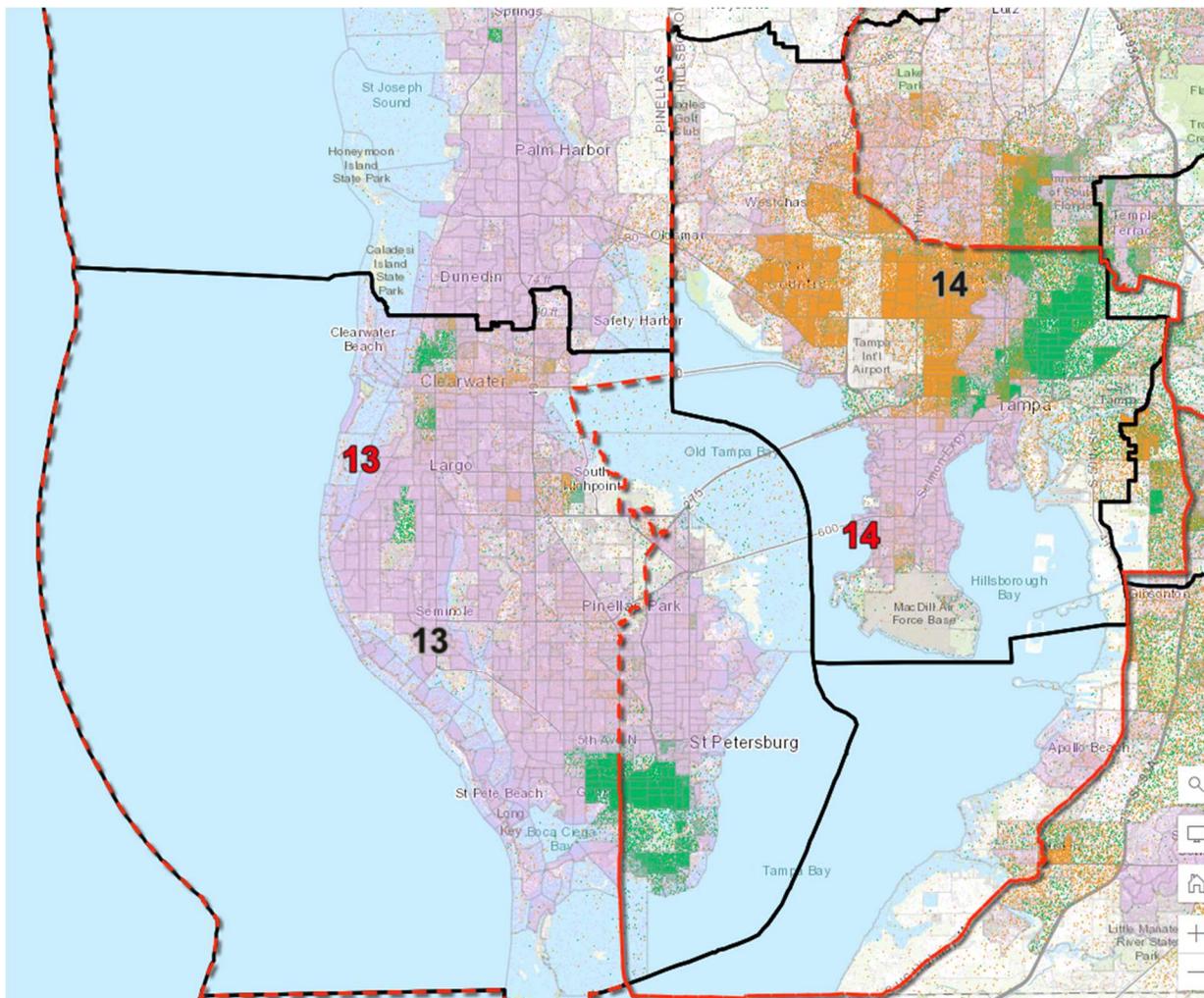
65.   Analysis of voting patterns reported in Figures B16-B17 in **Appendix B** makes clear there is strong and consistent evidence of racially polarized voting in the Tampa-St. Petersburg

region. Focusing on the region in CD12, CD13, CD14, and CD15, we find that Black voters are cohesive and vote consistently in support for their candidates of choice. Likewise, Hispanic voters in this region are cohesively voting in clear majority support for their candidates of choice, which are the same candidates of choice as Black voters. In direct contrast, white voters are also cohesive in bloc voting against minority-preferred candidates.

66.   The same population growth trends of rapid minority growth were documented by the 2020 Census in the Central Florida region of the Orlando-Lakeland I-4 corridor. Examining the population change data from 2010 to 2020 for Orange, Osceola, and Polk counties combined reveals a total population growth of 526,877, of which 513,345 (97.4%) was the result of Hispanic, Black, Asian, and other non-white population growth in the region. In 2010, this three-county region's population was 50.8% white, non-Hispanic. By 2020 it dropped by 10 points to 40.8% white non-Hispanic, and currently, it is a clear majority-minority region in Florida (*see* Table 13).

Table 13: Orange, Osceola, and Polk Counties combined 2010 – 2020 Population Change[22]

	2010		2020		Change		Diff
Total Population	2,016,733		2,543,610		526,877	26.1%	
Hispanic	536,922	26.6%	871,809	34.3%	334,887	62.4%	7.7%
Non-Hispanic	1,479,812	73.4%	1,671,801	65.7%	191,989	13.0%	-7.7%
White	1,023,813	50.8%	1,037,345	40.8%	13,532	1.3%	-10.0%
Black	333,039	16.5%	399,719	15.7%	66,680	20.0%	-0.8%
American Indian	4,703	0.2%	4,392	0.2%	-311	-6.6%	0.0%
Asian	72,228	3.6%	101,421	4.0%	29,193	40.4%	0.4%
Native Hawaiian / PI	1,505	0.1%	1,654	0.1%	149	9.9%	0.0%
Other	8,754	0.4%	23,917	0.9%	15,163	173.2%	0.5%
Two or More Races	35,770	1.8%	103,353	4.1%	67,583	188.9%	2.3%

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[22] 2010 and 2020 Census PL94 Redistricting data

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67.   Despite the entire Florida region from Tampa to Orlando experiencing considerable minority population growth, enough to account for a new and additional Congressional district, the enacted map reduces the number of districts in which minority candidates of choice can be elected. Combined, the region added 800,007 people from 2010 to 2020, with a total net gain of 450 in the white population, and a total net gain of 799,557 in the non-white population. Rather than increasing and adding a district in which minority communities had an opportunity to elect a candidate of choice, the enacted map diluted minority voting strength and resulted in *one fewer* district than the benchmark, when the population growth suggested it should have resulted in *one more* district than the benchmark.

68.   In particular, both Black and Hispanic voters saw their communities cracked and diminished their opportunities to elect candidates of choice in and around Orlando. Congressional District 10, which encompassed large Black and Latino communities from Apopka to Ocoee to Orlando, was cracked along State Road 435/Apopka Vineland Road (*see* red, dashed line in Figure 12), and significant Black and Latino voting populations were shifted into Congressional District 11, a majority white district that votes against minority-preferred candidates. Congressional District 9 previously contained large Black and Hispanic populations in the southern portion of the district in Davenport, Haines City, Winter Haven, and Lake Wales, which once voted cohesively in support of minority-preferred candidates. The enacted map split these communities away from CD9 and into CD18 (*see* red, dashed line in Figure 13), a majority-white district where minority-preferred candidates have no chance of winning. Despite large population growth by Blacks and Latinos, these two minority communities in Central Florida were cracked from performing minority districts and find themselves in majority white districts that vote against their candidates of choice.

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Figure 12: Congressional District 10 boundaries of 2016 benchmark vs. 2022 adopted map
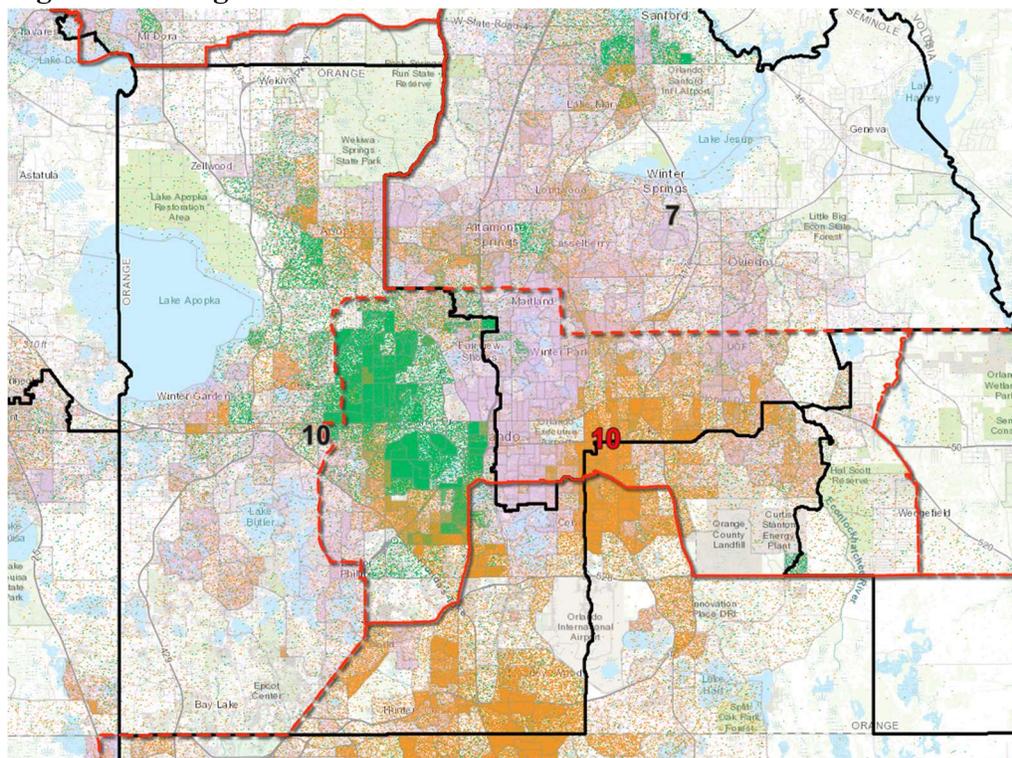
Figure 13: Congressional District 9 boundaries of 2016 benchmark vs. 2022 adopted map

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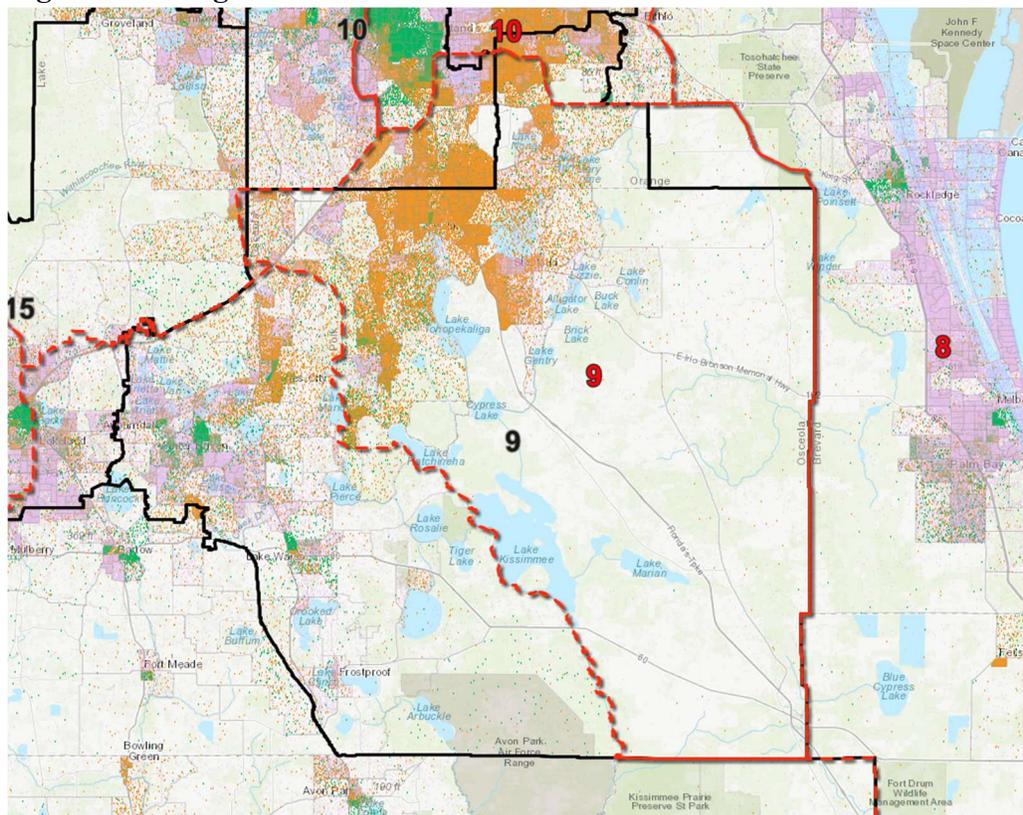
III.   The State of Florida Provides Contradictory and Inconsistent Rationale for its Maps

A.   The Adopted Map Relied on Racial Boundaries for Congressional Districts

69.   The Governor and the Legislature have repeatedly used race in both State legislative and Congressional maps. First, the Legislature explicitly adhered to the non-diminishment standard of the Fair Districts Amendment in drafting State Legislative districts without any objection from the Governor, and the Secretary of State has implemented those maps after they were approved by the Florida Supreme Court. Second, the Congressional map Governor DeSantis's office submitted, and that the Legislature ultimately adopted as its own, reflects a number of race-based choices not required by the Fair Districts Amendment that can only be explained by a desire to influence – positively or negatively – the ability of different racial groups to elect candidates of their choosing.

70.   On January 31, 2022, on the eve of final passage of the State legislative maps, the Supreme Court of Florida ordered the Attorney General to file the legislative apportionment plan, alongside "maps and statistical reports for the existing and new plans, and to specify the software used to create the new plans and the source of the data used in creating the new plans." *In re Senate Joint Resolution of Legislative Apportionment 100*, No. SC22-131 (Jan. 31, 2022). The Florida House and Senate passed the state legislative maps on February 3, 2022, and the Attorney General submitted the requested petition the next day. Briefs and data in support of the maps from the House and Senate followed on February 9, 2022, in line with the Supreme Court's order.

71.   At the same time that the state legislative maps were undergoing Supreme Court scrutiny, Governor DeSantis submitted a request to the Supreme Court dated February 1, 2022, for an advisory opinion that, notwithstanding the non-diminishment standard of the Fair Districts Amendment, CD5 in the Benchmark Congressional Plan violated the federal constitution

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because it was elongated and based on race. He filed no comparable request for an advisory

opinion with respect to the state legislative maps and has never suggested that the state

legislative maps were unconstitutional because they are based on race and comply with the non-

diminishment standard of the Fair Districts Amendment.

72.   The submissions to the Supreme Court from the House and Senate with respect to the

state legislative maps contained extensive data supporting the Legislature's compliance with the

non-diminishment standard, suitable for the Court to rely on in judging the map. Although

anyone opposing the map was permitted to challenge it pursuant to the Fair Districts

Amendment, Governor DeSantis did not do so. *See In re Senate Joint Resolution of Legislative*

Apportionment 100, 334 So. 3d 1282, 1285 & 1289 n.7 (Fla. 2022) (noting that no party

appeared to oppose the State Legislative apportionment and that the opinion expressed no view

on the Governor's prior request for an advisory opinion).

73.   On February 10, 2022, the Supreme Court denied the Governor's request for an

advisory opinion on the congressional map because (unlike the submission with respect to the

state legislative maps) there was "no record before us setting forth a functional analysis of

statistical evidence, such as the voting age of minority populations and election results. A record

will assist the judiciary in answering the complex federal and state constitutional issues

implicated by the Governor's request." *Advisory Opinion to Governor re: Whether Article III,*

Section 20(a) of the Florida Constitution Requires the Retention of a District in Northern

Florida, Etc., 333 So. 3d 1106, 1108 (Fla. 2022).

74.   The non-diminishment issues the Governor sought to raise by advisory opinion were

front and center in the State legislative apportionment decision. *See In re Senate Joint*

Resolution, 334 So. 3d at 1289-90. Moreover, the Legislature filed the data in support of the

legislative maps on Feb. 9, 2022 (precisely the data whose omission caused the Supreme Court

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to deny the Governor's request for an advisory opinion on the congressional map the very next day). The Governor had ample time to file a challenge to the state-legislative maps if he believed that race-based line-drawing in redistricting, pursuant to the Fair Districts Amendment, violated the federal constitution. He did nothing. In approving the State legislative maps on March 3, 2022, the Florida Supreme Court again reaffirmed that Florida's Constitution prohibited retrogression. *Id.* Had the Governor wanted a judicial examination of the constitutional questions he claims prevented him from approving the Congressional map passed by the Legislature, he had the opportunity to present his case to the Florida Supreme Court at the time and to know the answer before the final maps – both legislative and congressional – were enacted into law.

75.   In short, knowing the standards of the Fair District Amendment (as he stated in his request for an advisory opinion on Feb. 1) and having had those standards reaffirmed by the Florida Supreme Court in approving the legislative maps (on March 3), Governor DeSantis vetoed the Congressional maps submitted by the Legislature on March 29, 2022, because in his opinion – ratified by no court – they violated the federal constitution. But as he recognized when he was a congressman (as explained below), his duty to enforce the law did not extend to overriding clear expressions of the law because he disagreed with the law. His use of his personal opinion rather than a court ruling was all the more striking because he had the opportunity to obtain a court ruling when the Supreme Court considered the legislative maps.

76.   While a congressman, DeSantis introduced a "Faithful Execution of the Law Act," which would have required the Attorney General to report to Congress about any federal policy not to enforce a law. He explained that federal officers must enforce the law, even when they believe it to be unconstitutional, saying that the U.S. Attorney General should be "required to report to Congress any time the Department of Justice stops enforcement of a law on the grounds that it is unconstitutional. . . . My hope is that this sunlight will prove to be a disinfectant that

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will serve to hinder the President from usurping the authority of Congress. The President is not a king." Testimony of Representative Ron DeSantis, Serial No. 113-63 (House Hearing), "Enforcing the President's Constitutional Duty to Faithfully Execute the Laws," (February 26, 2014).[23]

77.   The Governor is also not a king, yet he ignored what he knew to be the requirements of the Florida constitution in vetoing the congressional maps solely because he said he believed it was unconstitutional. And at the same time, both he and Legislature used inappropriate race-based line-drawing to disadvantage minority voters throughout the congressional map.

78.   The state of Florida is picking and choosing different and inconsistent standards when deciding which district boundaries to oppose or support. In South Florida, a Congressional map produced by the Florida legislature and supported by Governor DeSantis relied on the Florida non-retrogression standard to keep non-contiguous Black communities together in West Palm Beach and Fort Lauderdale, and then connected to distant and rural Black communities near Lake Okeechobee, resulting in an oddly shaped CD20 (*see* Figure B4 in **Appendix B**). Likewise, CD26 stretches the entire span of the Florida peninsula from the Gulf of Mexico to the Biscayne Bay, connecting Immokalee to downtown Miami 115 miles away (*see* Figure B5 in **Appendix B**). Map drawers traced explicit racial population boundaries in multiple Cuban-Hispanic districts in South Florida and joined together different Hispanic communities. For example, the majority-Hispanic community in Immokalee voted against the Hispanic Republican congressional candidate by over a 30-point margin, and the majority-Hispanic community in downtown Miami likewise voted against the Hispanic Republican candidate by a 30-point margin. These portions of the district could not have been included to comply with non-retrogression standards due to the different voting patterns of the Cuban-American portion of CD26 in Hialeah. Nearby CD24 shifted boundaries by following census population on Black

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[23] https://www.govinfo.gov/content/pkg/CHRG-113hhrg86841/pdf/CHRG-113hhrg86841.pdf

and Hispanic populations to further increase (pack) the Black population in CD24 while shifting different segments of Hispanic voters into CD26 who are not cohesive with the Hispanic voters in the core part of CD26, taking them out of a district in which they had a clear candidate of choice (in CD24), and moving them in to a district where they voted in contrast to the rest of CD26 (*see* Figure B6 in **Appendix B**). With respect to CD28 (formerly CD26) the adopted map cracks a Black community in West Perrine (*see* Figure B7 in **Appendix B**) that the State Legislative map identifies as a Black community of interest connected to Florida City. In the 2016 benchmark map, and in the adopted 2022 State House map, the Black community is kept whole and was entirely contained in CD26. However, the large Black community in West Perrine is shifted out of CD28 (formerly CD26) and into CD27 (*see* Figure B7 in **Appendix B**), diminishing their opportunity to elect a candidate of choice.

79.   The state legislature and Governor DeSantis recognize CD20 as a protected district where Black voters can elect a candidate of choice as laid out by the Voting Rights Act and Florida state law on non-diminishment. Governor DeSantis did not object to CD20 or to the packing of Black voters in CD24, or the obvious racial boundary changes to CD26, CD27, CD28. Yet the state legislature made the exact same argument in favor of protecting CD5 in Northern Florida, but the Governor objected.

80.   The office of the Governor of Florida makes a *Gingles* 1 argument in criticizing both congressional maps passed by the State Legislature with respect to CD5, a previously African American performing district. [24] While the state legislature cited the same non-retrogression standards in passing two different versions of CD5 that maintained Black voters ability to elect candidates of choice, the office of the Governor argued that it is unconstitutional to propose a district that cannot meet the *Gingles* 1 threshold of 50.1% Black VAP. However, the Governor's

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[24] In Section 2 VRA cases, in order to decide whether a redistricting plan has the effect of discrimination, Courts utilize the "Gingles" three factor test from the case *Thornburg v. Gingles*, 478 U.S. 30 (1986). The first factor, *Gingles* 1, requires the minority group in question "is sufficiently large and geographically compact to constitute the majority of a district." *Id.* at 50.

argument is misleading because he did not apply this same *Gingles* 1 standard to multiple other

districts that elect Black candidates of choice in maps adopted by the State Legislature. Rather,

the Governor accepted, without comment or interference, the application of the non-regression

standard of the Fair Districts Amendment in the legislative maps.

81.   The most egregious example is the fact that the Governor did not object to the State

Senate map in Jacksonville, which relied on the non-retrogression standard to draw Senate

District 5 in Duval County, keeping Jacksonville whole on both sides of the river in creating a

41% Black VAP district that performed to elect Black candidates of choice. This map was

submitted to the Florida Supreme Court, and any interested parties were allowed to file

comments in support or opposition to the State Senate map. The Governor did not oppose the

State Senate map, and ultimately the Secretary of State of Florida implemented this map without

objection in the 2022 elections. Senate District 5 also creates the appearance of a so-called

"donut district" in that Senate District 4 wraps around SD5 (*see* Figure B8 in **Appendix B**). This

district was expressly approved by the State Supreme Court as complying with the non-

diminishment standard. In contrast, Governor DeSantis rejected the HC8019 because he first

claimed it was below 50.1% Black VAP and second, the surrounding donut district was oddly

shaped. The State Senate map to which Governor DeSantis did not object to and implemented in

the 2022 election, creates essentially the same Black district in Duval County that he rejected at

the Congressional level. The Congressional District that was vetoed had a BVAP of 35%, which

is greater than other State Legislative districts implementing the non-diminishment standard to

which the Governor did not object, and that was approved by the Florida Supreme Court, e.g.,

SD 16, and HDs 21, 117. Inconsistently, the Governor's veto message rejected CD5 in HC8019

because it "appears to have diminished the ability of [B]lack voters to elect a candidate of their

choice" [veto message] compared with CD5 in HC8015 which he rejected because it more

clearly assures Black voters of their ability to elect a candidate of choice and is therefore – in the

Governor's personal opinion – unconstitutional.

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82.   Likewise, State Senate District 16 was accepted and implemented by the state of Florida for the express purpose of not retrogressing Black voters' ability to elect a candidate of choice. Yet, SD16 has only 33% Black VAP and creates a district that connects non-contiguous Black communities in St. Petersburg and Tampa. In fact, the district is not contiguous or driveable at all as it is separated by Tampa Bay with no bridges (*see* Figure B9 in **Appendix B**). This district does not meet *Gingles 1* but was still advanced as a Black voting rights district that was not opposed by Governor DeSantis. Precisely, such districts are lawful in Florida in order to not retrogress minority voting strength and should be maintained.

83.   Examining the map enacted for Florida State House reveals similar districts drawn to maintain Black voting strength that fall below the 50.1% *Gingles* 1 threshold, and traces racial boundaries to ensure the districts perform for Black candidates of choice. For example, State House District 21 has only 29% Black VAP, splits counties and cities, and follows racial boundaries in Gainesville and Ocala (*see* Figure B10 in **Appendix B**). Governor DeSantis did not object to this district, which was implemented in 2022.

84.   State House District 62 was described as a Black non-retrogression district but is only 39% Black VAP and splits cities (*see* Figure B11 in **Appendix B**). Similar to Senate district 16, House District 62 splits St. Petersburg and Tampa to join geographically disconnected Black communities across Tampa Bay from each other and is non-contiguous. Governor DeSantis did not object to this district, which was implemented in 2022.

85.   In South Florida, State House District 117 is only 29% Black VAP and connects two non-adjacent Black communities in West Perrine and Florida City in a long and non-compact district that also traces racial boundaries for the purpose of maintaining an existing Black performing district (*see* Figure B12 in **Appendix B**). Governor DeSantis did not object to this district, which was implemented in 2022.

86.   It is clear that the Office of the Governor for the state of Florida is inconsistent and hypocritical in its supposed reasoning for vetoing the adopted Congressional maps. The exact same standards that they opposed in the Congressional map were in plain sight on the State Senate and State House maps, which Governor DeSantis did not object to and implemented. Moreover, in South Florida, the Congressional maps use similar race-based line drawing standards to maintain Black and Hispanic congressional districts, yet they were not scrutinized by the Governor, instead he welcomed the use of racial boundaries for Congressional districts.

87.   The findings and conclusions in this report are based upon information that has been made available to us or known by us to date. We reserve the right to modify, update or supplement the report and analysis as additional information is made available to us.

88.   We declare under penalty of perjury that the foregoing is true and correct according to the best of our knowledge, information, and belief.

_____
Matthew A. Barreto, Ph.D.
Agoura Hills, CA
April 3, 2023

_____
Kassra A.R. Oskooii, Ph.D.
Wilmington, DE
April 3, 2023

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Appendix A

Table A1: FLCD2016 Benchmark Demographic and Political Data Statistics by Congressional Districts

2016 Benchmark Districts	Total Pop	Partisan Lean (Composite Score)			2020 Congressional Election		Total VAP	2020 Voting Age Population							Total CVAP	2020 (ACS 5-Year) Citizen Voting Age Population Estimates						
		Democrat	Republican	Other	Winner	% Votes		White	Minority	Hispanic	Black	Asian	Native	Pacific		White	Minority	Hispanic	Black	Asian	Native	Pacific
1	807881	29.6%	68.1%	2.3%	(R) Gaetz	64.6%	636380	72.7%	27.3%	6.6%	13.2%	4.1%	3.2%	0.4%	599997	76.5%	23.5%	5.2%	13.4%	2.9%	1.5%	0.10%
2	727856	31.8%	66.7%	1.6%	(R) Dunn	97.9%	588566	75.9%	24.2%	6.7%	12.4%	2.4%	2.5%	0.2%	566961	79.4%	20.6%	4.9%	12.9%	1.5%	1.1%	0.08%
3	766133	41.5%	56.7%	1.8%	(R) Cammack	57.1%	609560	66.9%	33.1%	10.3%	16.1%	4.7%	2.1%	0.2%	570100	71.4%	28.6%	8.4%	16.3%	2.9%	0.9%	0.04%
4	871884	35.2%	62.8%	1.9%	(R) Rutherford	61.1%	691279	72.7%	27.3%	8.8%	10.4%	6.0%	1.9%	0.3%	616171	78.0%	22.0%	7.2%	9.7%	4.2%	0.7%	0.06%
5	748910	61.7%	36.7%	1.6%	(D) Lawson	65.1%	580527	40.2%	59.8%	9.1%	46.2%	3.5%	1.8%	0.2%	547437	43.8%	56.2%	6.2%	46.7%	2.3%	0.8%	0.06%
6	796254	40.5%	57.6%	1.9%	(R) Waltz	60.6%	658454	73.5%	26.5%	12.1%	10.1%	2.4%	2.0%	0.2%	623290	76.9%	23.1%	10.9%	9.8%	1.6%	0.7%	0.06%
7	788518	51.8%	45.4%	2.7%	(D) Murphy	55.3%	634763	56.1%	43.9%	24.7%	12.2%	6.4%	1.9%	0.2%	583879	61.9%	38.1%	22.8%	10.4%	4.1%	0.6%	0.05%
8	783753	39.1%	58.7%	2.2%	(R) Posey	61.4%	645163	74.6%	25.4%	10.4%	9.7%	3.2%	2.0%	0.2%	606244	78.9%	21.1%	8.9%	9.1%	2.2%	0.7%	0.07%
9	955602	52.9%	45.2%	1.9%	(D) Soto	56.0%	737088	40.4%	59.6%	41.5%	14.3%	4.2%	2.0%	0.3%	619261	46.5%	53.5%	37.8%	12.1%	2.8%	0.6%	0.09%
10	873804	60.9%	37.3%	1.8%	(D) Demings	63.6%	669945	36.0%	64.0%	29.0%	26.7%	6.5%	1.7%	0.3%	549892	41.7%	58.3%	25.1%	27.0%	5.3%	0.6%	0.06%
11	820835	33.1%	65.1%	1.8%	(R) Webster	66.7%	694239	78.8%	21.2%	10.1%	7.2%	1.9%	1.9%	0.2%	651828	82.4%	17.6%	8.8%	6.6%	1.2%	0.8%	0.03%
12	807137	40.2%	57.5%	2.4%	(R) Bilirakis	62.9%	653760	76.2%	23.8%	12.5%	5.8%	3.6%	1.9%	0.2%	608036	80.9%	19.1%	10.9%	5.0%	2.4%	0.7%	0.08%
13	727465	50.7%	47.0%	2.4%	(D) Crist	53.0%	614181	71.8%	28.2%	9.8%	11.9%	4.5%	1.9%	0.2%	584268	76.2%	23.8%	7.9%	11.8%	3.3%	0.7%	0.07%
14	787447	56.3%	41.7%	2.0%	(D) Castor	60.3%	626311	45.2%	54.8%	30.2%	17.9%	6.6%	1.6%	0.2%	558264	51.2%	48.8%	26.5%	17.5%	4.0%	0.6%	0.07%
15	819853	43.8%	54.0%	2.2%	(R) Franklin	55.4%	639081	56.8%	43.3%	22.7%	15.4%	4.0%	2.2%	0.2%	582807	63.4%	36.6%	18.9%	14.2%	2.6%	0.7%	0.05%
16	884047	43.7%	54.4%	2.0%	(R) Buchanan	55.5%	715022	70.2%	29.8%	15.9%	9.3%	3.0%	1.7%	0.2%	639840	77.3%	22.7%	11.4%	8.6%	2.0%	0.5%	0.04%
17	779955	35.4%	63.0%	1.6%	(R) Steube	64.6%	650151	76.2%	23.8%	13.3%	7.2%	1.7%	1.7%	0.1%	619836	80.1%	20.0%	10.9%	6.8%	1.3%	0.7%	0.07%
18	794724	45.5%	53.2%	1.3%	(R) Mast	56.3%	649064	67.1%	32.9%	15.6%	13.0%	2.9%	1.6%	0.2%	593378	73.8%	26.2%	12.3%	11.4%	1.8%	0.5%	0.04%
19	835012	36.6%	62.0%	1.3%	(R) Donalds	61.3%	700605	71.6%	28.4%	18.1%	6.8%	2.1%	1.3%	0.1%	630885	78.4%	21.6%	12.9%	6.5%	1.7%	0.4%	0.02%
20	776283	79.8%	19.3%	0.9%	(D) Hastings	78.7%	593894	18.0%	82.0%	26.8%	52.4%	3.7%	1.2%	0.2%	502281	22.8%	77.2%	20.5%	53.0%	2.8%	0.4%	0.04%
21	788007	58.6%	40.2%	1.2%	(D) Frankel	59.0%	643275	57.5%	42.6%	22.6%	15.0%	3.5%	1.4%	0.2%	547387	65.6%	34.4%	17.4%	13.5%	2.8%	0.5%	0.07%
22	785756	57.4%	41.5%	1.2%	(D) Deutch	58.6%	645611	56.1%	43.9%	21.4%	15.2%	4.3%	1.1%	0.2%	540907	64.9%	35.1%	17.9%	13.7%	2.9%	0.4%	0.04%
23	769356	60.7%	38.1%	1.3%	(D) W. Schultz	58.2%	613268	39.1%	60.9%	39.7%	15.2%	5.5%	1.1%	0.2%	517171	44.5%	55.5%	36.4%	14.2%	4.1%	0.5%	0.07%
24	742542	80.7%	18.4%	0.8%	(D) Wilson	75.6%	587681	11.7%	88.3%	44.9%	43.6%	2.1%	1.1%	0.1%	453993	12.9%	87.1%	36.4%	48.9%	1.3%	0.3%	0.07%
25	771434	40.9%	57.8%	1.3%	(R) Diaz-Balart	Uncontested	623579	19.9%	80.1%	74.4%	4.9%	1.6%	0.9%	0.1%	451478	25.6%	74.4%	69.3%	3.7%	1.0%	0.2%	0.01%
26	787914	51.5%	47.2%	1.3%	(R) Gimenez	51.7%	623565	15.2%	84.9%	72.4%	11.3%	2.2%	1.1%	0.1%	476268	20.3%	79.7%	66.3%	11.2%	1.8%	0.2%	0.02%
27	739825	53.8%	45.0%	1.2%	(R) Salazar	51.4%	614220	21.4%	78.6%	70.4%	6.0%	2.7%	0.9%	0.1%	455019	24.2%	75.8%	68.3%	5.1%	2.0%	0.2%	0.01%
Summary	797709	47.5%	50.7%	1.7%	16 Republicans, 11 Democrats		642194	54.7%	45.4%	25.0%	15.5%	3.7%	1.7%	0.2%	566511	61.2%	38.8%	20.4%	15.0%	2.6%	0.6%	0.1%

Table A2: FLCD2022 Adopted Demographic and Political Data Statistics by Congressional Districts

2022 Enacted Districts	Total Pop	Partisan Lean (Composite Score)			2022 Congressional Election		2020 Voting Age Population								2020 (ACS 5-Year) Citizen Voting Age Population Estimates							
		Democrat	Republican	Other	Winner	% Votes	Total VAP	White	Minority	Hispanic	Black	Asian	Native	Pacific	Total CVAP	White	Minority	Hispanic	Black	Asian	Native	Pacific
1	769221	30.0%	67.6%	2.4%	(R) Gaetz	67.9%	605557	72.2%	27.8%	6.7%	13.5%	4.2%	3.2%	0.4%	570531	76.0%	24.0%	5.3%	13.7%	3.0%	1.4%	0.10%
2	769221	43.8%	54.5%	1.6%	(R) Dunn	59.8%	619356	65.5%	34.5%	6.4%	23.1%	2.8%	2.3%	0.2%	605145	68.4%	31.6%	4.7%	23.8%	1.7%	1.2%	0.07%
3	769221	42.1%	56.3%	1.6%	(R) Cammack	62.5%	624295	67.7%	32.3%	10.6%	15.9%	3.9%	2.0%	0.2%	581403	71.8%	28.2%	8.3%	16.7%	2.2%	0.9%	0.04%
4	769221	44.0%	54.3%	1.7%	(R) Bean	60.5%	590934	55.3%	44.7%	7.8%	31.7%	3.6%	2.2%	0.3%	550308	59.4%	40.6%	6.2%	30.5%	2.8%	0.9%	0.05%
5	769221	37.7%	60.3%	2.0%	(R) Rutherford	Uncontested	606741	67.5%	32.5%	10.9%	12.8%	7.0%	1.8%	0.3%	534015	73.5%	26.5%	8.4%	12.5%	4.6%	0.6%	0.07%
6	769221	37.4%	60.9%	1.7%	(R) Waltz	75.3%	634516	74.8%	25.2%	9.8%	11.2%	2.1%	2.1%	0.2%	595646	78.3%	21.7%	8.0%	11.5%	1.4%	0.8%	0.06%
7	769221	44.8%	52.6%	2.5%	(R) Mills	58.5%	616306	64.6%	35.4%	19.0%	10.5%	4.7%	2.0%	0.2%	584081	69.4%	30.6%	17.7%	9.1%	3.0%	0.6%	0.04%
8	769221	39.0%	58.8%	2.2%	(R) Posey	64.9%	633719	74.9%	25.1%	10.1%	9.7%	3.2%	2.0%	0.2%	595913	79.2%	20.8%	8.7%	9.0%	2.2%	0.7%	0.08%
9	769221	58.8%	39.2%	2.0%	(D) Soto	56.0%	593636	32.3%	67.7%	50.0%	13.0%	5.2%	1.9%	0.3%	477735	37.5%	62.5%	47.9%	9.9%	3.8%	0.5%	0.12%
10	769221	63.9%	33.9%	2.2%	(D) Frost	59.0%	610303	38.5%	61.5%	28.6%	26.0%	6.1%	1.8%	0.3%	532149	44.5%	55.5%	25.3%	24.8%	4.5%	0.6%	0.08%
11	769221	41.5%	56.9%	1.6%	(R) Webster	63.1%	618709	63.3%	36.7%	17.1%	12.8%	4.6%	1.8%	0.2%	539036	69.3%	30.8%	14.5%	11.8%	3.6%	0.7%	0.02%
12	769221	35.3%	62.3%	2.4%	(R) Bilirakis	70.4%	626932	78.3%	21.7%	11.7%	5.3%	2.5%	2.1%	0.2%	583070	82.5%	17.5%	10.4%	4.5%	1.6%	0.8%	0.08%
13	769221	45.2%	52.5%	2.4%	(R) Luna	53.1%	650487	77.2%	22.8%	9.6%	7.1%	4.1%	1.8%	0.2%	617937	81.8%	18.2%	7.5%	6.8%	3.1%	0.6%	0.07%
14	769221	58.4%	39.6%	2.1%	(D) Castor	56.9%	620281	49.4%	50.6%	26.0%	19.1%	5.0%	1.6%	0.2%	562338	54.8%	45.2%	22.1%	19.1%	3.2%	0.6%	0.07%
15	769221	46.6%	51.2%	2.2%	(R) Lee	58.5%	599800	54.9%	45.1%	22.7%	15.4%	6.0%	2.1%	0.2%	547761	61.9%	38.1%	19.6%	14.1%	3.7%	0.6%	0.04%
16	769221	42.7%	55.2%	2.1%	(R) Buchanan	62.1%	607353	64.5%	35.5%	18.7%	12.0%	3.6%	1.9%	0.2%	545528	71.2%	28.8%	14.4%	11.4%	2.2%	0.6%	0.06%
17	769221	40.8%	57.5%	1.7%	(R) Steube	63.8%	654821	79.1%	20.9%	11.5%	5.6%	2.0%	1.5%	0.1%	613887	83.8%	16.2%	8.8%	5.4%	1.4%	0.6%	0.04%
18	769221	37.7%	60.6%	1.7%	(R) Franklin	74.7%	603562	59.8%	40.2%	23.7%	13.2%	2.0%	2.1%	0.2%	555723	66.5%	33.5%	18.5%	12.6%	1.4%	0.8%	0.05%
19	769221	36.1%	62.5%	1.4%	(R) Donalds	68.0%	650465	74.1%	25.9%	16.2%	6.1%	2.2%	1.3%	0.1%	587637	80.7%	19.3%	11.5%	5.7%	1.7%	0.4%	0.02%
20	769221	77.9%	21.2%	1.0%	(D) McCormick	72.3%	595408	23.5%	76.5%	23.0%	50.1%	3.4%	1.2%	0.2%	490821	27.9%	72.1%	18.3%	50.3%	2.6%	0.5%	0.03%
21	769221	45.0%	53.8%	1.3%	(D) Mast	63.5%	629736	68.1%	31.9%	15.1%	12.5%	2.8%	1.6%	0.2%	578128	74.7%	25.3%	11.9%	11.1%	1.8%	0.5%	0.04%
22	769220	58.9%	39.9%	1.2%	(D) Frankel	55.1%	625981	55.3%	44.7%	24.7%	15.9%	3.4%	1.5%	0.2%	532278	63.9%	36.1%	18.5%	14.3%	2.6%	0.5%	0.07%
23	769221	56.5%	42.3%	1.2%	(D) Moskowitz	51.6%	632647	58.4%	41.6%	20.5%	13.2%	4.4%	1.1%	0.2%	536316	67.0%	33.0%	17.5%	11.7%	3.2%	0.4%	0.04%
24	769221	79.0%	20.2%	0.9%	(D) Wilson	71.8%	611792	18.2%	81.8%	38.5%	42.2%	2.2%	0.9%	0.1%	483698	18.5%	81.5%	32.3%	47.2%	1.4%	0.3%	0.06%
25	769221	62.0%	36.8%	1.3%	(D) W Schultz	55.1%	607264	34.4%	65.7%	42.3%	17.5%	6.0%	1.3%	0.2%	517166	40.5%	59.5%	37.2%	16.9%	4.4%	0.4%	0.08%
26	769221	43.9%	54.9%	1.3%	(R) Diaz-Balart	70.9%	623498	19.7%	80.3%	73.2%	6.9%	1.5%	0.9%	0.1%	446784	24.6%	75.4%	68.1%	6.0%	1.1%	0.2%	0.01%
27	769221	52.4%	46.5%	1.2%	(R) Salazar	57.3%	636002	16.9%	83.1%	74.2%	7.1%	2.6%	0.9%	0.1%	467146	20.1%	79.9%	71.0%	6.6%	2.0%	0.2%	0.01%
28	769221	51.0%	47.6%	1.4%	(R) Gimenez	63.7%	609131	15.2%	84.8%	73.4%	10.3%	2.2%	1.2%	0.1%	464696	20.3%	79.7%	67.8%	9.8%	1.7%	0.2%	0.02%
Summary	769219	47.5%	50.7%	1.7%	19 Republicans, 9 Democrats		619258	54.7%	45.4%	25.0%	15.5%	3.7%	1.7%	0.2%	546317	61.2%	38.8%	20.4%	15.0%	2.6%	0.6%	0.1%

Table A3: SC8060 Plan Demographic and Political Data Statistics by Congressional Districts

SC8060 Districts	Total Pop	Partisan Lean (Composite Score)			2020 Voting Age Population								2020 (ACS 5-Year) Citizen Voting Age Population Estimates							
		Democrat	Republican	Other	Total VAP	White	Minority	Hispanic	Black	Asian	Native	Pacific	Total CVAP	White	Minority	Hispanic	Black	Asian	Native	Pacific
1	769221	30.0%	67.6%	2.4%	605559	72.15%	27.85%	6.69%	13.55%	4.24%	3.18%	0.38%	570935	76.04%	23.96%	5.29%	13.70%	3.03%	1.44%	0.10%
2	769221	32.3%	66.1%	1.5%	618732	75.47%	24.53%	6.21%	13.32%	2.28%	2.55%	0.19%	599283	78.95%	21.05%	4.54%	13.56%	1.47%	1.27%	0.07%
3	769221	41.6%	56.6%	1.8%	612746	66.76%	33.24%	10.45%	16.08%	4.72%	2.13%	0.21%	571026	71.47%	28.53%	8.40%	16.21%	2.87%	0.85%	0.04%
4	769221	35.3%	62.7%	2.0%	608885	71.32%	28.68%	9.27%	10.79%	6.65%	1.84%	0.27%	534576	77.10%	22.90%	7.48%	9.96%	4.39%	0.68%	0.06%
5	769221	59.3%	39.2%	1.5%	599323	42.86%	57.14%	9.04%	43.73%	3.41%	1.84%	0.21%	562776	45.95%	54.05%	6.15%	44.61%	2.33%	0.77%	0.06%
6	769221	40.3%	57.8%	1.9%	636146	74.86%	25.14%	11.04%	9.70%	2.41%	1.98%	0.16%	608743	78.27%	21.73%	9.91%	9.35%	1.71%	0.64%	0.02%
7	769221	50.9%	46.4%	2.7%	616250	55.44%	44.56%	25.39%	12.32%	6.26%	1.89%	0.23%	566792	60.97%	39.03%	23.65%	10.56%	3.99%	0.54%	0.09%
8	769221	39.1%	58.7%	2.3%	633688	74.71%	25.29%	10.30%	9.58%	3.24%	2.02%	0.22%	596301	79.14%	20.86%	8.74%	8.95%	2.24%	0.66%	0.08%
9	769221	59.3%	38.7%	2.1%	590784	31.66%	68.34%	50.24%	12.81%	5.92%	1.87%	0.31%	476006	37.26%	62.74%	47.64%	9.81%	4.34%	0.43%	0.12%
10	769221	59.9%	38.2%	1.9%	592086	40.11%	59.89%	23.38%	28.33%	6.06%	1.71%	0.27%	501148	45.69%	54.31%	20.14%	28.45%	4.79%	0.62%	0.01%
11	769221	34.0%	64.4%	1.7%	650206	76.62%	23.38%	10.59%	8.61%	2.17%	1.87%	0.16%	597229	80.61%	19.39%	8.90%	7.97%	1.58%	0.75%	0.06%
12	769221	38.0%	59.7%	2.4%	617279	74.34%	25.66%	14.04%	6.55%	3.09%	2.11%	0.17%	572148	79.10%	20.90%	12.62%	5.42%	1.93%	0.70%	0.09%
13	769221	49.6%	48.1%	2.4%	650583	74.09%	25.91%	9.05%	10.72%	4.11%	1.80%	0.18%	620587	78.31%	21.69%	7.15%	10.69%	3.07%	0.62%	0.06%
14	769220	50.4%	47.5%	2.1%	623401	55.90%	44.10%	26.93%	11.13%	5.36%	1.63%	0.18%	567203	62.02%	37.98%	23.23%	10.44%	3.55%	0.56%	0.07%
15	769221	51.9%	45.9%	2.2%	585717	46.71%	53.29%	24.65%	21.98%	6.30%	2.10%	0.24%	523369	53.34%	46.66%	21.07%	21.02%	3.58%	0.69%	0.05%
16	769221	42.9%	55.3%	1.9%	639143	74.68%	25.32%	13.73%	7.23%	2.63%	1.58%	0.13%	581580	81.06%	18.94%	9.49%	7.11%	1.70%	0.51%	0.04%
17	769221	36.9%	61.6%	1.5%	633379	71.06%	28.94%	16.71%	9.02%	1.59%	1.70%	0.12%	598495	75.85%	24.15%	13.40%	8.62%	1.21%	0.73%	0.05%
18	769221	44.7%	54.0%	1.3%	628718	68.59%	31.41%	14.87%	12.22%	2.78%	1.57%	0.16%	577366	74.87%	25.13%	11.76%	10.98%	1.76%	0.49%	0.05%
19	769221	35.1%	63.5%	1.4%	658909	76.93%	23.07%	15.06%	4.37%	2.20%	1.19%	0.11%	593290	83.52%	16.48%	10.44%	3.90%	1.68%	0.40%	0.01%
20	769221	77.6%	21.5%	1.0%	599373	24.47%	75.53%	22.15%	50.04%	3.31%	1.15%	0.21%	496747	29.05%	70.95%	17.85%	49.73%	2.48%	0.48%	0.03%
21	769221	59.3%	39.5%	1.2%	623193	54.04%	45.96%	25.39%	16.53%	3.30%	1.56%	0.16%	526014	62.80%	37.20%	18.84%	15.04%	2.54%	0.47%	0.07%
22	769221	56.3%	42.5%	1.2%	632682	58.86%	41.14%	20.40%	12.74%	4.49%	1.06%	0.15%	538003	67.34%	32.66%	17.42%	11.35%	3.21%	0.37%	0.04%
23	769221	61.7%	37.0%	1.3%	607373	34.97%	65.03%	42.18%	16.90%	6.08%	1.25%	0.18%	516167	41.23%	58.77%	37.26%	16.12%	4.41%	0.44%	0.08%
24	769221	78.8%	20.3%	0.9%	613497	18.86%	81.14%	38.31%	41.47%	2.30%	0.92%	0.13%	484894	19.08%	80.92%	32.51%	46.38%	1.43%	0.32%	0.06%
25	769221	45.6%	53.2%	1.2%	615294	15.34%	84.66%	76.34%	8.45%	1.41%	0.97%	0.08%	441536	19.65%	80.35%	70.81%	8.15%	0.97%	0.28%	0.01%
26	769221	51.0%	47.6%	1.4%	609129	15.23%	84.77%	73.35%	10.32%	2.23%	1.15%	0.10%	464680	20.29%	79.71%	67.81%	9.83%	1.73%	0.17%	0.02%
27	769221	52.4%	46.5%	1.2%	636004	16.88%	83.12%	74.18%	7.07%	2.62%	0.86%	0.09%	467161	20.09%	79.91%	70.96%	6.56%	2.01%	0.19%	0.01%
28	769221	41.7%	56.4%	1.9%	601153	58.49%	41.51%	23.18%	14.78%	2.43%	2.15%	0.18%	542821	65.22%	34.78%	18.48%	13.71%	1.76%	0.69%	0.06%
Summary	769219	47.5%	50.7%	1.7%	619258	54.65%	45.35%	24.99%	15.54%	3.68%	1.70%	0.18%	546317	61.20%	38.80%	20.41%	14.98%	2.55%	0.61%	0.05%

Table A4: HC8015 Plan Demographic and Political Data Statistics by Congressional Districts

HC8015 Districts	Total Pop	Partisan Lean (Composite Score)				Total VAP	2020 Voting Age Population							Total CVAP	2020 (ACS 5-Year) Citizen Voting Age Population Estimates						
		Democrat	Republican	Other			White	Minority	Hispanic	Black	Asian	Native	Pacific		White	Minority	Hispanic	Black	Asian	Native	Pacific
1	769221	30.0%	67.6%	2.4%		605557	72.16%	27.84%	6.69%	13.54%	4.24%	3.18%	0.38%	570531	76.01%	23.99%	5.31%	13.72%	3.04%	1.44%	0.10%
2	769221	33.4%	65.0%	1.6%		618534	74.06%	25.94%	6.32%	14.53%	2.43%	2.53%	0.19%	598339	77.61%	22.39%	4.65%	14.82%	1.45%	1.28%	0.07%
3	769221	41.6%	56.6%	1.8%		612356	66.71%	33.29%	10.49%	16.11%	4.72%	2.12%	0.22%	571553	71.34%	28.66%	8.46%	16.25%	2.89%	0.85%	0.04%
4	769221	35.1%	63.0%	1.9%		607965	72.53%	27.47%	8.94%	10.24%	6.26%	1.85%	0.27%	540918	78.06%	21.94%	7.32%	9.29%	4.27%	0.67%	0.07%
5	769221	58.6%	39.9%	1.6%		596074	42.54%	57.46%	9.24%	43.48%	3.76%	1.86%	0.22%	557560	46.00%	54.00%	6.24%	44.28%	2.53%	0.76%	0.06%
6	769221	38.8%	59.4%	1.9%		638003	75.48%	24.52%	9.76%	10.23%	2.37%	2.00%	0.15%	601724	78.93%	21.07%	8.23%	10.36%	1.58%	0.76%	0.06%
7	769221	46.9%	50.5%	2.6%		618936	61.03%	38.97%	21.14%	11.42%	5.40%	1.94%	0.21%	577417	66.76%	33.24%	19.73%	9.42%	3.32%	0.51%	0.04%
8	769221	39.0%	58.7%	2.2%		633917	74.95%	25.05%	10.00%	9.69%	3.17%	2.01%	0.21%	596683	79.22%	20.78%	8.64%	9.03%	2.15%	0.70%	0.08%
9	769221	59.1%	38.8%	2.1%		589255	31.28%	68.72%	50.84%	13.13%	5.68%	1.93%	0.30%	487924	36.58%	63.42%	48.11%	10.30%	4.07%	0.43%	0.13%
10	769221	60.9%	37.2%	1.9%		598880	40.26%	59.74%	24.60%	28.80%	5.06%	1.80%	0.27%	520723	45.71%	54.29%	21.25%	28.07%	4.03%	0.70%	0.02%
11	769221	38.5%	59.9%	1.6%		640420	69.14%	30.86%	15.88%	8.35%	4.22%	1.67%	0.19%	553185	75.06%	24.94%	13.29%	7.61%	3.18%	0.60%	0.06%
12	769221	37.7%	59.9%	2.4%		632295	80.07%	19.93%	10.60%	4.53%	2.63%	2.02%	0.16%	589464	84.17%	15.83%	9.21%	3.97%	1.75%	0.68%	0.08%
13	769221	50.3%	47.3%	2.4%		649755	72.35%	27.65%	9.77%	11.46%	4.43%	1.83%	0.18%	617828	76.61%	23.39%	7.88%	11.44%	3.26%	0.65%	0.07%
14	769221	53.1%	44.7%	2.1%		595724	48.56%	51.44%	26.06%	20.26%	4.84%	1.99%	0.22%	543077	54.19%	45.81%	22.56%	19.38%	2.93%	0.68%	0.07%
15	769221	48.2%	49.6%	2.2%		605567	52.67%	47.33%	26.65%	13.09%	6.90%	1.77%	0.21%	542446	60.01%	39.99%	23.49%	11.53%	4.16%	0.60%	0.05%
16	769221	41.2%	56.9%	1.9%		599690	58.38%	41.62%	23.21%	14.94%	2.34%	2.17%	0.18%	543657	65.25%	34.75%	18.10%	14.15%	1.71%	0.65%	0.06%
17	769221	43.0%	55.2%	1.9%		636680	73.79%	26.21%	14.29%	7.55%	2.66%	1.60%	0.13%	577703	80.47%	19.53%	9.86%	7.33%	1.70%	0.51%	0.04%
18	769221	36.1%	62.3%	1.5%		637796	73.31%	26.69%	15.79%	7.69%	1.56%	1.66%	0.12%	603290	77.84%	22.16%	12.81%	7.20%	1.25%	0.71%	0.05%
19	769221	35.9%	62.7%	1.4%		655897	74.99%	25.01%	15.79%	5.58%	2.21%	1.23%	0.12%	589781	81.70%	18.30%	10.83%	5.32%	1.66%	0.42%	0.01%
20	769221	77.9%	21.2%	1.0%		595408	23.54%	76.46%	22.98%	50.11%	3.37%	1.19%	0.21%	490821	27.93%	72.07%	18.30%	50.30%	2.56%	0.46%	0.03%
21	769221	45.0%	53.8%	1.3%		629736	68.09%	31.91%	15.14%	12.48%	2.80%	1.55%	0.16%	578128	74.67%	25.33%	11.92%	11.05%	1.76%	0.45%	0.04%
22	769220	58.9%	39.9%	1.2%		625981	55.32%	44.68%	24.65%	15.88%	3.35%	1.52%	0.15%	532278	63.87%	36.13%	18.47%	14.30%	2.56%	0.47%	0.07%
23	769221	56.5%	42.3%	1.2%		632647	58.41%	41.59%	20.51%	13.17%	4.43%	1.06%	0.15%	536316	66.96%	33.04%	17.49%	11.68%	3.19%	0.38%	0.04%
24	769221	79.0%	20.2%	0.9%		611792	18.23%	81.77%	38.46%	42.17%	2.22%	0.92%	0.13%	483698	18.54%	81.46%	32.30%	47.18%	1.40%	0.32%	0.06%
25	769221	62.0%	36.8%	1.3%		607264	34.35%	65.65%	42.26%	17.52%	6.02%	1.26%	0.18%	517166	40.50%	59.50%	37.23%	16.94%	4.38%	0.43%	0.08%
26	769221	44.3%	54.5%	1.2%		617970	17.34%	82.66%	75.41%	7.11%	1.50%	0.97%	0.08%	442825	21.88%	78.12%	70.39%	6.30%	0.98%	0.28%	0.01%
27	769221	52.4%	46.5%	1.2%		636002	16.88%	83.12%	74.18%	7.07%	2.62%	0.86%	0.09%	467146	20.09%	79.91%	70.96%	6.56%	2.01%	0.19%	0.01%
28	769221	51.0%	47.6%	1.4%		609131	15.23%	84.77%	73.35%	10.32%	2.23%	1.15%	0.10%	464696	20.29%	79.71%	67.81%	9.83%	1.73%	0.17%	0.02%
Summary	769219	47.5%	50.7%	1.7%		619258	54.65%	45.35%	24.99%	15.54%	3.68%	1.70%	0.18%	546317	61.20%	38.80%	20.41%	14.98%	2.55%	0.61%	0.05%

Table A5: HC8019 Plan Demographic and Political Data Statistics by Congressional Districts

HC8019 Districts	Total Pop	Partisan Lean (Composite Score)			Total VAP	2020 Voting Age Population							Total CVAP	2020 (ACS 5-Year) Citizen Voting Age Population Estimates						
		Democrat	Republican	Other		White	Minority	Hispanic	Black	Asian	Native	Pacific		White	Minority	Hispanic	Black	Asian	Native	Pacific
1	769221	30.0%	67.6%	2.4%	605557	72.16%	27.84%	6.69%	13.54%	4.24%	3.18%	0.38%	570531	76.01%	23.99%	5.31%	13.72%	3.04%	1.44%	0.10%
2	769221	43.8%	54.5%	1.6%	619356	65.48%	34.52%	6.42%	23.09%	2.78%	2.34%	0.18%	605145	68.43%	31.57%	4.66%	23.82%	1.68%	1.18%	0.07%
3	769221	41.4%	57.0%	1.6%	623606	68.61%	31.39%	9.97%	15.61%	3.88%	1.95%	0.16%	581272	72.70%	27.30%	7.65%	16.50%	2.19%	0.86%	0.04%
4	769221	31.1%	67.0%	1.9%	599181	75.97%	24.03%	7.96%	8.91%	4.92%	2.05%	0.27%	553913	80.47%	19.53%	6.88%	8.35%	3.26%	0.72%	0.05%
5	769221	52.9%	45.3%	1.8%	598494	46.99%	53.01%	10.75%	35.32%	5.75%	1.93%	0.27%	530410	51.60%	48.40%	7.74%	35.46%	4.13%	0.75%	0.08%
6	769221	38.3%	59.9%	1.8%	634932	75.00%	25.00%	9.69%	10.89%	2.20%	2.08%	0.16%	598551	78.48%	21.52%	8.05%	11.07%	1.49%	0.78%	0.06%
7	769221	46.9%	50.5%	2.6%	618936	61.03%	38.97%	21.14%	11.42%	5.40%	1.94%	0.21%	577417	66.76%	33.24%	19.73%	9.42%	3.32%	0.51%	0.04%
8	769221	39.0%	58.7%	2.2%	633917	74.95%	25.05%	10.00%	9.69%	3.17%	2.01%	0.21%	596683	79.22%	20.78%	8.64%	9.03%	2.15%	0.70%	0.08%
9	769221	59.1%	38.8%	2.1%	589255	31.28%	68.72%	50.84%	13.13%	5.68%	1.93%	0.30%	487924	36.58%	63.42%	48.11%	10.30%	4.07%	0.43%	0.13%
10	769221	60.9%	37.2%	1.9%	598880	40.26%	59.74%	24.60%	28.80%	5.06%	1.80%	0.27%	520723	45.71%	54.29%	21.25%	28.07%	4.03%	0.70%	0.02%
11	769221	38.4%	60.0%	1.7%	637783	68.90%	31.10%	15.87%	8.53%	4.29%	1.69%	0.20%	553987	74.94%	25.06%	13.29%	7.67%	3.19%	0.64%	0.05%
12	769221	37.7%	59.9%	2.4%	632295	80.07%	19.93%	10.60%	4.53%	2.63%	2.02%	0.16%	589464	84.17%	15.83%	9.21%	3.97%	1.75%	0.68%	0.08%
13	769221	50.3%	47.3%	2.4%	649755	72.35%	27.65%	9.77%	11.46%	4.43%	1.83%	0.18%	617828	76.61%	23.39%	7.88%	11.44%	3.26%	0.65%	0.07%
14	769221	53.1%	44.7%	2.1%	595724	48.56%	51.44%	26.06%	20.26%	4.84%	1.99%	0.22%	543077	54.19%	45.81%	22.56%	19.38%	2.93%	0.68%	0.07%
15	769221	48.2%	49.6%	2.2%	605567	52.67%	47.33%	26.65%	13.09%	6.90%	1.77%	0.21%	542446	60.01%	39.99%	23.49%	11.53%	4.16%	0.60%	0.05%
16	769221	41.2%	56.9%	1.9%	599690	58.38%	41.62%	23.21%	14.94%	2.34%	2.17%	0.18%	543657	65.25%	34.75%	18.10%	14.15%	1.71%	0.65%	0.06%
17	769221	43.0%	55.2%	1.9%	636680	73.79%	26.21%	14.29%	7.55%	2.66%	1.60%	0.13%	577703	80.47%	19.53%	9.86%	7.33%	1.70%	0.51%	0.04%
18	769221	36.1%	62.3%	1.5%	637796	73.31%	26.69%	15.79%	7.69%	1.56%	1.66%	0.12%	603290	77.84%	22.16%	12.81%	7.20%	1.25%	0.71%	0.05%
19	769221	35.9%	62.7%	1.4%	655897	74.99%	25.01%	15.79%	5.58%	2.21%	1.23%	0.12%	589781	81.70%	18.30%	10.83%	5.32%	1.66%	0.42%	0.01%
20	769221	77.9%	21.2%	1.0%	595408	23.54%	76.46%	22.98%	50.11%	3.37%	1.19%	0.21%	490821	27.93%	72.07%	18.30%	50.30%	2.56%	0.46%	0.03%
21	769221	45.0%	53.8%	1.3%	629736	68.09%	31.91%	15.14%	12.48%	2.80%	1.55%	0.16%	578128	74.67%	25.33%	11.92%	11.05%	1.76%	0.45%	0.04%
22	769220	58.9%	39.9%	1.2%	625981	55.32%	44.68%	24.65%	15.88%	3.35%	1.52%	0.15%	532278	63.87%	36.13%	18.47%	14.30%	2.56%	0.47%	0.07%
23	769221	56.5%	42.3%	1.2%	632647	58.41%	41.59%	20.51%	13.17%	4.43%	1.06%	0.15%	536316	66.96%	33.04%	17.49%	11.68%	3.19%	0.38%	0.04%
24	769221	79.0%	20.2%	0.9%	611792	18.23%	81.77%	38.46%	42.17%	2.22%	0.92%	0.13%	483698	18.54%	81.46%	32.30%	47.18%	1.40%	0.32%	0.06%
25	769221	62.0%	36.8%	1.3%	607264	34.35%	65.65%	42.26%	17.52%	6.02%	1.26%	0.18%	517166	40.50%	59.50%	37.23%	16.94%	4.38%	0.43%	0.08%
26	769221	44.3%	54.5%	1.2%	617970	17.34%	82.66%	75.41%	7.11%	1.50%	0.97%	0.08%	442825	21.88%	78.12%	70.39%	6.30%	0.98%	0.28%	0.01%
27	769221	52.4%	46.5%	1.2%	636002	16.88%	83.12%	74.18%	7.07%	2.62%	0.86%	0.09%	467146	20.09%	79.91%	70.96%	6.56%	2.01%	0.19%	0.01%
28	769221	51.0%	47.6%	1.4%	609131	15.23%	84.77%	73.35%	10.32%	2.23%	1.15%	0.10%	464696	20.29%	79.71%	67.81%	9.83%	1.73%	0.17%	0.02%
Summary	769219	47..53%	50.7%	1.7%	619258	54.65%	45.35%	24.99%	15.54%	3.68%	1.70%	0.18%	546317	61.20%	38.80%	20.41%	14.98%	2.55%	0.61%	0.05%

Table A6: SC8060 v. 2016 Benchmark Map 2020 General Election Registration Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-27,681	-1,159	-417	-822	-110	-170	-180	-172	-131
2	35,017	9,836	-1,089	8,566	-490	316	-258	1,005	-264
3	1,092	250	443	231	192	4	90	12	171
4	-80,075	-5,511	-2,349	-4,441	-848	-283	-813	-764	-682
5	12,411	-7,146	846	-6,382	328	-45	454	-691	121

Table A7: SC8060 v. 2016 Benchmark Map 2018 General Election Registration Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-24,005	-1,076	-278	-782	-80	-162	-115	-132	-93
2	27,636	8,731	-1,552	7,784	-676	281	-369	737	-440
3	983	262	333	222	165	10	54	29	110
4	-72,626	-4,490	-1,796	-3,686	-610	-221	-604	-584	-549
5	13,946	-6,877	1,187	-6,280	467	-17	496	-554	283

Table A8: HC8015 v. 2016 Benchmark Map 2020 General Election Registration Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-27,651	-1,175	-413	-825	-114	-173	-180	-180	-135
2	25,406	14,350	-1,158	12,307	-404	403	-371	1,703	-296
3	951	279	519	261	227	4	114	17	186
4	-73,400	-7,543	-2,792	-5,952	-1,043	-320	-801	-1,236	-910
5	12,804	-8,511	743	-7,785	133	-27	381	-699	288

Table A9: HC8015 v. 2016 Benchmark Map 2018 General Election Registration Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-24,026	-1,079	-284	-801	-85	-163	-118	-137	-101
2	22,808	13,422	-949	11,670	-383	367	-302	1,468	-206
3	1,247	304	417	272	198	12	81	37	135
4	-67,318	-6,255	-2,215	-5,004	-813	-276	-604	-970	-780
5	11,040	-8,697	485	-7,996	37	-15	299	-679	198

Table A10: HC8019 v. 2016 Benchmark Map 2020 General Election Registration Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-27,651	-1,175	-413	-825	-114	-173	-180	-180	-135
2	37,948	66,699	442	58,071	1,323	982	-840	7,729	82
3	-16,728	-6,954	-3,722	-3,092	-795	-779	-940	-3,090	-1,998
4	-52,788	-12,080	-3,141	-10,321	-1,939	43	-233	-1,748	-905
5	7,351	-53,060	5,832	-49,392	1,219	-199	2,118	-3,425	2,600

Table A11: HC8019 v. 2016 Benchmark Map 2018 General Election Registration Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-24,026	-1,079	-284	-801	-85	-163	-118	-137	-101
2	41,510	63,787	1,192	55,940	1,276	949	-386	7,001	390
3	-17,190	-5,577	-3,519	-2,176	-654	-612	-1,027	-2,785	-1,868
4	-45,486	-10,500	-2,248	-8,982	-1,480	-109	-80	-1,367	-620
5	-2,684	-52,962	4,044	-49,394	628	-189	1,574	-3,326	1,939

Table A12: SC8060 v. 2016 Benchmark Map 2020 General Election Turnout Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-21,146	-740	-267	-565	-80	-105	-135	-84	-70
2	27,712	7,360	-694	6,596	-328	213	-184	604	-166
3	792	204	210	192	94	3	48	13	62
4	-65,150	-4,302	-1,861	-3,603	-679	-199	-681	-489	-456
5	9,669	-5,092	738	-4,697	261	-24	379	-329	129

Table A13: SC8060 v. 2016 Benchmark Map 2018 General Election Turnout Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-14,841	-580	-127	-470	-38	-83	-66	-32	-32
2	19,604	6,085	-728	5,607	-394	161	-151	355	-179
3	646	177	89	154	32	7	22	14	26
4	-49,835	-3,153	-1,115	-2,745	-430	-114	-395	-301	-279
5	7,898	-4,606	790	-4,328	367	3	293	-205	182

Table A14: HC8015 v. 2016 Benchmark Map 2020 General Election Turnout Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-21,111	-745	-267	-569	-84	-108	-137	-87	-74
2	15,749	10,133	-661	9,050	-189	244	-268	904	-183
3	820	240	276	219	127	9	74	21	75
4	-57,288	-5,627	-1,983	-4,669	-770	-222	-648	-710	-519
5	11,178	-5,809	553	-5,494	92	22	313	-274	196

Table A15: HC8015 v. 2016 Benchmark Map 2018 General Election Turnout Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-14,862	-581	-135	-468	-43	-86	-71	-34	-37
2	11,583	8,686	-318	7,924	-81	185	-150	627	-46
3	1,078	208	124	177	46	11	44	25	42
4	-44,276	-4,184	-1,193	-3,548	-478	-160	-389	-463	-292
5	7,572	-5,505	235	-5,261	31	37	199	-216	62

Table A16: HC8019 v. 2016 Benchmark Map 2020 General Election Turnout Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-21,111	-745	-267	-569	-84	-108	-137	-87	-74
2	18,289	45,685	538	41,426	1,138	535	-633	3,831	103
3	-5,490	-4,640	-2,119	-2,188	-483	-634	-642	-1,835	-1,008
4	-42,818	-9,557	-2,536	-8,507	-1,604	64	-212	-1,066	-638
5	14,578	-34,704	4,217	-33,753	1,000	141	1,691	-1,006	1,629

Table A17: HC8019 v. 2016 Benchmark Map 2018 General Election Turnout Differences by Northern Florida CDs

CD	Total Difference	Black	Hispanic	Black Democrats	Hispanic Democrats	Black Republicans	Hispanic Republicans	Black NPA	Hispanic NPA
1	-14,862	-581	-135	-468	-43	-86	-71	-34	-37
2	23,939	40,376	993	36,961	1,023	471	-257	3,026	296
3	-3,531	-3,158	-1,426	-1,443	-315	-440	-555	-1,287	-568
4	-34,002	-7,638	-1,616	-6,715	-1,042	-60	-83	-829	-400
5	882	-32,397	2,164	-31,487	409	136	1,030	-952	811

Appendix B

Figure B1: Congressional District boundaries of the 2016 benchmark versus SC8060 map, Northern Florida
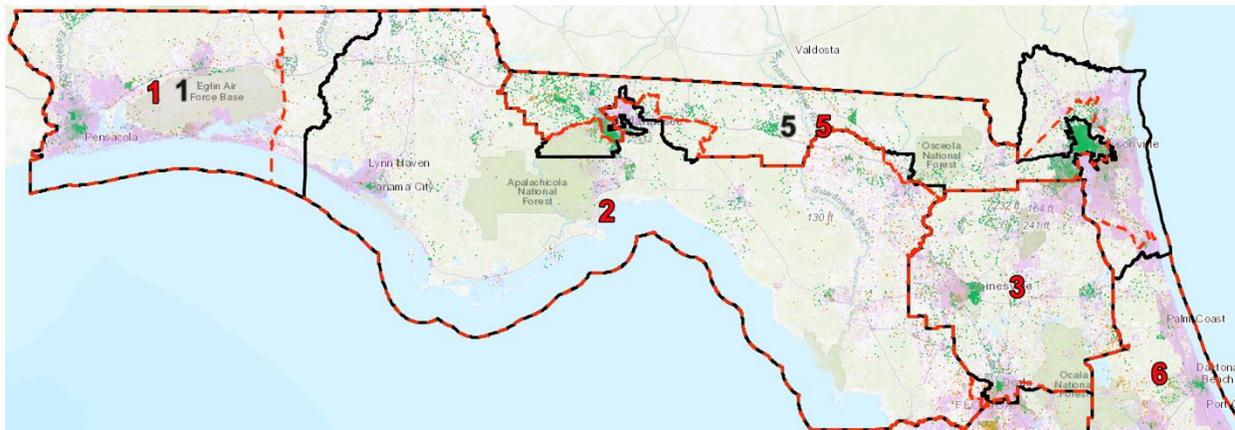
Figure B2: Congressional District boundaries of the 2016 benchmark versus HC8015 map, Northern Florida
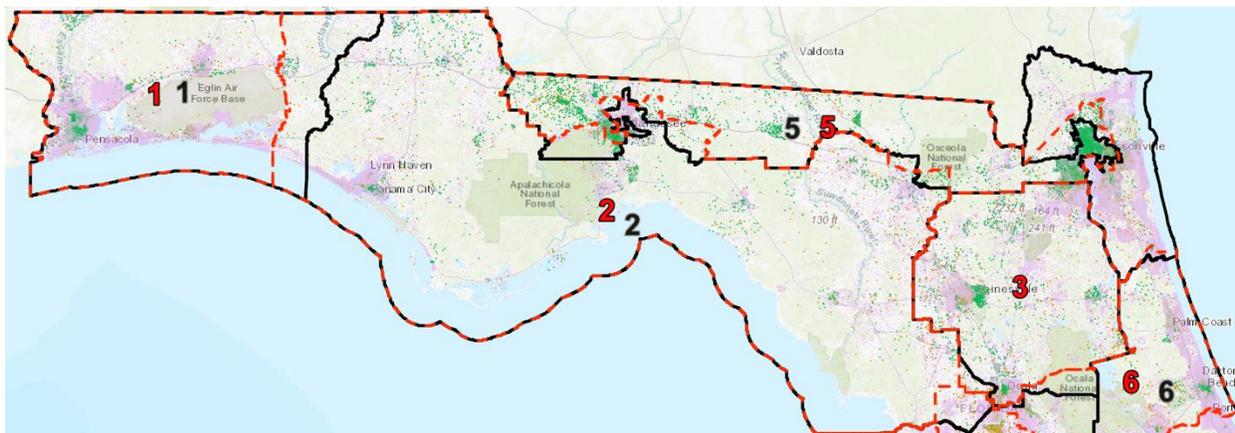
Figure B3: Congressional District boundaries of the 2016 benchmark versus HC8019 map, Northern Florida
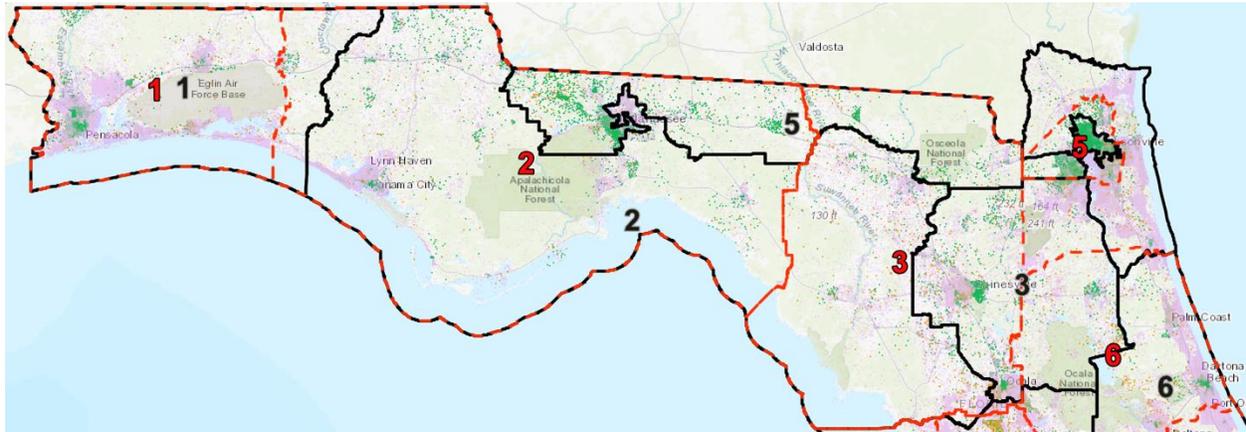
Figure B4: Congressional District 20 boundaries of the 2022 adopted map
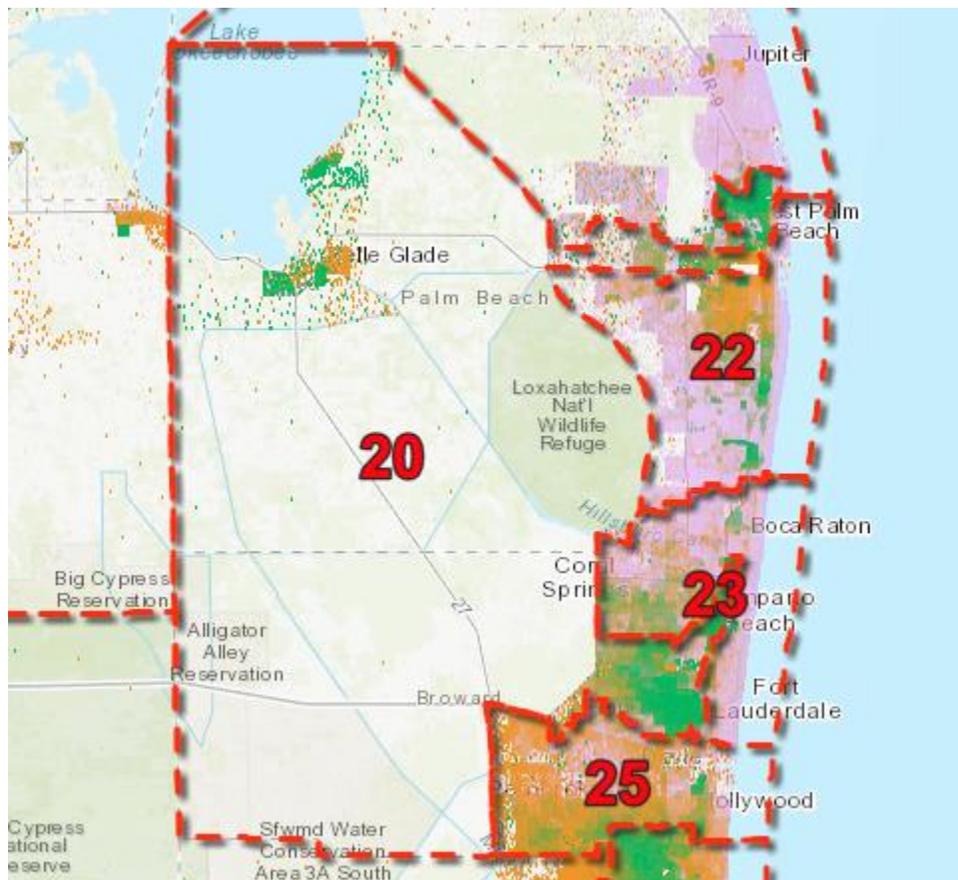
Figure B5: Congressional District 26 boundaries of the 2016 benchmark versus 2022 adopted map
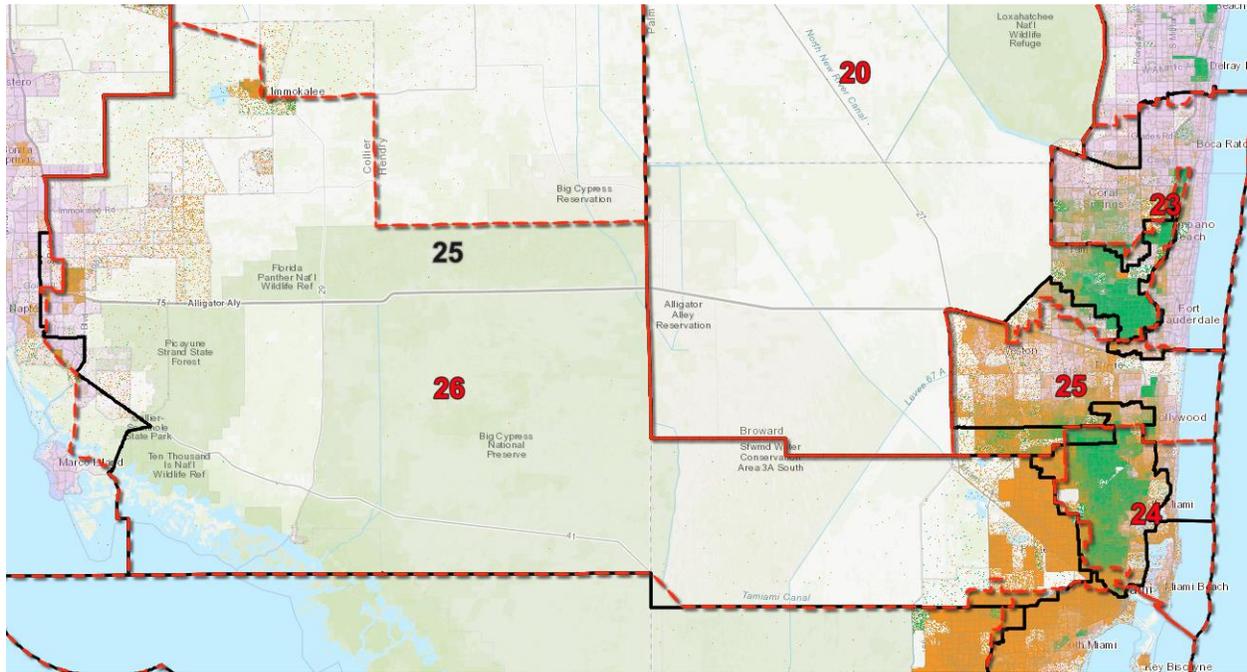
Figure B6: Congressional District 24 boundaries of the 2016 benchmark versus 2022 adopted map
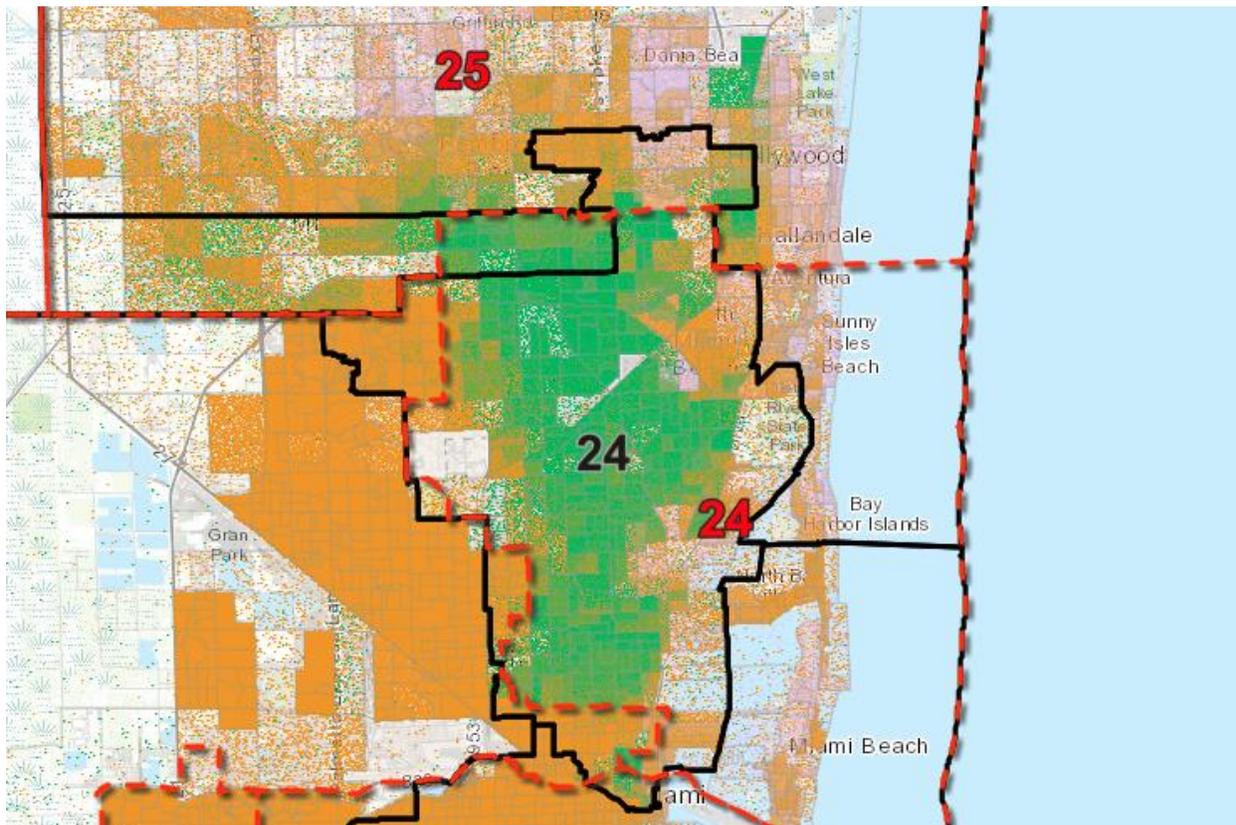
Figure B7: Congressional Districts 27 and 28 boundaries of the 2016 benchmark versus 2022 adopted map
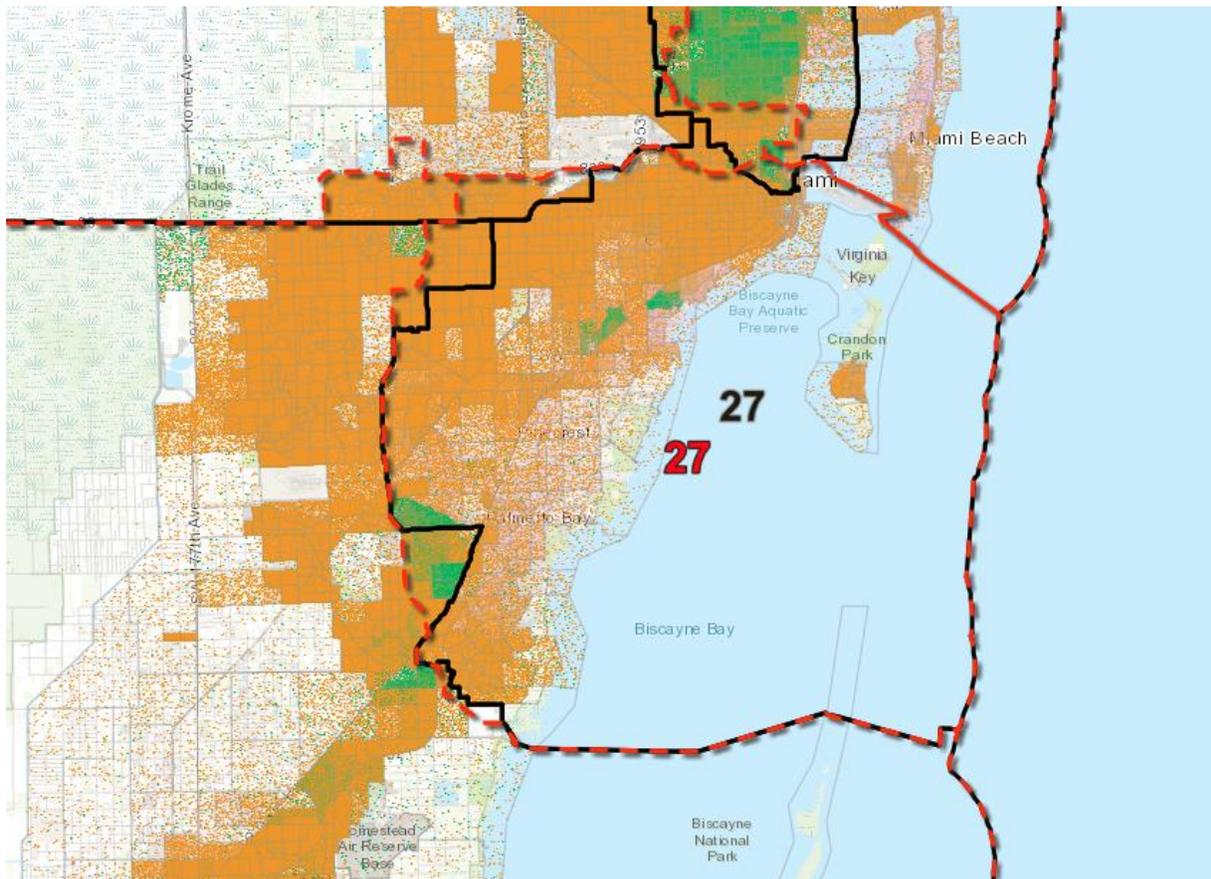
Figure B8: State Senate District 5 boundaries of the 2022 adopted map
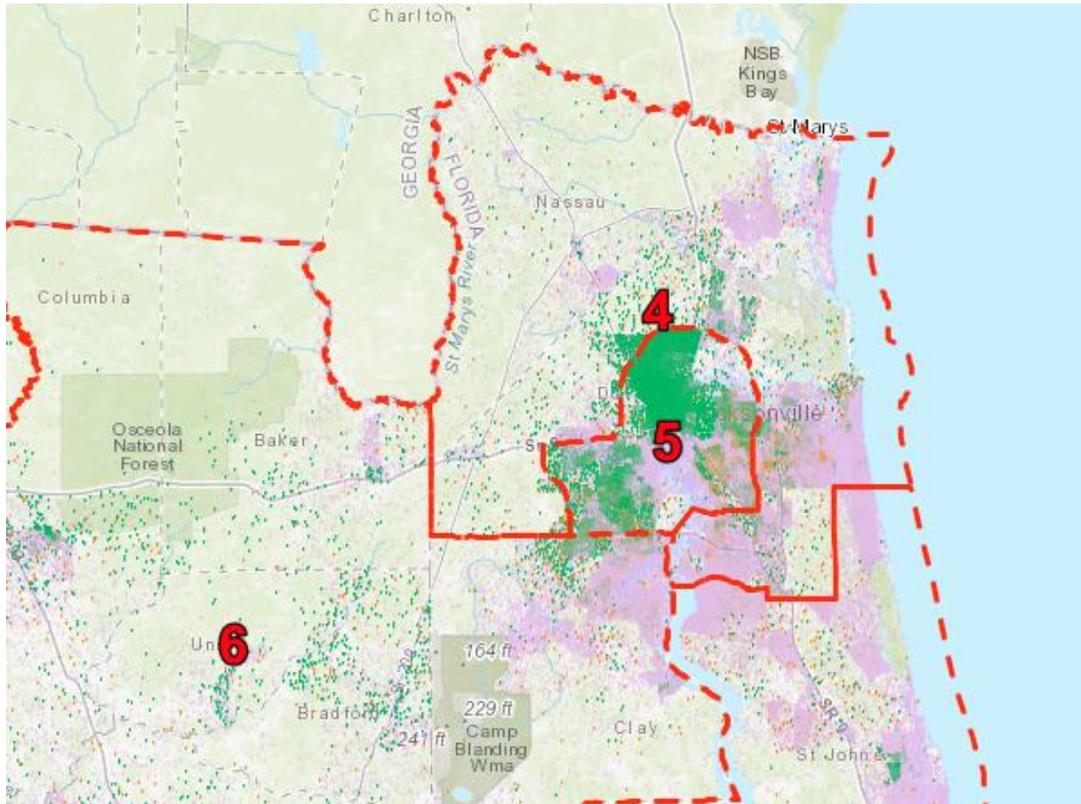
Figure B9: State Senate District 16 boundaries of the 2022 adopted map
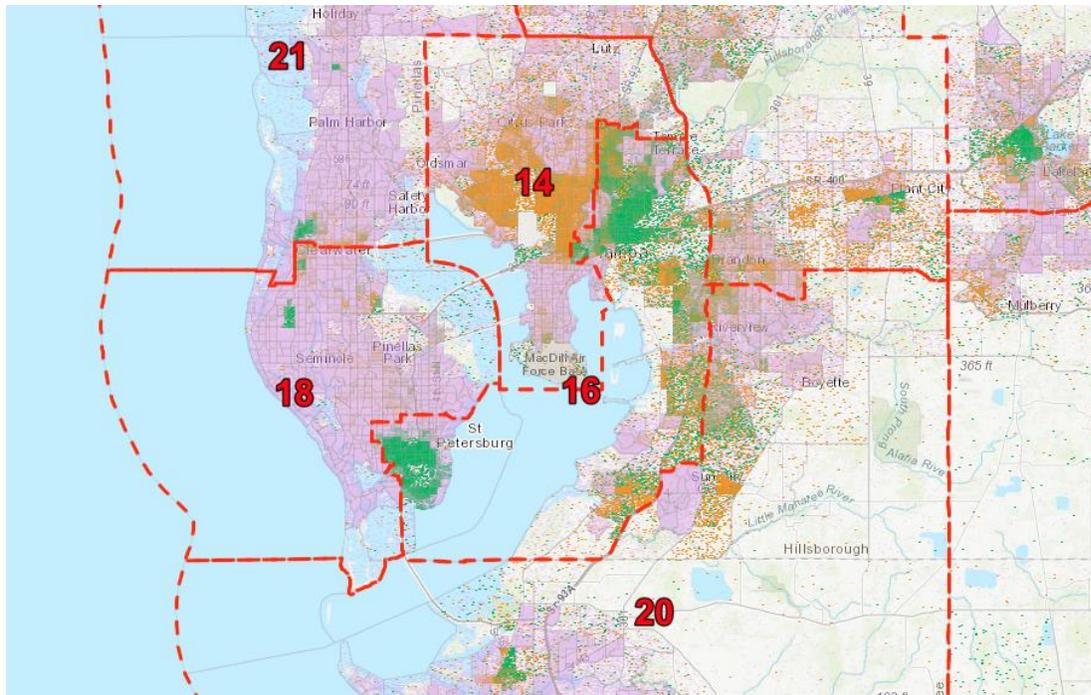
Figure B10: State House District 21 boundaries of the 2022 adopted map
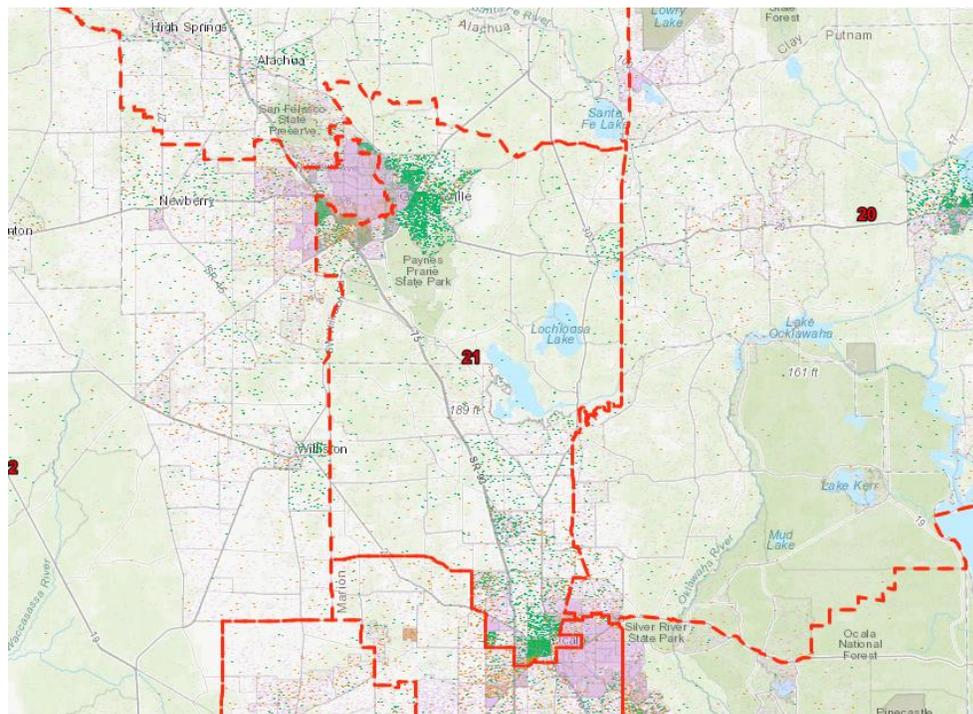
Figure B11: State House District 62 boundaries of the 2022 adopted map
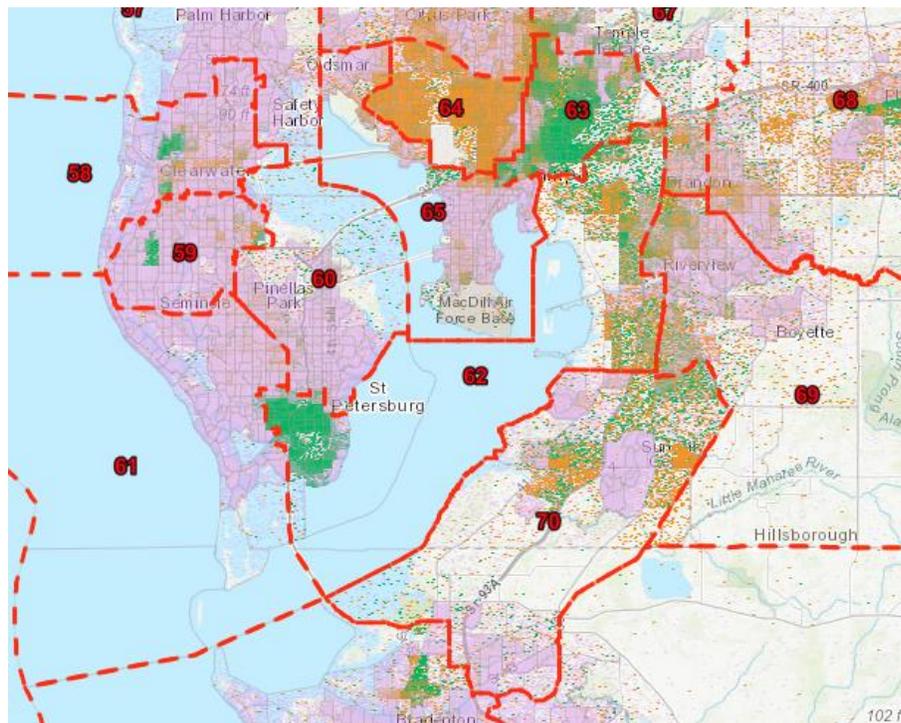
Figure B12: State House District 117 boundaries of the 2022 adopted map
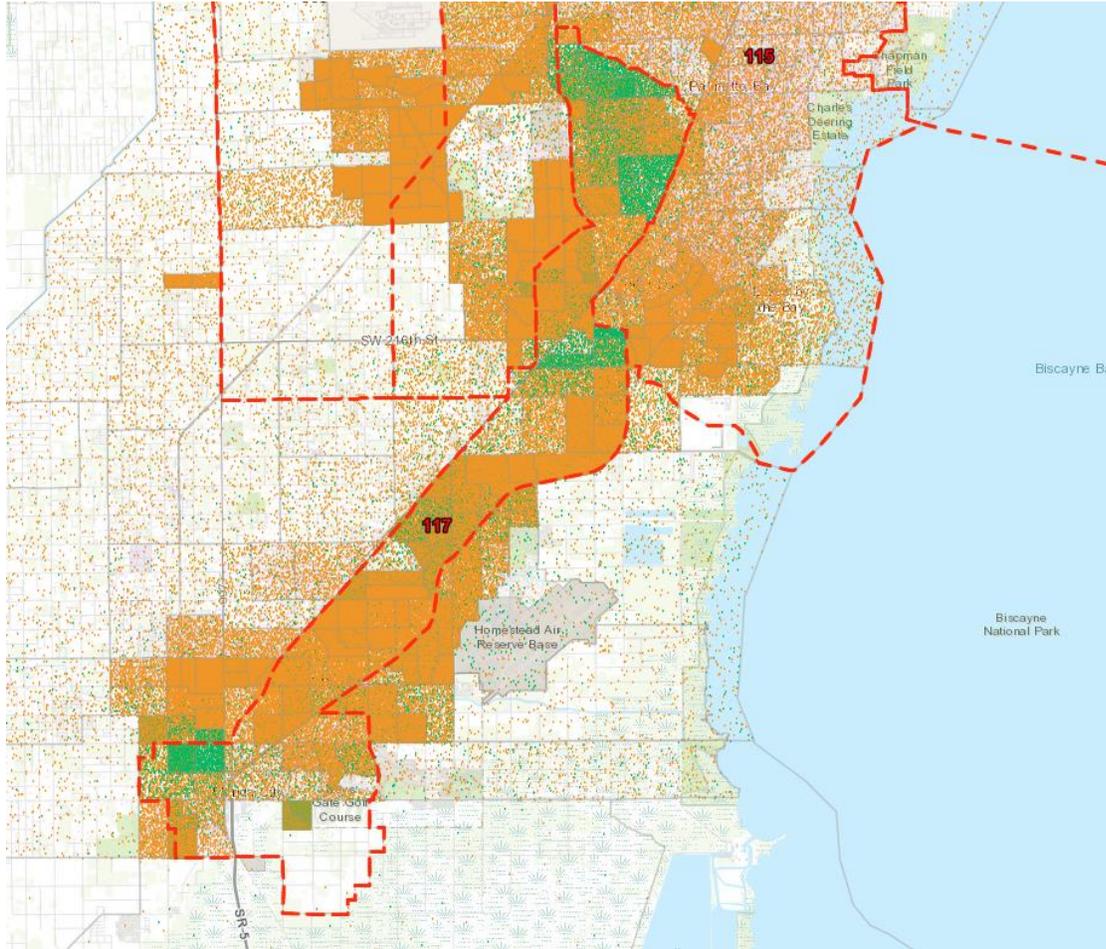
Figure B13: **Electoral Performance Results of the SC8060 Map, Northern Florida Congressional District Boundaries**

Performance Analysis Results
FLCD SC8060 Map
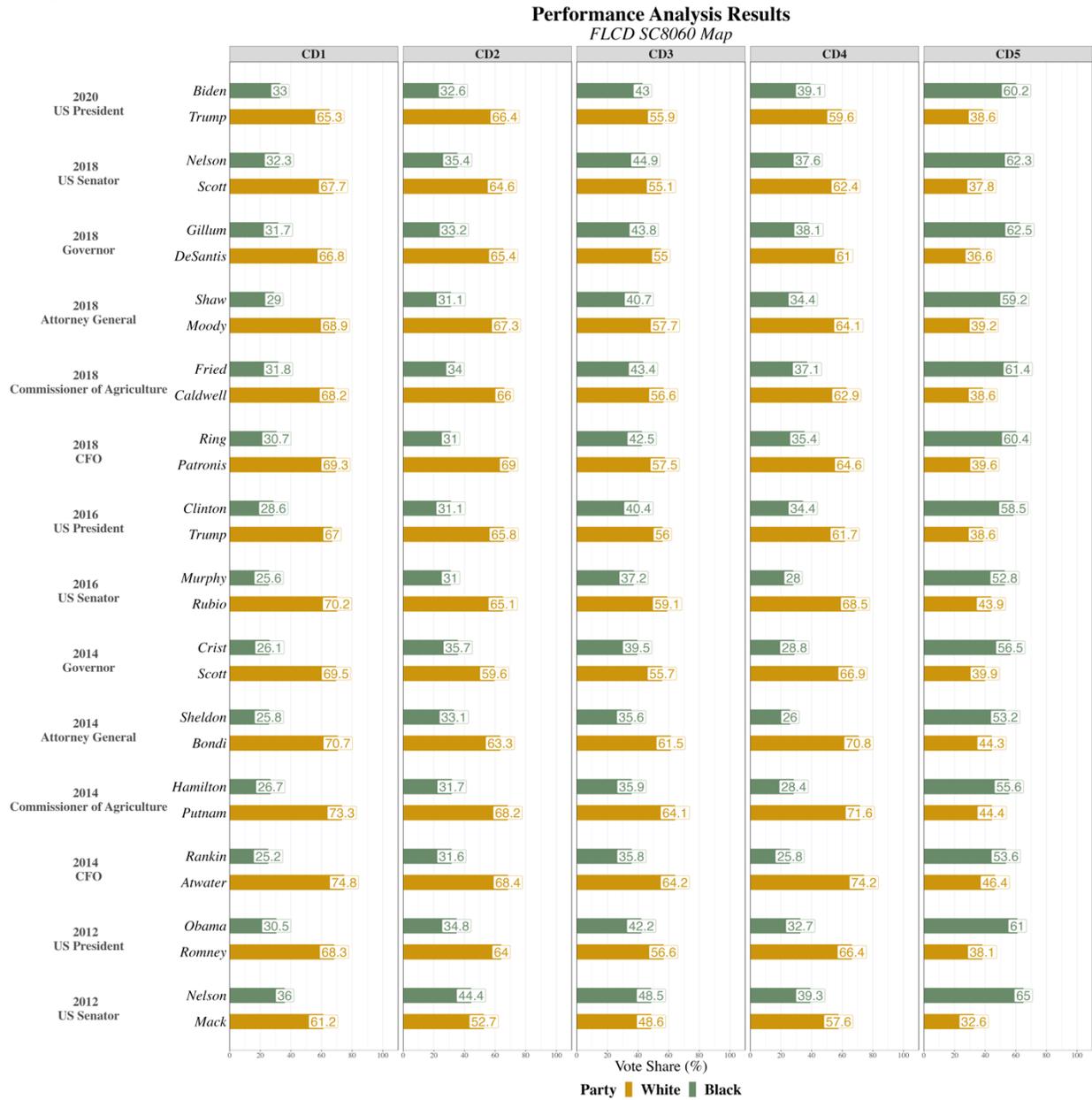
Figure B14: **Electoral Performance Results of the HC8015 Map, Northern Florida Congressional District Boundaries**

Performance Analysis Results
FLCD HC8015 Map
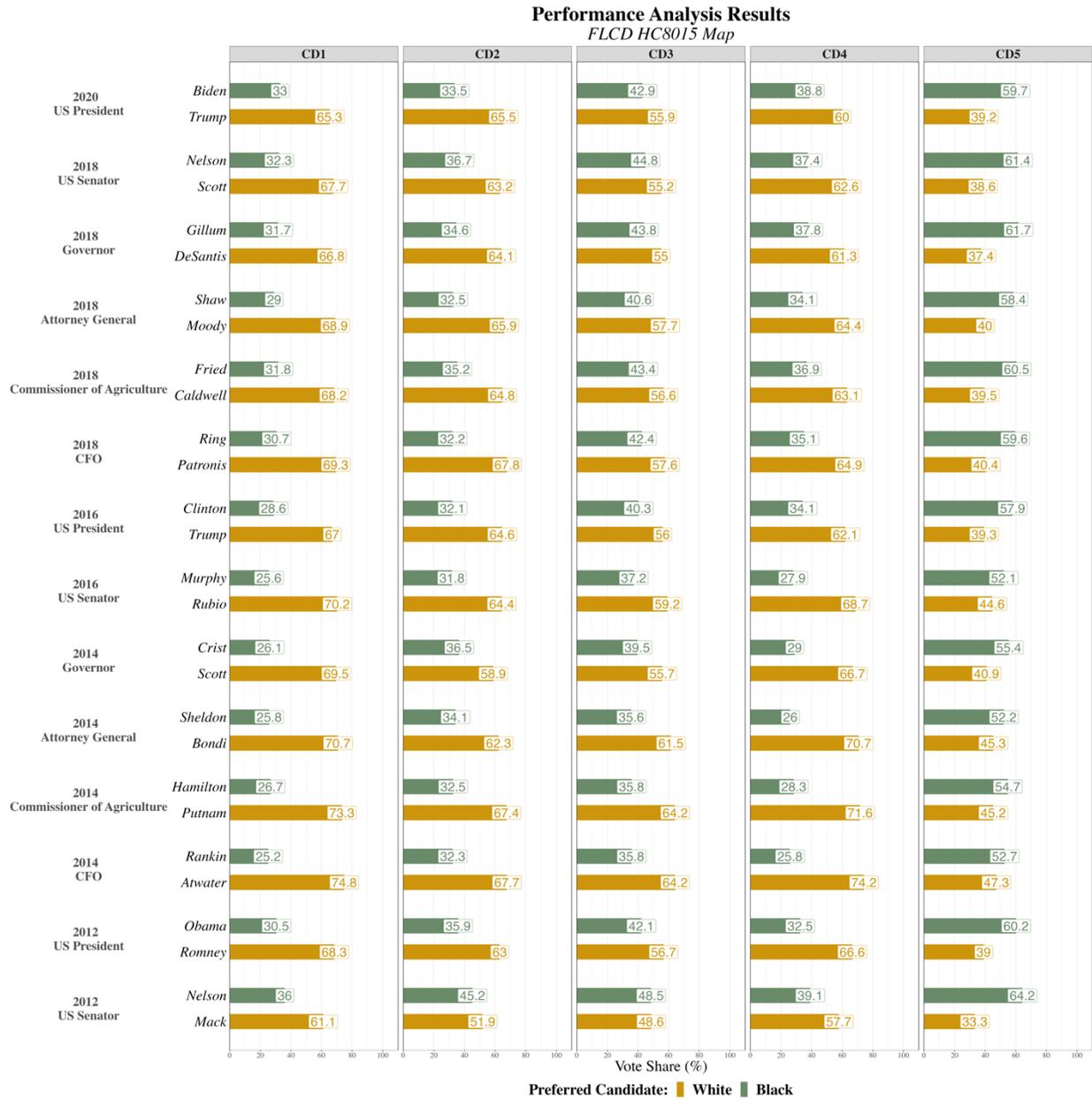
Figure B15: **Electoral Performance Results of the HC8019 Map, Northern Florida Congressional District Boundaries**

Performance Analysis Results
FLCD HC8019 Map
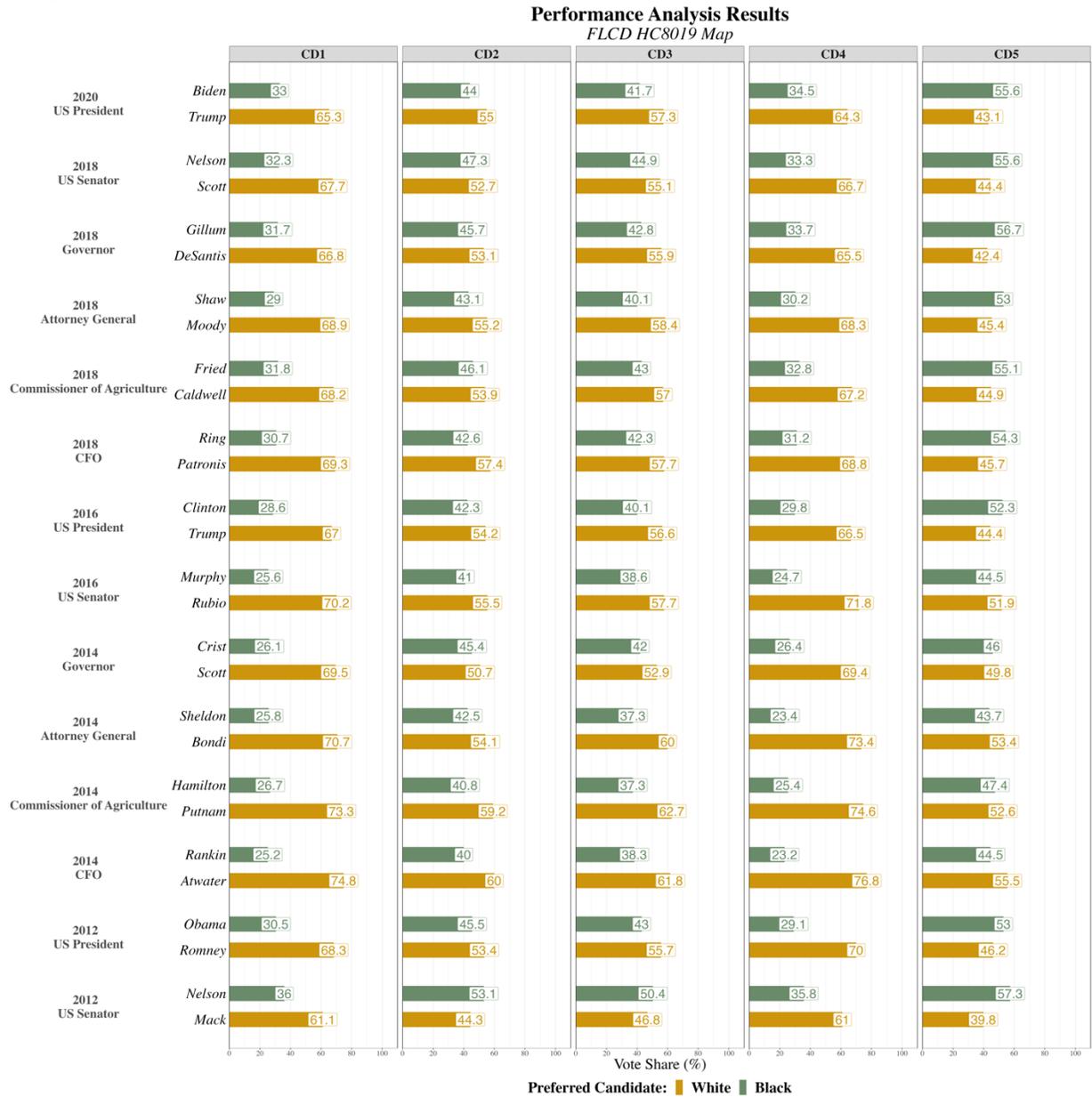
Figure B16: Tampa-St. Petersburg Region Iterative EI Estimates for Candidates by Race

Racially Polarized Voting Analysis Results
EI Estimates (Tampa-St. Petersburg Region)
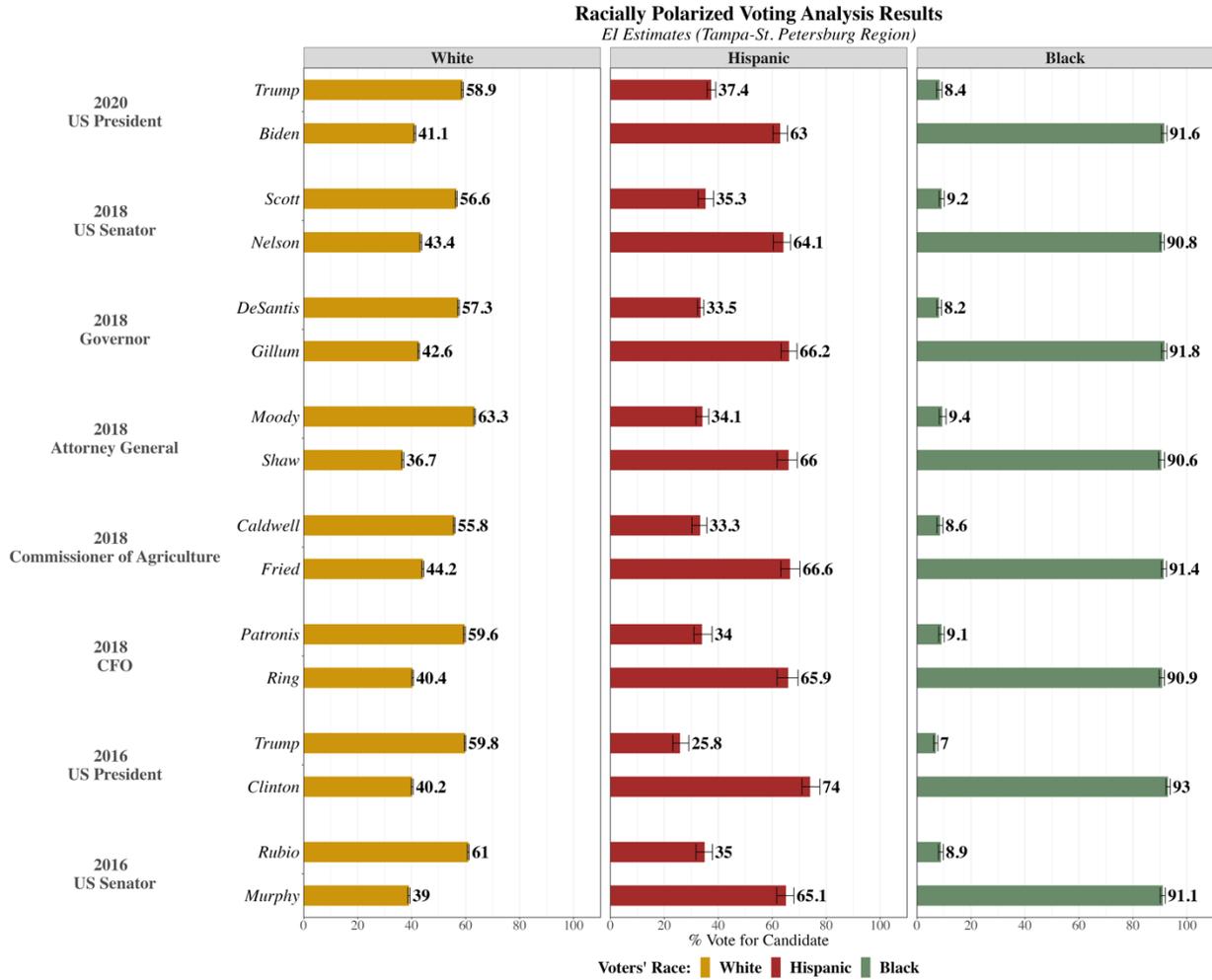
Figure B17: Tampa-St. Petersburg Region RxC Estimates for Candidates by Race

Racially Polarized Voting Analysis Results
RxC Estimates (Tampa-St. Petersburg Region)

Exhibit 1

UCLA College **Social Sciences**
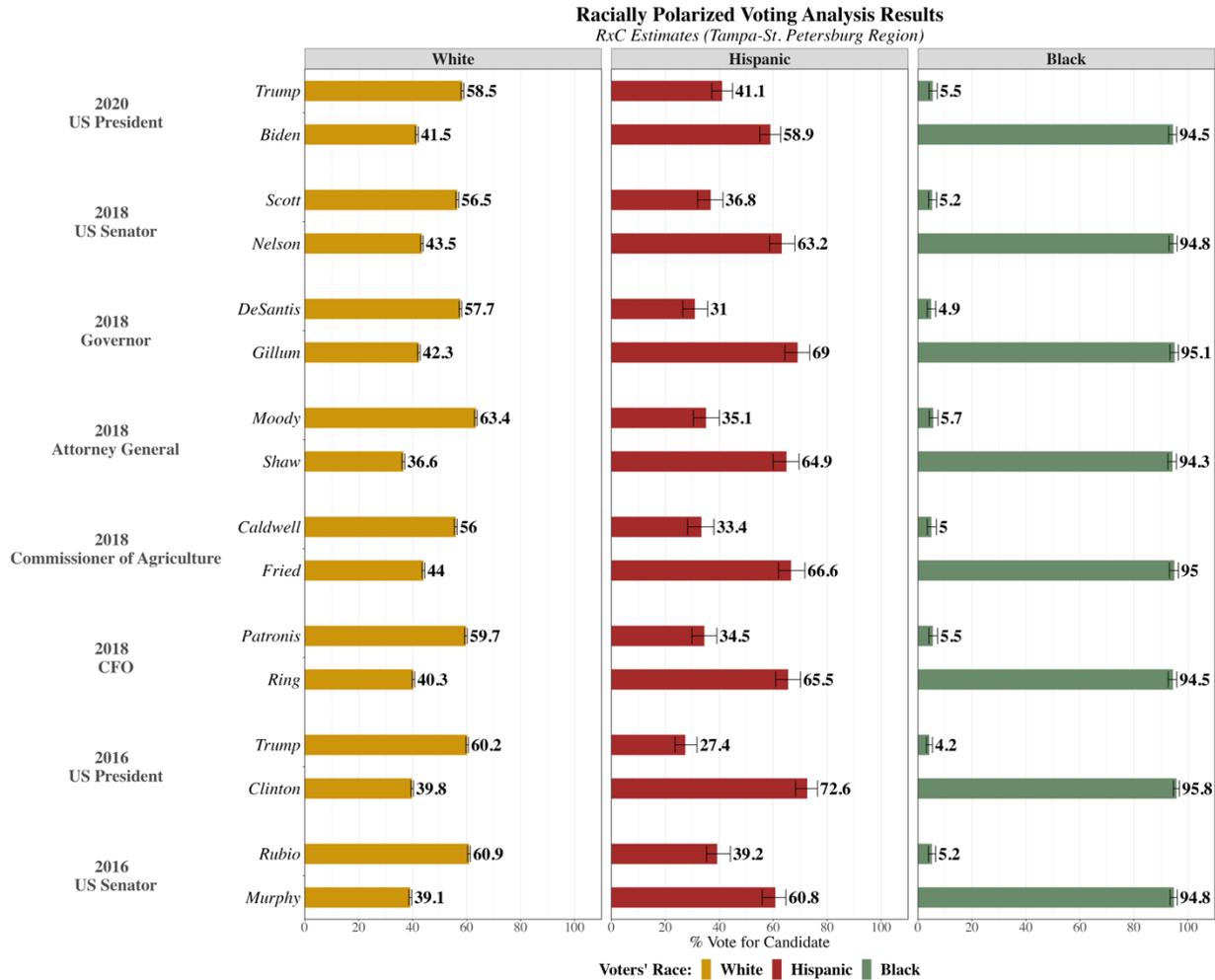
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BOOK MANUSCRIPTS:

Barreto, Matt and Christopher Parker. nd. The Great White Hope: Donald Trump, Race, and the Crisis of American Politics. Under Contract, University of Chicago Press. *expected Fall 2023*

Barreto, Matt and Gary Segura. 2014. Latino America: How America's Most Dynamic Population is Poised to Transform the Politics of the Nation. Public Affairs Books. (Sept)

Barreto, Matt and David Leal, editors. 2018. Race, Class, and Precinct Quality in American Cities. Springer Press.

Christopher Parker and Matt Barreto. 2013. Change They Can't Believe In: The Tea Party and Reactionary Politics in America. Princeton University Press. *Winner: APSA Best Book Award for Race, Ethnicity, Politics, 2014*

Barreto, Matt. 2010. Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation. University of Michigan Press

PEER-REVIEWED ARTICLES

79. MA Barreto, M Cohen, L Collingwood, CW Dunn, S Waknin. 2022. "A Novel Method for Showing Racially Polarized Voting: Bayesian Improved Surname Geocoding" *New York University Review of Law & Social Change.*

78. MA Barreto, GR Sanchez, HL Walker. 2022. "Battling the Hydra: the disparate impact of voter ID requirements in North Dakota." *Journal of Race, Ethnicity, and Politics*, 1-22

77. M Roman, H Walker, M Barreto. 2021. "How Social Ties with Undocumented Immigrants Motivate Latinx Political Participation." *Political Research Quarterly*, 10659129211019473

76. B Gomez-Aguinaga, GR Sanchez, MA Barreto. 2021. "Importance of State and Local Variation in Black–Brown Attitudes: How Latinos View Blacks and How Blacks Affect Their Views" *Journal of Race, Ethnicity, and Politics* 6 (1), 214-252

75. H Walker, M Roman, MA Barreto. 2020. "The Ripple Effect: The Political Consequences of Proximal Contact with Immigration Enforcement" *Journal of Race, Ethnicity and Politics* 5 (3), 537-572.

74. CW Dunn, MA Barreto, M Acevedo, M Cohen, S Waknin. Legal Theories to Compel Vote-by-Mail in Federal Court" *Calif. L. Rev.* 11, 166

73. Reny, Tyler and Matt A. Barreto. 2020. "Xenophobia in the time of pandemic: othering, anti-Asian attitudes, and COVID-19 " *Politics, Groups, and Identities*. 8(2).

72. Flores, Lucy and Matt A. Barreto. 2020. "Latina Voters: The key electoral force" *Journal of Cultural Marketing Strategy*. 4(2).

71. Frasure-Yokley, Lorrie, Janelle Wong, Edward Vargas and Matt A. Barreto 2020. "THE COLLABORATIVE MULTIRACIAL POST-ELECTION SURVEY (CMPS): BUILDING THE ACADEMIC PIPELINE THROUGH DATA ACCESS, PUBLICATION, AND NETWORKING OPPORTUNITIES" *PS: Political Science & Politics.* 53(1)

70. Barreto, Matt, Loren Collingwood, Sergio Garcia-Rios and Kassra Oskooii. 2019. "Estimating Candidate Support: Comparing Iterative EI and EI-RxC Methods" *Sociological Methods and Research*. 48(4).

69. Gonzalez-OBrien, Benjamin, Matt Barreto and Gabriel Sanchez. 2019. "They're All Out to Get Me! Assessing Inter-Group Competition Among Multiple Populations." *Politics, Groups and Identities*. 7(4).

68. Oskooii, Kassra, Karam Dana and Matt Barreto. 2019. "Beyond generalized ethnocentrism: Islam-specific beliefs and prejudice toward Muslim Americans." *Politics, Groups and Identities* 7(3)

67. Vargas, Edward, Gabriel Sanchez, Barbara Gomez-Aguinaga, and Matt Barreto. 2019. "How Latinos' Perceptions of Environmental Health Threats Impact Policy Preferences." *Social Science Quarterly.* 101(1).

66. Walker, Hannah, Marcel Roman and Matt Barreto. 2019. "The Direct and Indirect Effects of Immigration Enforcement on Latino Political Engagement." *UCLA Law Review.* 67.

65. Gutierrez, Angela, Angela Ocampo, Matt Barreto, and Gary Segura. 2019. "Somos Más : How Racial Threat and Anger Mobilized Latino Voters in the Trump Era" *Political Research Quarterly.* 72(4)

64. Chouhoud, Youssef, Karam Dana, and Matt Barreto. 2019. "American Muslim Political Participation: Between Diversity and Cohesion." *Politics and Religion*. 12(S3).

63. Barreto, Matt, Stephen Nuño, Gabriel Sanchez, and Hannah Walker. 2019. "Race, Class and Barriers to Voting in the 21st Century: The Unequal Impact of Voter ID Laws." *American Politics Research*

62. Barreto, Matt. 2018. "The cycle of under-mobilization of minority voters: A comment on 'Selective recruitment of voter neglect?'" *Journal of Race, Ethnicity, and Politics.* 3(1).

61. Ocampo, Angela, Karam Dana and Matt Barreto. 2018. "The American Muslim Voter: Community Belonging and Political Participation." *Social Science Research.* 69(4).

60. Barreto, Matt, Lorrie Frasure-Yokley, Edward Vargas, Janelle Wong. 2018. "Best practices in collecting online data with Asian, Black, Latino, and White respondents: evidence from the 2016 Collaborative Multiracial Post-election Survey." *Politics, Groups & Identities.* 6(1).

59. Barreto, Matt, Tyler Reny and Bryan Wilcox-Archuleta. 2017. "A debate about survey research methodology and the Latina/o vote: why a bilingual, bicultural, Latino-centered approach matters to accurate data." *Aztlán: A Journal of Chicano Studies.* 42(2).

58. Barreto, Matt and Gary Segura. 2017. "Understanding Latino Voting Strength in 2016 and Beyond: Why Culturally Competent Research Matters." *Journal of Cultural Marketing Strategy.* 2:2

57. Dana, Karam, Bryan Wilcox-Archuleta and Matt Barreto. 2017. "The Political Incorporation of Muslims in America: The Mobilizing Role of Religiosity in Islam." *Journal of Race, Ethnicity & Politics*.

56. Collingwood, Loren, Kassra Oskooii, Sergio Garcia-Rios, and Matt Barreto. 2016. "eiCompare: Comparing Ecological Inference Estimates across EI and EI: RxC." *The R Journal*. 8:2 (Dec).

55. Garcia-Rios, Sergio I. and Matt A. Barreto. 2016. "Politicized Immigrant Identity, Spanish-Language Media, and Political Mobilization in 2012" *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 2(3): 78-96.

54. Barreto, Matt, Collingwood, Loren, Christopher Parker, and Francisco Pedraza. 2015. "Racial Attitudes and Race of Interviewer Item Non-Response." *Survey Practice.* 8:3.

53. Barreto, Matt and Gary Segura 2015. "Obama y la seducción del voto Latino." *Foreign Affairs Latinoamérica*. 15:2 (Jul).

52. Barreto, Matt and Loren Collingwood 2015. "Group-based appeals and the Latino vote in 2012: How immigration became a mobilizing issue." *Electoral Studies*. 37 (Mar).

51. Collingwood, Loren, Matt Barreto and Sergio García-Rios. 2014. "Revisiting Latino Voting: Cross-Racial Mobilization in the 2012 Election" *Political Research Quarterly*. 67:4 (Sep).

50. Bergman, Elizabeth, Gary Segura and Matt Barreto. 2014. "Immigration Politics and Electoral Consequences: Anticipating the Dynamics of Latino Vote in the 2014 Election" *California Journal of Politics and Policy*. (Feb)

49. Barreto, Matt and Sergio García-Rios. 2012. "El poder del voto latino en Estados Unidos en 2012" *Foreign Affairs Latinoamérica*. 12:4 (Nov).

48. Collingwood, Loren, Matt Barreto and Todd Donovan. 2012. "Early Primaries, Viability and Changing Preferences for Presidential Candidates." *Presidential Studies Quarterly*. 42:1(Mar).

47. Barreto, Matt, Betsy Cooper, Ben Gonzalez, Chris Towler, and Christopher Parker. 2012. "The Tea Party in the Age of Obama: Mainstream Conservatism or Out-Group Anxiety?." *Political Power and Social Theory*. 22:1(Jan).

46. Dana, Karam, Matt Barreto and Kassra Oskoii. 2011. "Mosques as American Institutions: Mosque Attendance, Religiosity and Integration into the American Political System." *Religions*. 2:2 (Sept).

45. Barreto, Matt, Christian Grose and Ana Henderson. 2011. "Redistricting: Coalition Districts and the Voting Rights Act." *Warren Institute on Law and Social Policy*. (May)

44. Barreto, Matt and Stephen Nuño. 2011. "The Effectiveness of Co-Ethnic Contact on Latino Political Recruitment." *Political Research Quarterly*. 64 (June). 448-459.

43. Garcia-Castañon, Marcela, Allison Rank and Matt Barreto. 2011 "Plugged in or tuned out? Youth, Race, and Internet Usage in the 2008 Election." *Journal of Political Marketing.* 10:2 115-138.

42. Barreto, Matt, Victoria DeFrancesco, and Jennifer Merolla. 2011 "Multiple Dimensions of Mobilization: The Impact of Direct Contact and Political Ads on Latino Turnout in the 2000 Presidential Election." *Journal of Political Marketing.* 10:1

41. Barreto, Matt, Loren Collingwood, and Sylvia Manzano. 2010. "Measuring Latino Political Influence in National Elections" *Political Research Quarterly*. 63:4 (Dec)

40. Barreto, Matt, and Francisco Pedraza. 2009. "The Renewal and Persistence of Group Identification in American Politics." *Electoral Studies*. 28 (Dec) 595-605

39. Barreto, Matt and Dino Bozonelos. 2009. "Democrat, Republican, or None of the Above? Religiosity and the Partisan Identification of Muslim Americans" *Politics & Religion* 2 (Aug). 1-31

38. Barreto, Matt, Sylvia Manzano, Ricardo Ramírez and Kathy Rim. 2009. "Immigrant Social Movement Participation: Understanding Involvement in the 2006 Immigration Protest Rallies." *Urban Affairs Review*. 44: (5) 736-764

37. Grofman, Bernard and Matt Barreto. 2009. "A Reply to Zax's (2002) Critique of Grofman and Migalski (1988): Double Equation Approaches to Ecological Inferences." *Sociological Methods and Research.* 37 (May)

36. Barreto, Matt, Stephen Nuño and Gabriel Sanchez. 2009. "The Disproportionate Impact of Voter-ID Requirements on the Electorate – New Evidence from Indiana." *PS: Political Science & Politics*. 42 (Jan)

35. Barreto, Matt, Luis Fraga, Sylvia Manzano, Valerie Martinez-Ebers, and Gary Segura. 2008. "Should they dance with the one who brung 'em? Latinos and the 2008 Presidential election" *PS: Political Science & Politics.* 41 (Oct).

34. Barreto, Matt, Mara Marks and Nathan Woods. 2008. "Are All Precincts Created Equal? The Prevalence of Low- Quality Precincts in Low-Income and Minority Communities." *Political Research Quarterly.* 62

33. Barreto, Matt. 2007. "*Sí Se Puede!* Latino Candidates and the Mobilization of Latino Voters." *American Political Science Review*. 101 (August): 425-441.

32. Barreto, Matt and David Leal. 2007. "Latinos, Military Service, and Support for Bush and Kerry in 2004." *American Politics Research.* 35 (March): 224-251.

31. Barreto, Matt, Mara Marks and Nathan Woods. 2007. "Homeownership: Southern California's New Political Fault Line?" *Urban Affairs Review.* 42 (January). 315-341.

30. Barreto, Matt, Matt Streb, Fernando Guerra, and Mara Marks. 2006. "Do Absentee Voters Differ From Polling Place Voters? New Evidence From California." *Public Opinion Quarterly*. 70 (Summer): 224-34.

29. Barreto, Matt, Fernando Guerra, Mara Marks, Stephen Nuño, and Nathan Woods. 2006. "Controversies in Exit Polling: Implementing a racially stratified homogenous precinct approach." *PS: Political Science & Politics.* 39 (July) 477-83.

28. Barreto, Matt, Ricardo Ramírez, and Nathan Woods. 2005. "Are Naturalized Voters Driving the California Latino Electorate? Measuring the Impact of IRCA Citizens on Latino Voting." *Social Science Quarterly.* 86 (December): 792-811.

27. Barreto, Matt. 2005. "Latino Immigrants at the Polls: Foreign-born Voter Turnout in the 2002 Election." *Political Research Quarterly.* 58 (March): 79-86.

26. Barreto, Matt, Mario Villarreal and Nathan Woods. 2005. "Metropolitan Latino Political Behavior: Turnout and Candidate Preference in Los Angeles." *Journal of Urban Affairs*. 27(February): 71-91.

25. Leal, David, Matt Barreto, Jongho Lee and Rodolfo de la Garza. 2005. "The Latino Vote in the 2004 Election." *PS: Political Science & Politics.* 38 (January): 41-49.

24. Marks, Mara, Matt Barreto and Nathan Woods. 2004. "Harmony and Bliss in LA? Race and Racial Attitudes a Decade After the 1992 Riots." *Urban Affairs Review.* 40 (September): 3-18.

23. Barreto, Matt, Gary Segura and Nathan Woods. 2004. "The Effects of Overlapping Majority-Minority Districts on Latino Turnout." *American Political Science Review.* 98 (February): 65-75.

22. Barreto, Matt and Ricardo Ramírez. 2004. "Minority Participation and the California Recall: Latino, Black, and Asian Voting Trends 1990 – 2003." *PS: Political Science & Politics.* 37 (January): 11-14.

21. Barreto, Matt and José Muñoz. 2003. "Reexamining the 'politics of in-between': political participation among Mexican immigrants in the United States." *Hispanic Journal of Behavioral Sciences*. 25 (November): 427-447.

20. Barreto, Matt. 2003. "National Origin (Mis)Identification Among Latinos in the 2000 Census: The Growth of the "Other Hispanic or Latino" Category." *Harvard Journal of Hispanic Policy.* 15 (June): 39-63.

Edited Volume Book Chapters

19. Barreto, Matt and Gary Segura. 2020. "Latino Reaction and Resistance to Trump: Lessons learned from Pete Wilson and 1994." In Raul Hinojosa and Edward Telles (eds.) Equitable Globalization: Expanding Bridges, Overcoming Walls. Oakland: University of California Press.

18. Barreto, Matt, Albert Morales and Gary Segura. 2019. "The Brown Tide and the Blue Wave in 2018" In Larry Sabato, Kyle Kondik, Geoffrey Skelley (eds.) The Blue Wave. New York: Rowman & Littlefield.

17. Gutierrez, Angela, Angela Ocampo and Matt Barreto. 2018. "Obama's Latino Legacy: From Unknown to Never Forgotten" In Andrew Rudalevige and Bert Rockman (eds.) The Obama Legacy. Lawrence, KS: University of Kansas Press.

16. Barreto, Matt, Thomas Schaller and Gary Segura. 2017. "Latinos and the 2016 Election: How Trump Lost Latinos on Day 1" In Larry Sabato, Kyle Kondik, Geoffrey Skelley (eds.) Trumped: The 2016 Election that Broke All the Rules. New York: Rowman & Littlefield.

15. Walker, Hannah, Gabriel Sanchez, Stephen Nuño, Matt Barreto 2017. "Race and the Right to Vote: The Modern Barrier of Voter ID Laws" In Todd Donovan (ed.) Election Rules and Reforms. New York: Rowman & Littlefield.

14. Barreto, Matt and Christopher Parker. 2015. "Public Opinion and Reactionary Movements: From the Klan to the Tea Party" In Adam Berinsky (ed.) New Directions in Public Opinion. 2nd edition. New York: Routledge Press.

13. Barreto, Matt and Gabriel Sanchez. 2014. "A 'Southern Exception' in Black-Latino Attitudes?." In Anthony Affigne, Evelyn Hu-Dehart, Marion Orr (eds.) Latino Politics en Ciencia Política. New York: New York University Press.

12. Barreto, Matt, Ben Gonzalez, and Gabriel Sanchez. 2014. "Rainbow Coalition in the Golden State? Exposing Myths, Uncovering New Realities in Latino Attitudes Towards Blacks." In Josh Kun and Laura Pulido (eds.) <u>Black and Brown in Los Angeles: Beyond Conflict and Coalition</u>. Berkeley, CA: University of California Press.

11. Barreto, Matt, Loren Collingwood, Ben Gonzalez, and Christopher Parker. 2011. "Tea Party Politics in a Blue State: Dino Rossi and the 2010 Washington Senate Election" In William Miller and Jeremy Walling (eds.) <u>Stuck in the Middle to Lose: Tea Party Effects on 2010 U.S. Senate Elections</u>. Rowman & Littlefield Publishing Group.

10. Jason Morin, Gabriel Sanchez and Matt Barreto. 2011. "Perceptions of Competition Between Latinos and Blacks: The Development of a Relative Measure of Inter-Group Competition." In Edward Telles, Gaspar Rivera-Salgado and Mark Sawyer (eds.) <u>Just Neighbors? Research on African American and Latino Relations in the US</u>. New York: Russell Sage Foundation.

9. Grofman, Bernard, Frank Wayman and Matt Barreto. 2009. "Rethinking partisanship: Some thoughts on a unified theory." In John Bartle and Paolo Bellucci (eds.) <u>Political Parties and Partisanship: Social identity and individual attitudes</u>. New York: Routledge Press.

8. Barreto, Matt, Ricardo Ramírez, Luis Fraga and Fernando Guerra. 2009. "Why California Matters: How California Latinos Influence the Presidential Election." In Rodolfo de la Garza, Louis DeSipio and David Leal (eds.) <u>Beyond the Barrio: Latinos in the 2004 Elections</u>. South Bend, ID: University of Notre Dame Press.

7. Francisco Pedraza and Matt Barreto. 2008. "Exit Polls and Ethnic Diversity: How to Improve Estimates and Reduce Bias Among Minority Voters." In Wendy Alvey and Fritz Scheuren (eds.) <u>Elections and Exit Polling</u>. Hoboken, NJ: Wiley and Sons.

6. Adrian Pantoja, Matt Barreto and Richard Anderson. 2008. "Politics *y la Iglesia*: Attitudes Toward the Role of Religion in Politics Among Latino Catholics" In Michael Genovese, Kristin Hayer and Mark J. Rozell (eds.) <u>Catholics and Politics</u>. Washington, D.C: Georgetown University Press..

5. Barreto, Matt. 2007. "The Role of Latino Candidates in Mobilizing Latino Voters: Revisiting Latino Vote Choice." In Rodolfo Espino, David Leal and Kenneth Meier (eds.) <u>Latino Politics: Identity, Mobilization, and Representation</u>. Charlottesville: University of Virginia Press.

4. Abosch, Yishaiya, Matt Barreto and Nathan Woods. 2007. "An Assessment of Racially Polarized Voting For and Against Latinos Candidates in California." In Ana Henderson (ed.) <u>Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power:</u>. Berkeley, CA: UC Berkeley Public Policy Press.

3. Barreto, Matt and Ricardo Ramírez. 2005. "The Race Card and California Politics: Minority Voters and Racial Cues in the 2003 Recall Election." In Shaun Bowler and Bruce Cain (eds.) <u>Clicker Politics: Essays on the California Recall</u>. Englewood-Cliffs: Prentice-Hall.

2. Barreto, Matt and Nathan Woods. 2005. "The Anti-Latino Political Context and its Impact on GOP Detachment and Increasing Latino Voter Turnout in Los Angeles County." In Gary Segura and Shawn Bowler (eds.) <u>Diversity in Democracy: Minority Representation in the United States</u>. Charlottesville: University of Virginia Press.

1. Pachon, Harry, Matt Barreto and Frances Marquez. 2004. "Latino Politics Comes of Age in the Golden State." In Rodolfo de la Garza and Louis DeSipio (eds.) <u>Muted Voices: Latino Politics in the 2000 Election</u>. New York: Rowman & Littlefield

M.A. Barreto / UCLA / Curriculum Vitae / Mar 2023

RESEARCH AWARDS AND FELLOWSHIPS

June 2020	WK Kellogg Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	*$2,500,000 – 24 months*
June 2020	Casey Family Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	*$900,000 – 18 months*
Aug 2018	Provost Initiative for Voting Rights Research UCLA Latino Policy & Politics Initiative [With Chad Dunn]	*$90,000 – 24 months*
April 2018	Democracy Fund & Wellspring Philanthropic UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	*$200,000 – 18 months*
March 2018	AltaMed California UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	*$250,000 – 12 months*
Dec 2017	California Community Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	*$100,000 – 12 months*
July 2013	Ford Foundation UW Center for Democracy and Voting Rights	*$200,000 – 12 months*
April 2012	American Values Institute [With Ben Gonzalez] Racial Narratives and Public Response to Racialized Moments	*$40,000 – 3 months*
Jan 2012	American Civil Liberties Union Foundation [With Gabriel Sanchez] Voter Identification Laws in Wisconsin	*$60,000 – 6 months*
June 2011	State of California Citizens Redistricting Commission An Analysis of Racial Bloc Voting in California Elections	*$60,000 – 3 months*
Apr 2011	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? A national conference on the political and social incorporation of American Muslims	*$50,000 – 18 months*
Jan 2011	impreMedia [With Gary Segura] Latino public opinion tracking poll of voter attitudes in 2011	*$30,000 – 6 months*
Oct 2010	National Council of La Raza (NCLR) [With Gary Segura] Measuring Latino Influence in the 2010 Elections	*$128,000 – 6 months*
Oct 2010	We Are America Alliance (WAAA) [With Gary Segura] Latino and Asian American Immigrant Community Voter Study	*$79,000 – 3 months*
May 2010	National Council of La Raza (NCLR) [With Gary Segura] A Study of Latino Views Towards Arizona SB1070	*$25,000 – 3 months*
Apr 2010	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? The influence of religiosity in Muslim political incorporation	*$50,000 – 18 months*
Oct 2009	American Association of Retired Persons (AARP) [With Gary Segura] Health care reform and Latino public opinion	*$25,000 – 3 months*
Nov 2008	impreMedia & National Association of Latino Elected Officials (NALEO) [With Gary Segura] 2008 National Latino Post-Election Survey, Presidential Election	*$46,000 – 3 months*

RESEARCH GRANTS AND FELLOWSHIPS CONTINUED…

July 2008	National Association of Latino Elected Officials (NALEO) [With Gary Segura] Latino voter outreach survey – an evaluation of Obama and McCain	*$72,000 – 3 months*
June 2008	The Pew Charitable Trusts, Make Voting Work Project [with Karin MacDonald and Bonnie Glaser] Evaluating Online Voter Registration (OVR) Systems in Arizona and Washington	*$220,000 – 10 months*
April 2008	National Association of Latino Elected Officials (NALEO) & National Council of La Raza (NCLR), 2008 Latino voter messaging survey	*$95,000 – 6 months*
Dec. 2007	Research Royalty Fund, University of Washington 2008 Latino national post-election survey	*$39,000 – 12 months*
Oct. 2007	Brenan Center for Justice, New York University [with Stephen Nuño and Gabriel Sanchez Indiana Voter Identification Study	*$40,000 – 6 months*
June 2007	National Science Foundation, Political Science Division [with Gary Segura] American National Election Study – Spanish translation and Latino oversample	*$750,000 – 24 months*
Oct. 2006	University of Washington, Vice Provost for Undergraduate Education Absentee voter study during the November 2006 election in King County, WA	*$12,000 – 6 months*
Mar. 2006	Latino Policy Coalition Public Opinion Research Grant [with Gary Segura] Awarded to the Washington Institute for the Study of Ethnicity and Race	*$40,000 – 18 months*
2005 – 2006	University of Washington, Institute for Ethnic Studies, Research Grant	*$8,000 – 12 months*
Mar. 2005	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Conduct Exit Poll during Los Angeles Mayoral Election, Mar. 8 & May 17, 2005 Awarded to the Center for the Study of Los Angeles	*$30,000 – 6 months*
2004 – 2005	Ford Foundation Dissertation Fellowship for Minorities	*$21,000 – 12 months*
2004 – 2005	University of California President's Dissertation Fellowship	*$14,700 – 9 months*
2004 – 2005	University of California Mexico-US (UC MEXUS) Dissertation Grant	*$12,000 – 9 months*
Apr – 2004	UC Regents pre-dissertation fellowship, University of California, Irvine,	*$4,700 – 3 months*
2003 – 2004	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Awarded to the Center for the Study of Los Angeles	*$20,000 – 12 months*
2002 – 2003	Ford Foundation Grant on Institutional Inequality [with Harry Pachon] Conducted longitudinal study of Prop 209 on Latino and Black college admittance Awarded to Tomás Rivera Policy Institute	*$150,000 – 12 months*
2002 – 2003	Haynes Foundation Grant on Economic Development [with Louis Tornatzky] Knowledge Economy in the Inland Empire region of Southern California Awarded to Tomás Rivera Policy Institute	*$150,000 – 18 months*
2001 – 2002	William F Podlich Graduate Fellowship, Center for the Study of Democracy, University of California, Irvine	*$24,000 – 9 months*

RESEARCH UNDER REVIEW/WORKING PAPERS:

Barreto, Matt, and Christopher Parker. The Great White Hope: Donald Trump, Race, and the Crisis of American Politics. Under Contract, University of Chicago Press, *expected 2020*

Barreto, Matt and Christopher Parker. "The Great White Hope: Existential Threat and Demographic Anxiety in the Age of Trump." Revise and Resubmit.

Barreto, Matt, Natalie Masuoka, Gabe Sanchez and Stephen El-Khatib. "Religiosity, Discrimination and Group Identity Among Muslim Americans" Revise and Resubmit

Barreto, Matt, Gabe Sanchez and Barbara Gomez. "Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" Revise and Resubmit

Walker, Hannah, Matt Barreto, Stephen Nuño, and Gabriel Sanchez. "A comprehensive review of access to valid photo ID and the right to vote in America" [Under review]

Gutierrez, Angela, Angela Ocampo, Matt Barreto and Gary Segura. "From Proposition 187 to Donald Trump: New Evidence that Anti-Immigrant Threat Mobilizes Latino Voters." [Under Review]

Collins, Jonathan, Matt Barreto, Gregory Leslie and Tye Rush. "Racial Efficacy and Voter Enthusiasm Among African Americans Post-Obama" [Under Review]

Oskooii, Kassra, Matt Barreto, and Karam Dana. "No Sharia, No Mosque: Orientalist Notions of Islam and Intolerance Toward Muslims in the United States" [Under Review]

Barreto, Matt, David Redlawsk and Caroline Tolbert. "Framing Barack Obama: Muslim, Christian or Black?" [Working paper]

EXPERT REPORTS:

- Galveston County, Texas 2022-23, county redistricting, *Petteway et al. v. Galveston County, TX.*

- Benton, Chelan, Yakima counties signature rejection, 2022-23, *Reyes et al. v. Chilton et al.*

- San Juan County, New Mexico 2022-23, county redistricting, *Navajo Nation v. San Juan County, NM*

- Texas Statewide redistricting, 2022, *LULAC v. Abbott* (on behalf of Mexican American Legislative Caucus)

- Franklin County, WA, 2021-22, county redistricting, rebuttal expert for Plaintiffs, *Portugal et al. vs. Franklin County*

- Texas Statewide redistricting, 2021-22, *Brooks v. Abbott* Senate District 10 (Tarrant County)

- Baltimore County Council, 2021-22, *NAACP v. Baltimore County*, (on behalf of NAACP and ACLU-MD)

- Maryland Office of Attorney General, 2021-22, racially polarized voting analysis as part of statewide redistricting

- Pennsylvania House Democrats, 2021-22, racially polarized voting analysis as part of statewide redistricting

- Washington State Senate Democrats, 2021-22, racially polarized voting analysis as part of statewide redistricting

- City of San Jose, 2021, racially polarized voting analysis as part of city redistricting

- Santa Clara County, 2021, racially polarized voting analysis as part of county redistricting

- Pennsylvania, 2020, Boockvar v. Trump, Expert for Intervenors, (Perkins Coie) related to voter intimidation

- Missouri, 2020, Missouri NAACP vs. State of Missouri, Expert for plaintiffs related to vote by mail

- Georgia, 2020, Black Voters Matter vs. Raffesnsperger, Expert for plaintiffs related to vote by mail

- New York, 2019, Expert for NYAG New York v. U.S. Immigration and Customs Enforcement 1:19-cv-08876

- North Carolina, 2019, Expert for Plaintiffs in North Carolina voter ID lawsuit, NAACP v. Cooper

- East Ramapo CSD, 2019, Expert for Plaintiffs in Section 2 VRA lawsuit, assessed polarized voting

- New York, 2018, Expert for Plaintiffs in Census Citizenship Lawsuit, New York v. U.S. Dept of Commerce (also an expert related cases: *California v. Ross* and *Kravitz v. Dept of Commerce*)

- Dallas County, TX, 2017, Expert for Defense in Section 2 VRA lawsuit, Harding v. Dallas County

- Kansas, 2016, Expert for Plaintiffs in Kansas voter registration lawsuit, Fish v. Kobach 2:16-cv-02105-JAR

- North Dakota, 2015, Expert for Plaintiffs in North Dakota voter ID lawsuit, Brakebill v. Jaeger 1:16-cv-00008-CSM

- Alabama, 2015, Expert for Plaintiffs in Alabama voter ID lawsuit, Birmingham Ministries v. State of Alabama 2:15-cv-02193-LSC

- Texas, 2014, Testifying Expert for Plaintiffs in Texas voter ID lawsuit, Veasey v. Perry 2:13-cv-00193

- Galveston County, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, vote dilution analysis, and racially polarized voting analysis for Section 2 lawsuit Galveston County JP/Constable districting

- Pasadena, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Pasadena School District

- Harris County, TX Redistricting, 2011, Testifying Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Harris County

- Pennsylvania, 2012, Testifying Expert for ACLU Foundation of Pennsylvania in voter ID lawsuit, Applewhite v. Commonwealth of Pennsylvania No. 330 MD 2012

- Milwaukee County, WI, 2012, Testifying Expert for ACLU Foundation of Wisconsin in voter ID lawsuit, Frank v. Walker 2:11-cv-01128(LA)

- Orange County, FL, 2012, Consulting Expert for Latino Justice/PRLDEF, Racially polarized voting analysis in Orange County, Florida

- Anaheim, CA, 2012, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for CVRA redistricting case Anaheim, CA

- Los Angeles County, CA, 2011, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for three redistricting cases in L.A.: Cerritos Community College Board; ABC Unified Schools; City of West Covina

- Harris County, TX Redistricting, 2011, Consulting Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, for Section 5 objection within Harris County

- Monterey County, CA Redistricting, 2011, Consulting Expert for City of Salinas, Demographic analysis, creation of alternative maps, and racially polarized Voting analysis within Monterey County

- Los Angeles County Redistricting Commission, 2011, Consulting Expert for Supervisor Gloria Molina, Racially Polarized voting analysis within L.A. County

- State of California, Citizens Redistricting Commission, 2011, Consulting Expert, Racially Polarized Voting analysis throughout state of California

- Asian Pacific American Legal Center, 2011, Racially Polarized Voting analysis of Asian American candidates in Los Angeles for APALC redistricting brief

- Lawyers' Committee for Civil Rights and Arnold & Porter, LLP, 2010-12, Racially Polarized Voting analysis of Latino and Asian candidates in San Mateo County, concerning San Mateo County Board of Supervisors

- ACLU of Washington, 2010-11, preliminary analysis of Latino population patterns in Yakima, Washington, to assess ability to draw majority Latino council districts

- State of Washington, 2010-11, provided expert analysis and research for *State of Washington v. MacLean* in case regarding election misconduct and voting patterns

- Los Angeles County Chicano Employees Association, 2008-10, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (6 reports issued 08-10)

- Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10 Amicus Brief submitted to Indiana Supreme Court, *League of Women Voters v. Rokita*, regarding access to voter identification among minority and lower resource citizens

- State of New Mexico, consulting expert for state in *AAPD v. New Mexico*, 2008,

- District of Columbia Public Schools (DCPS), statistical consultant for survey methodology of opinion survey of parents in DCPS district (for pending suit), 2008,

- Brennan Center for Justice, 2007-08, Amicus Brief submitted to U.S. Supreme Court, and cited in Supreme Court decision, *Crawford v. Marion County*, regarding access to voter identification among minority and lower-resource citizens

- Los Angeles County Chicano Employees Association, 2002-07, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (12 + reports issued during 5 years)

- Monterrey County School Board, 2007, demographic and population analysis for VRA case

- Sweetwater Union School District, 2007-08, Racially Polarized Voting analysis, and demographic and population analysis for VRA case

- Mexican American Legal Defense Fund, 2007-08, Racially Polarized Voting analysis for Latino candidates, for City of Whittier city council races, for VRA case

- ACLU of Washington, 2008, preliminary analysis of voting patterns in Eastern Washington, related to electability of Latino candidates

- Nielsen Media Research, 2005-08, with Willie C. Velasquez Institute, assessed the methodology of Latino household recruitment in Nielsen sample

M.A. BARRETO / UCLA / CURRICULUM VITAE / MAR 2023

TEACHING EXPERIENCE:	UCLA & UW	2005 – Present

- Minority Political Behavior (Grad Seminar)
- Politics of Immigration in the U.S. (Grad Seminar)
- Introduction to Empirical/Regression Analysis (Grad Seminar)
- Advanced Empirical/Regression Analysis (Grad Seminar)
- Qualitative Research Methods (Grad Seminar)
- Political Participation & Elections (Grad Seminar)
- The Voting Rights Act (Law School seminar)
- Research methodology II (Law School Ph.D. program seminar)
- U.S. Latino Politics
- Racial and Ethnic Politics in the U.S.
- Politics of Immigration in the U.S.
- Introduction to American Government
- Public Opinion Research
- Campaigns and Elections in the U.S.
- Presidential Primary Elections

Teaching Assistant
University of California, Irvine   2002 – 2005

- Intro to American Politics (K. Tate)
- Intro to Minority Politics (L. DeSipio)
  Recognized as Outstanding Teaching Assistant, Winter 2002
- Statistics and Research Methods (B. Grofman)
  Recognized as Outstanding Teaching Assistant, Winter 2003

BOARD & RESEARCH APPOINTMENTS	**Founding Partner** Barreto Segura Partners (BSP) Research, LLC	2021 - Present

Founding Partner
Latino Decisions   2007 – 2020

Board of Advisors
American National Election Study, University of Michigan   2010 – 2017

Advisory Board
States of Change: Demographics & Democracy Project   2014 – Present
CAP, AEI, Brookings Collaborative Project

Research Advisor
American Values Institute / Perception Institute   2009 – 2014

Expert Consultant
State of California, Citizens Redistricting Committee   2011 – 2012

Senior Scholar & Advisory Council
Latino Policy Coalition, San Francisco, CA   2006 – 2008

Board of Directors
CASA Latina, Seattle, WA   2006 – 2009

Faculty Research Scholar
Tomás Rivera Policy Institute, University of Southern California 1999 – 2009

PHD STUDENTS   UCLA & UW

Committee Chair or Co-Chair
- Francisco I. Pedraza – University of California, Riverside (UW Ph.D. 2009)
- Loren Collingwood – University of California, Riverside (UW Ph.D. 2012)
- Betsy Cooper – Public Religion Research Institute, Washington DC (UW Ph.D. 2014)
- Sergio I. Garcia-Rios – Cornell University (UW Ph.D. 2015)
- Hannah Walker – Rutgers University (UW Ph.D. 2016)
- Kassra Oskooii – University of Delaware (UW Ph.D. 2016)
- Angela Ocampo – Arizona State University (UCLA Ph.D. 2018)
- Ayobami Laniyonu – University of Toronto (UCLA Ph.D. 2018)
- Bryan Wilcox-Archuleta – Facebook Analytics (UCLA 2019)
- Tyler Reny – Claremont Graduate University (UCLA 2020)
- Adria Tinin – Environmental Policy Analyst (UCLA Ph.D. 2020)
- Angie Gutierrez – University of Texas (UCLA Ph.D. 2021)
- Vivien Leung – Bucknell University (UCLA Ph.D. 2021)
- Marcel Roman – University of Texas (UCLA Ph.D. 2021)
- Shakari Byerly-Nelson – *in progress* (UCLA)

Committee Member
- Jessica Stewart – Emory University (UCLA Ph.D. 2018)
- Jonathan Collins – Brown University (UCLA Ph.D., 2017)
- Lisa Sanchez – University of Arizona (UNM Ph.D., 2016)
- Nazita Lajevardi – Michigan State University (UC San Diego Ph.D., 2016)
- Kiku Huckle – Pace University (UW Ph.D. 2016)
- Patrick Rock (Social Psychology) – (UCLA Ph.D. 2016)
- Raynee Gutting – Loyola Marymount University (Stony Brook Ph.D. 2015)
- Christopher Towler – Sacramento State University (UW Ph.D. 2014)
- Benjamin F. Gonzalez – San Diego State University (UW Ph.D. 2014)
- Marcela Garcia-Castañon – San Francisco State University (UW Ph.D. 2013)
- Justin Reedy (Communications) – University of Oklahoma (UW Ph.D. 2012)
- Dino Bozonelos – Cal State San Marcos (UC Riverside Ph.D. 2012)
- Brandon Bosch – University of Nebraska (UW Ph.D. 2012)
- Karam Dana (Middle East Studies) – UW Bothell (UW Ph.D. 2010)
- Joy Wilke – *in progress* (UCLA ABD)
- Erik Hanson – *in progress* (UCLA)
- Christine Slaughter – Princeton (UCLA Ph.D. 2021)
- Lauren Goldstein (Social Psychology) – *in progress* (UCLA)
- Barbara Gomez-Aguinaga – University of Nebraska (UNM Ph.D. 2020)
- Bang Quan Zheng – Florida International University (UCLA Ph.D. 2020)

Exhibit 2

Kassra A.R. Oskooii

Contact Information	University of Delaware Political Science & International Relations 403 Smith Hall, 18 Amstel Ave Newark, DE 19716	☎ (302) 831-1928 🖷 (302) 831-4452 ✉ oskooiik@udel.edu 🖥 www.kassraoskooii.com

Academic Appointments

University of Delaware
Political Science & International Relations

Associate Professor	2021-Present
Assistant Professor	2016-2021
Provost Teaching Fellow	2022-Present

Affiliated Faculty:
Center for Political Communication (CPC)
Center for the Study of Diversity (CSD)
Race, Justice, Policy Research Initiative (RJPRI)

Education

University of Washington   Ph.D., 2016
Department of Political Science

General Fields: American Politics & Political Methodology
Specialized Field: Minority and Race Politics

University of Washington   M.A., 2013
Department of Political Science

Center for Statistics & the Social Sciences (CSSS)
Political Methodology Field Certificate (2013)

University of Washington   B.A., 2008
Major: Political Science
Minors: Human Rights and Law, Societies, & Justice

Peer-Reviewed Journal Publications

"The Participatory Implications of Racialized Policy Feedback." ***Perspectives on Politics***. w/ Garcia-Rios, S., Lajevardi, N. and Walker, H. (FirstView)

"Undermining Sanctuary? When Local and National Partisan Cues Diverge." 2023. ***Urban Affairs Review***, 59(1): 133-169. w/ Collingwood, L. & Martinez, G.

"Fight Not Flight: The Effects of Explicit Racism on Minority Political Engagement." 2022. ***Electoral Studies***, 80: 102515. w/ Besco, R., Garcia-Rios, S., Lagodny, J., Lajevardi, N., Tolley, E.

"Hate, Amplified? Social Media News Consumption and Anti-Muslim Policy Support." 2022. **Journal of Public Policy**, 42: 656-683. w/ Lajevardi, N. and Walker, H. (FirstView)

"Estimating Candidate Support in Voting Rights Act Cases: Comparing Iterative EI and EI-RxC Methods." 2022. **Sociological Methods and Research**, 51(1): 271-304. w/ Barreto, M., Collingwood & Garcia-Rios, S.

"Beyond Generalized Ethnocentrism: Islam-Specific Beliefs and Prejudice toward Muslim Americans." 2021. **Politics, Groups, and Identities**, 9(3): 538-565. w/ Dana, K. & Barreto, M.

"Opinion Shift and Stability: The Information Environment and Long-Lasting Opposition to Trump's Muslim Ban." 2021. **Political Behavior**, 43: 301–337. w/Lajevardi, N. & Collingwood, L.

Covered in: *The Washington Post (Monkey Cage)*

"The Role of Identity Prioritization: Why Some Latinx Support Restrictionist Immigration Policies and Candidates." 2020. **Public Opinion Quarterly**, 84: 860–891. w/ Hickel, F., Alamillo, R. & Collingwood, L. (FirstView)

"Perceived Discrimination and Political Behavior." 2020. **British Journal of Political Science**, 50(3): 867-892.

"The Paradox Between Integration and Perceived Discrimination Among American Muslims." 2020. **Political Psychology**, 41(3): 587-606. w/ Lajevardi, N., Walker, H. & Westfall, A.

Winner of the 2019 American Political Science Association Race, Ethnicity, and Politics Section Best Paper Award.

"Veiled Politics: Experiences with Discrimination among Muslim Americans." 2019. **Politics and Religion**, 12(2): 629-677. w/ Dana, K., Lajevardi, N., & Walker, H.

"Partisan Attitudes toward Sanctuary Cities: The Asymmetrical Effects of Political Knowledge." 2018. **Politics and Policy**, 46 (6): 951-984. w/ Dreier, S. & Collingwood, L.

"A Change of Heart? Why Individual-Level Public Opinion Shifted against Trump's Muslim Ban." 2018. **Political Behavior**, 40: 1035-1072. w/ Collingwood, L. & Lajevardi, N.

Covered in: *The Washington Post (Monkey Cage), Vox, ThinkProgress, NPR, Al Jazeera, Middle East Eye, Psychology Today, & Social Psych Online*

"Old-Fashioned Racism, Contemporary Islamophobia, and the Political Isolation of Muslim Americans in the Age of Trump." 2018. *Journal of Race, Ethnicity, and Politics*, 3(1): 112-152. w/ Lajevardi, N.

"The Politics of Choice Reconsidered: Partisanship, Ideology, and Minority Politics in Washington's Charter School Initiative." 2018. *State Politics and Policy Quarterly*, 18(1): 61-92. w/ Collingwood, L. & Jochim, A.

"Muslims in Great Britain: The Impact of Mosque Attendance on Political Behaviour and Civic Engagement." 2018. *Journal of Ethnic and Migration Studies*, 44(9): 1479-1505. w/ Dana, K.

"eiCompare: Comparing Ecological Inference Estimates across EI and EI: RxC." 2016. *R Journal*, 8(2): 92-101. w/ Collingwood, L., Barreto, M. & Garcia-Rios, S.

"How Discrimination Impacts Sociopolitical Behavior: A Multidimensional Perspective." 2016. *Political Psychology*, 37(5): 613-640.

"Mosques as American Institutions: Mosque Attendance, Religiosity and Integration into the Political System among American Muslims." 2011. *Religions*, 2(4): 504-524. w/ Dana, K. & Barreto, M.

Book Chapters Encyclopedic Entries	"Discrimination." In *Edward Elgar Encyclopedia of Political Sociology* edited by Maria Grasso and Marco Giugni. (Forthcoming)
	"Race and Racism in U.S. Campaigns." 2020. In *Oxford Handbook on Electoral Persuasion* edited by Liz Suhay, Bernie Grofman, and Alex Trechsel, 15:278–295. w/ Christopher Parker, Christopher Towler, and Loren Collingwood.
Book Reviews	"Understanding Muslim Political Life in America: Contested Citizenship in the Twenty-First Century." Edited by Brian R. Calfano and Nazita Lajevardi. Philadelphia: Temple University Press, 2019. 248p. *Perspectives on Politics*.
Public Writing	"Biden reverses Trump's 'Muslim Ban.' Americans support the decision." *The Washington Post (Monkey Cage)* (27 January, 2021). w/ Lajevardi, N. and Collingwood, L.
	"Targeted: Veiled Women Experience Significantly More Discrimination in the U.S." *Religion in Public* (21 January, 2020). w/ Dana, K., Lajevardi, N., and Walker, H.
	"Here's what the Democrats need to do to get the DREAM Act through Congress." *LSE American Politics and Policy Blog* (29 January, 2018). Also covered by Newsweek U.S. Edition. w/ Walker, H. and Garcia-Rios, S.

"Why Individual-Level Opinion Rapidly Shifted Against Trump's 'Muslim Ban' Executive Order." ***Religion in Public*** (17 January, 2018). w/ Collingwood, L. and Lajevardi, N.

"Allies in name only? Latino-only leadership on DACA may trigger implicit racial biases among White liberals." ***LSE American Politics and Policy Blog*** (28 September, 2017). w/ Garcia-Rios, S. and Walker, H.

"Protests against Trump's immigration executive order may have helped shift public opinion against it" ***LSE American Politics and Policy Blog*** (12 February, 2017). w/ Collingwood, L. and Lajevardi, N.

Select Works In Progress	"Social Mobility Through Immigrant Resentment: Explaining Latinx Support for Restrictive Immigration Policies and Anti-Immigrant Candidates." w/ Hickel, F. and Collingwood, L. (Invited for R&R)

"The Influence of American Identity on Anti-Muslim Policy Preferences Across Partisans." w/ Lajevardi, N. (Invited for R&R)

"Distinct Threats and Differential Support for Public Policies That Harm Muslims." w/ Lajevardi, L. and Salim, M. (In Progress)

"Neighboring Identities: Psychological and Political Reactions to Xenophobic Campaign Attacks." w/ Basco, R., Fisher, S., Garcia-Rios, S., Lagodny, J., Lajevardi, N., Tolley, E. (In Progress)

"Partisan Winners and Losers: Testing Alternative Frames of Congressional Election Results Among White and Latino Voters." w/ Valenzuela, A. and Collingwood, L. (In Progress)

"Polarizing Cues Revisited: The Role of Partisan Benchmarking." w/ Kipp, S., Medenica, V., and Walker, H. (In Progress)

"Voting for Violence? Tracing Ethno-Racial and Partisan Differences in Support for Anti-Democratic Violence Before and After the 2020 Presidential Election." w/ Valenzuela, A. and Collingwood, L. (In Progress)

"White Candidates and Latino Voters: The Significance of Symbolic vs Substantive Ethnic Cues." w/ Collingwood, L. and Alamillo, R. (In Progress)

Grants, Fellowships, & Awards	UD Provost Teaching Fellow	(2022-)
	APSA Race, Ethnicity, and Politics Best Paper Award w/ Nazita Lajevardi, Hannah Walker and Aubrey Westfall	(2019)
	AAPOR Student-Faculty Diversity Pipeline Award	(2019)
	CTAL Instructional Improvement Grant: Engaging Diversity in Political Science w/ Kara Ellerby ($11,000)	(2018)
	POSCIR Seed Research Grant ($1,500)	(2018)
	DEL General University Research Grant ($7,500)	(2017)
	UW Political Science Research Fellowship (est. $13,000)	(2016)
	Dissertation Improvement Research Grant, UCLA ($3000)	(2015)

Dean Recognition for Exceptional Pedagogical Contribution, UW   (2014)
Best Graduate Paper in PoliSci (w/Hannah Walker), UW   (2014)
UW Center for Democracy & VRA Research Fellowship ($5,000)   (2014)
UW Center for Democracy & VRA Research Fellowship ($5,000)   (2013)
Center for Statistics and the Social Sciences Grant ($1,000)   (2013)
UW WISER Research Grant ($2500)   (2011-14)
UW WISER Survey Research Fellowship ($20,000)   (2011-14)
Grad. Opportunities & Minority Achievement Fellowship ($4,000)   (2010-11)
Donald R. Matthews Graduate Fellowship ($40,000)   (2010-11)
Jody Deering Nyguist Award for Excellence in Public Speaking   (2008)

Research Center Affiliations		
Race, Justice, Policy Research Initiative, UD	(2017 -)
Center for Political Communication, UD	(2016 -)
Center for the Study of Diversity, UD	(2016 -)
UW Center for Democracy and Voting Rights Research	(2013-14)
Washington Institute for the Study of Race & Ethnicity (WISER)	(2010-16)
Center for Social Science and Statistics (CSSS)	(2010-16)
Washington Survey Research Center (WASRC)	(2010-15)

Teaching Experience

University of Delaware (2016 -)
POSC 150: Intro to American Politics (x10)
POSC 230: Intro to Politics and Social Justice (x2)
POSC 413: Minority Politics and Representation (x4)
POSC 807: American Political Behavior (Graduate Seminar) (x1)
POSC 867: Race, Ethnicity, and Politics (Graduate Seminar) (x2)

University of Washington (2011-2016)
POLS 202: Intro to American Politics (x2)
POLS 357: Minority Representation and the Voting Rights Act (x1)
POLS 205: Political Science as a Social Science (TA)
POLS 317: US Race and Ethnic Politics (TA)
POLS 353: US Congress (TA)
POLS 503: Advanced Research Design and Analysis (TA)
LAW E 558: Voting Rights Research and the Law (TA)

External Invited Talks/Panels

"Diversity and the State of Democratic Citizenship." Featured invited roundtable sponsored by the *Center for the Study of Democratic Citizenship*. April 23, 2021.

"Shocks to the System: Capturing Opinion Shift and Stability Toward Trump's Muslim Ban." Keynote Speaker at the Democracy and Diversity Triannual Conference at the *Center for the Study of Democratic Citizenship* in Montreal, Canada. April 24-25, 2020. [Cancelled Due to COVID-19]

"The New American Electorate." Panelist. **Princeton University**. Event sponsored by the Center for the Study of Democratic Politics. April 3, 2020. [Cancelled Due to COVID-19]

"Neighboring Identities: Psychological and Political Reactions to Generalized and Particularized Anti-Immigrant Appeals." w/Sergio Garcia-Rios. **University of Toronto**. Talk Sponsored by the Department of Political Science. March 6, 2020.

"History, Institutions, and Theory Research Coordination Network on Racial and Ethnic Politics." Panelist. **University of Pennsylvania**. Event sponsored by the American Political Science Association's Special Projects Fund and the Center for the Study of Ethnicity, Race and Immigration at Penn. February 28-29, 2020.

"Using Observational and Experimental Data to Examine the Sociopolitical Consequences of Perceived Discrimination." **Rutgers University**. Talk sponsored by the Emerging Trends Lecture Series & the Center for the Experimental Study of Politics and Psychology. April 27, 2018.

"A Change of Heart? Using Panel Designs to Establish Causality with Real Events." w/Loren Collingwood. **Princeton University**. Talk sponsored by the Center for the Study of Democratic Politics. April 26, 2018.

"Using Observational and Experimental Data to Examine the Sociopolitical Consequences of Perceived Discrimination." **University of California Los Angeles**. Talk sponsored by the Race, Ethnicity and Politics Workshop. March 5, 2018.

"Muslim-American Attitudes, Sociopolitical Behavior, and Identity." Panelist/Section Presenter. **University of California Los Angeles**. Event sponsored by the Luskin School of Public Affairs & the National Science Foundation. December 15, 2017.

"Muslim-American Political Behavior." Panelist/Section Presenter. **Menlo College**. Event sponsored by Menlo College & the National Science Foundation. December 16, 2016.

Internal or Public Invited Talks/Panels	"How Democratic is the U.S. Constitution, and to What Extent did the Founding Fathers Oppose Majority Rule?" Speaker. University Day Public Lecture. March 18, 2023.
	"Race, Ethnicity, and Gender in the 2020 Election." Speaker. Panel sponsored by the the University of Delaware POSCIR. December 14, 2020.
	"Building Community: Scholarship and Connection among Faculty of Color."

Speaker. Panel sponsored by the Center for the Study of Diversity (CSD) at the University of Delaware. February 24, 2020.

"Executive Power and the U.S. Democracy." Talk sponsored by the 2019 YALI Mandela Washington Fellows Program at the University of Delaware. July 2, 2019.

"Opinion Shift and Stability: Long-Lasting Opposition toward Trump's Muslim Ban." Talk sponsored by the Department of Sociology and Criminal Justice Colloquium Speaker Series at the University of Delaware. April 24, 2019.

"Old-Fashioned Racism and the Roots of Contemporary Islamophobia." Talk sponsored by the Center for the Study of Diversity (CSD) Colloquium Speaker Series at the University of Delaware. December 6, 2018.

"Understanding Executive Power in the United States." Talk sponsored by the 2018 YALI Mandela Washington Fellows Program at the University of Delaware. July 2, 2018.

"The Inclusion and Exclusion of Minority Groups in the United States." Talk sponsored by the 2017 YALI Mandela Washington Fellows Program at the University of Delaware. July 11, 2017.

"Inclusion and Exclusion: Perceptions of Discrimination in the Workplace." Diversity Summit Presenter. Talk sponsored by the Office of Equity and Inclusion at the University of Delaware. June 20, 2017.

"What Happens Now Part II? A Forum to Discuss Bigotry & Closed Borders in the Trump Era." Speaker. Panel sponsored by the Department of Women and Gender Studies, Sociology and Criminal Justice, Political Science and International Relations, & the College of Arts and Sciences at the University of Delaware. February 13, 2017.

"Forum on the Travel Ban Executive Order." Speaker. Panel sponsored by the University of Delaware Provost Office. February 7, 2017.

"What Happens Now Part I? Fear, Diversity, and Inclusion in Post-U.S. Election." Speaker. Panel sponsored by Women and Gender Studies, Sociology and Criminal Justice, Political Science and International Relations, History, & the College of Arts and Sciences at the University of Delaware. November 30, 2016.

"Race, Religion, and Gender." Election Central Panelist. Event sponsored by the Center for Political Communication at the University of Delaware. November 8, 2016.

Select
Conference
Presentations

2021

"Partisan Winners and Losers: Testing Alternative Frames of Congressional Election Results Among White and Latino Voters." Online Paper Presentation at the Annual American Political Science Association Conference (APSA).

"Kissing Up and Kicking Down: How Immigrant Resentment Impacts Latinx Support for Donald Trump and Restrictive Immigration Policies." Online Paper Presentation at the Annual American Political Science Association Conference (APSA).

"How do Political Attacks Affect Racial and Ethnic Self-Identities?" Online Paper Presentation at the Annual Midwest Political Science Association Conference (MPSA).

"Kissing Up and Kicking Down: How Immigrant Resentment Impacts Latinx Support for Donald Trump and Restrictive Immigration Policies." Online Paper Presentation at the Annual Midwest Political Science Association Conference (MPSA).

2019

"The Significance of Politicized Group Identities: Re-examining the Relationship between Contact with Punitive Political Institutions and Political Participation." Paper Presentation at the Annual American Political Science Association Conference (APSA) in Washington DC.

"Threat or Reassurance? Framing Midterm results among Latinos and Whites." Paper Presentation at the Annual American Political Science Association Conference (APSA) in Washington DC.

"When American Identity Trumps Latinx Identity: Explaining Support for Restrictive Immigration Policies." Paper Presentation at the Annual American Political Science Association Conference (APSA) in Washington DC.

"Anti-Minority Politics and Political Participation: Evidence from Four Countries." Paper Presentation at the Annual American Political Science Association Conference (APSA) in Washington DC.

2018

"Assessing the Link between Interactions with Punitive Political Institutions and Political Behavior." Paper Presentation at the 2018 Symposium on the Politics of Immigration, Race, and Ethnicity (SPIRE) Meeting in Philadelphia, PA (University of Pennsylvania).

"Are Integrated Muslim Americans More Likely to Perceive Discrimination?" Paper Presentation at the Annual American Political Science Association Con-

ference (APSA) in Boston, MA.

"Opinion Shift and Stability: Enduring Individual-Level Opposition to Trump's Muslim Ban." Paper Presentation at the Annual American Political Science Association Conference (APSA) in Boston, MA.

"Assessing the Link between Interactions with Punitive Political Institutions and Political Behavior." Paper Presentation at the 2018 Collaborative Multiracial Post-Election Study (CMPS) Meeting in Los Angeles, CA (UCLA).

2017

"A Change of Heart? Why Individual-Level Public Opinion Shifted against Trump's Muslim Ban." Paper Presentation at the Annual American Political Science Association Conference (APSA) in San Francisco, CA.

"Veiled Politics: Experiences with Discrimination among American Muslims." Paper Presentation at the Annual American Political Science Association Conference (APSA) in San Francisco, CA.

"The Racial Shield as Racism Exoneration: Explaining White Racist Support for Conservative Minority Candidates." Paper Presentation at the Annual Western Political Science Association Conference (WPSA) in Vancouver BC, Canada.

2016

"Assessing the Mechanism Linking Discrimination to Democratic Engagement." Paper Presentation at the Annual American Political Science Association Conference (APSA) in Philadelphia, PA.

"Estimating Candidate Support: Comparing EI and EI-RxC." Paper Presentation at the Annual Midwest Political Science Association Conference (MPSA) in Chicago, Illinois.

Student Supervision	Sadie Ellington, Dissertation Committee Member (POSC)
	Enes Aksu, Dissertation Committee Member (POSC)
	Enes Tuzgen, Dissertation Committee Member (POSC)
	Olga Gerasimenko, Dissertation Committee Member (POSC)
	Furkan Karakayan, Dissertation Committee Member (POSC)
	Richard Takyi Amoah, Dissertation Committee Member (ECON)
	Sheila Afrakomah, Dissertation Committee Member (ECON)
	Ahmet Ates, Dissertation Committee Member (POSC)
	Charles Mays, Long Paper and Dissertation Chair (POSC)
	Ian Mumma, Long Paper Committee Member (POSC)

Rachel Spruill, Undergraduate Honors Thesis Chair
Jessica Sack, Undergraduate Honors Thesis Chair
Jordan Spencer, Undergraduate Faculty Mentor for the McNair Program
Lauren Turenchalk, Undergraduate Research Supervisor

Professional
Service

Editorial Board Member
Politics and Religion (6/2018 - 12/2021)

Discipline Service
American Political Science Association (APSA) REP Section Chair (2021-2022)

Western Political Science Association (WPSA) Task Force on Equity, Inclusion, and Access in the Discipline (2020-2021)

APSA Race, Ethnicity, and Politics Best Paper Award Committee Member (2020)

University Service
2019 Summer Educational and Cultural Experience Program (SECEP) Lecturer of Politics and Justice in the United States. (July 27 - August 20, 2019)

Manuscript Reviewer/Referee
American Journal of Political Science, American Political Science Review, American Politics Research, British Journal of Political Science, Belgian Federal office for Science Policy, Behavioral Sciences of Terrorism and Political Aggression, Cambridge University Press, Electoral Studies, European Political Science Review, International Journal of Public Opinion, Journal of Elections, Public Opinion & Parties, Journal of Ethnic and Migration Studies, Journal of Politics, Journal of Race, Ethnicity and Politics, Migration Studies, Perspectives on Politics, Political Behavior, Politics, Groups, and Identities, Political Psychology, Political Research Quarterly, Politics and Religion, Public Opinion Quarterly, Social Science Quarterly, Time-Sharing Experiments for the Social Sciences

Conference Coordination
Politics of Race, Immigration, and Ethnicity Consortium (PRIEC) at the University of Delaware. (2020)

Politics of Race, Immigration, and Ethnicity Consortium (PRIEC) at the University of Washington. (2013)

Latinos and the Voting Rights Act. Center for Democracy and Voting Rights Research at the University of Washington Law School. (2013)

Islam in the Public Sphere Conference. Washington Institute for the Study

of Race & Ethnicity (WISER). (2011)

Expert Consulting Experience	*State of Maryland Attorney General's Office*; 2021 MD Redistricting
	Baltimore County Branch of the NAACP v. Baltimore County, 21-cv-03232-LKG (D. Md.)
	Common Cause Florida v. Lee, 4:22-cv-109-AW-MAF (N.D. Fla.)
	Dickinson Bay Area NAACP Branch v. Galveston County, Texas, 22-cv-117-JVB (S.D. Tex.)
	Reyes v. Chilton, 4:21-cv-05075-MKD (E.D. Wash.)
	Roswell Independent School District (RISD); 2022 Redistricting
	Caroline County Branch of the NAACP v. Town of Federalsburg, Civ. Action No. 23-SAG-00484 (D.Md. 2023)

Previous Research Positions	**Senior Researcher, Washington Poll**	2010-2014
	Public Opinion Survey Design, Programming, and Analysis.	
	Researcher, Center for Democracy & Voting Rights Research	2013-2014
	Racially Polarized Voting (RPV) Analysis of jurisdictions in states such as: California, Florida, Texas, and Washington.	
	Investigator, Washington State Charter School Initiative	2013
	Precinct and school district level data collection and analysis of the I-1240 Vote for S360 Polling Firm and Melinda & Gates Foundation.	

Skills & Additional Information	**Software**: R, STATA, LATEX
	Languages: Farsi (Persian)–Native Speaker
	R Packages: eiCompare (contributor)

EXHIBIT 7

Page 1

Common Cause, et al.   )

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v.   )   4:22-cv-109

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Cord Byrd   )

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TRANSCRIPTION OF VIDEO FILE

HOUSE REDISTRICTING COMMITTEE

FEBRUARY 25, 2022

DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

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 1    FEBRUARY 25, 2022

 2              CHAIRMAN LEEK:  The Redistricting

 3    Committee will come to order.  DJ, please call

 4    the roll.

 5              THE SECRETARY:  Chair Leek.

 6              CHAIRMAN LEEK:  Here.

 7              THE SECRETARY:  Vice Chair Fine.

 8              VICE-CHAIR FINE:  Here.

 9              THE SECRETARY:  Ranking Member Geller.

10              REPRESENTATIVE GELLER:  Here.

11              THE SECRETARY:  Representative Andrade.

12              REPRESENTATIVE ANDRADE:  Here.

13              THE SECRETARY:  Bush.

14              REPRESENTATIVE BUSH:  Here.

15              THE SECRETARY:  Byrd

16              REPRESENTATIVE BYRD:  Here.

17              THE SECRETARY:  Clemons.

18              REPRESENTATIVE CLEMONS:  Here.

19              THE SECRETARY:  Drake.

20              REPRESENTATIVE DRAKE:  Here.

21              THE SECRETARY:  Driskell.

22              REPRESENTATIVE DRISKELL:  Here.

23              THE SECRETARY:  Goff-Marcil.

24              REPRESENTATIVE GOFF-MARCIL:  Here.

25              THE SECRETARY:  Grall.
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1   REPRESENTATIVE GRALL: Here.

2   THE SECRETARY: Grant.

3   REPRESENTATIVE GRANT: Here.

4   THE SECRETARY: Jenne has been excused.

5   Latvala.

6   REPRESENTATIVE LATVALA: Here.

7   THE SECRETARY: Mariano.

8   REPRESENTATIVE MARIANO: Here.

9   THE SECRETARY: McClain.

10   REPRESENTATIVE MCCLAIN: Here.

11   THE SECRETARY: Omphroy.

12   Omphroy.

13   REPRESENTATIVE OMPHROY: (No audible

14   response).

15   THE SECRETARY: Payne.

16   REPRESENTATIVE PAYNE: Here.

17   THE SECRETARY: Robinson.

18   REPRESENTATIVE ROBINSON: Here.

19   THE SECRETARY: Rommel.

20   REPRESENTATIVE ROMMEL: Here.

21   THE SECRETARY: Sirois.

22   REPRESENTATIVE SIROIS: Here.

23   THE SECRETARY: Slosber-King.

24   REPRESENTATIVE SLOSBER-KING: Here.

25   THE SECRETARY: Thompson.

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 1              REPRESENTATIVE THOMPSON:  Here.

 2              THE SECRETARY:  Tuck.

 3              REPRESENTATIVE TUCK:  Here.

 4              THE SECRETARY:  Ex Officio Skidmore.

 5              REPRESENTATIVE SKIDMORE:  Here.

 6              THE SECRETARY:  Quorum is present, Mr.

 7      Chair.

 8              CHAIRMAN LEEK:  Thank you, DJ.

 9              Members, a few reminders before we

10      begin.  Please silence all electronic devices.

11      And if you're here today to give public

12      testimony, please take time now to fill out an

13      appearance form and turn it into the sergeant

14      staff.

15              Also, as a reminder, for our members and

16      speakers, please ensure that you turn your

17      microphone on when you are speaking and off when

18      you are finished.

19              Members, I'm going to kick off today's

20      meeting a little differently than I had planned

21      at the beginning of the week, such has been this

22      week.  We had a pause in our congressional

23      redistricting process.  We paused our process

24      when the governor voiced an opinion over the

25      legal standards of our maps and requested an
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1   advisory opinion from the Supreme Court regarding

2   CD5, in which we joined.

3   Once the Court chose not to opine on

4   that request, we immediately resumed our process.

5   We have a lot of work ahead of us today; and

6   before regular session concludes, I want to make

7   sure we are focused.

8   We received a letter from Ranking Member

9   Geller. I think another letter. One of several.

10   All along, I have encouraged the members to

11   provide feedback and ask questions as we move

12   maps throughout this process. Myself, Chair

13   Sirois, and staff have met with dozens of members

14   from both sides of the aisles, who have brought

15   forth legitimate feedback and questions.

16   Despite all the fluidity that this

17   process has encountered, I was feeling optimistic

18   and like we had partners who wanted to work

19   collaboratively with us in this process for a

20   landing. This letter shakes my confidence in

21   that.

22   On Monday, I received a letter from the

23   Ranking Member requesting items that have been

24   discussed ad nauseam on the record. This letter

25   didn't espouse the same genuine concerns that

2/25/2022   Common Cause, et al. v. Cord Byrd   Audio Transcription

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1   changes that were filed last night. Again, this

2   is a strike-all, so this will replace everything

3   that was before you initially.

4   Representative Sirois will also be

5   helping me to explain those changes throughout

6   the map. The Florida Legislature is directed to

7   redistrict every ten years following the

8   decennial census to account for growing and

9   shifting population across Florida. A decade

10   ago, the Florida House's process and methodology

11   for drawing maps was allotted by the Florida

12   Supreme Court. And I'd like to read a quote from

13   the 2012 ruling.

14   "A review of the House plan in the

15   record reveals that the House engaged in a

16   consistent and reasoned approach, balancing the

17   two-tier standards by endeavoring to make

18   districts compact and as nearly equal in

19   population as possible and utilizing political

20   and geographical boundaries were feasible by

21   endeavoring to keep counties and cities together

22   where possible. In addition, the House

23   approached the minority voting protection

24   provision by properly undertaking a functional

25   analysis of voting strength in minority

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1   districts."

2   As I mentioned earlier, this Committee

3   has undertaken several months of education in

4   order to understand the redistricting process and

5   uphold the high bar that was set for this chamber

6   last decade. Last week, the Congressional

7   Redistricting Subcommittee passed map H000C8011,

8   what is now HB 7503, which proposes congressional

9   districts that will be used on election cycle

10 starting in 2022. Today, we will walk through an

11 amendment to HB 7503 that has two maps. And I'll

12 explain that further here in a few minutes.

13   As I mentioned earlier, this map has

14 been drafted exclusively by Committee staff with

15 the advice of legal counsel based on the data

16 from the 2020 census and to be in alignment with

17 the Florida Constitution, state and federal law,

18 as well as court precedent.

19   Members, I want to make sure each of you

20 has a map packet in front of you. This contains

21 a printout of the proposed map itself, the

22 statewide snapshot of statistics, the functional

23 analysis data for our six protected minority

24 districts, a list of county shares of population,

25 a list of city splits, and finally, the boundary

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1   analysis report. These items will be referenced

2   throughout the presentation today, so please feel

3   free to refer to your packet as needed. This

4   packet is also available on our subcommittees

5   webpage on myfloridahouse.gov.

6   Now, let's talk about the structure of

7   the amendment before we segue into its specific

8   contents. This is new, and I want to take time

9   to explain. This amendment contains a primary

10   map, H000C8017, that addresses concerns about the

11   shape of Congressional District 5 by creating a

12   more compact North Florida district that will

13   enable minority voters to elect the candidates of

14   their choice. We believe this solution creates a

15   singular exception to the diminishment standard.

16   The amendment also contains a secondary

17   map, H000C8015. The legislature knows it's

18   legally compliant under the current law and keeps

19   the previously proposed configuration of District

20   5. Outside of the districts impacted by the

21   change to District 5, the structure of both maps

22   is exactly the same throughout the rest of the

23   state.

24   The amendment also includes other

25   adjustments that have been made, the same in both

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1   maps, to bring us more in alignment with our

2   Senate partner so we can bring this process in

3   for landing prior to the conclusion of the

4   regular session. I want to emphasize that.

5   Prior to the conclusion of the regular session.

6   So why two maps and one amendment, you

7   may be asking. The primary map was put forward

8   as a way to address the novel legal theory raised

9   by the governor, while still protecting a black

10 minority seat in North Florida. If this

11 configuration of CD5 and the primary map is

12 struck down by a court, the secondary map is

13 postured to take immediate effect and contains a

14 district configuration similar to the benchmark

15 district.

16   I know this has a lot to take in. I

17 acknowledge these maps look visually different,

18 even having two maps is a unique setup. However,

19 we are faced with a unique situation, and this is

20 the House attempt at continuing to protect the

21 minority group's ability to elect a candidate of

22 their choice, addressing compactness concerns,

23 and working to make sure we bring this process in

24 for a landing during the regular session.

25   And perhaps most importantly, we want to

Page 25

1   make sure all Floridians have clarity and

2   finality, going into our upcoming election cycle

3   with where our map stands. Now let's dive into

4   the details of the primary map, and we'll walk

5   through the secondary map after that.

6   Here's an overview of the primary map.

7   Let's first look at the map as a whole. When

8   compared to the benchmark congressional map, the

9   new map of new proposed congressional districts

10   has several points of improvement throughout tier

11   2 standards. When looking at a statewide average

12   of each district's compactness scores, we have

13   been able to recreate compact districts that

14   improve on our benchmark metrics even after the

15   addition of the new congressional district.

16   The proposed map statewide average

17   compactness scores are a Reock score of 0.48, a

18   Convex-hull score of 0.82, an Polsby-Popper score

19   of 0.42. Where feasible, we also worked to

20   improve visual compactness of districts or the

21   eyeball test, such as being able to keep Polk

22   County wholly within a single congressional

23   district. When looking at the number of counties

24   splits, we've kept similar to the benchmark map

25   with 18 counties split last decade and only 18

2/25/2022   Common Cause, et al. v. Cord Byrd   Audio Transcription

Page 26

1   counties split this decade.

2   The ideal population for this decade's

3   congressional districts after adding the 28th

4   district is 769,211 people. The overall

5   deviation range is the same as it was last

6   decade, with 27 districts being the exact ideal

7   population and one district having a single

8   person less than the ideal population. We also

9   are proudly able to improve the number of cities

10   split in our proposed map. In the benchmark map

11   there were 39 cities split. In the PCB that

12   passed last week, there were 27 cities split.

13   In today's amendment we've been able to

14   decrease that to just 17 cities split. This

15   proposed congressional map also allows a district

16   to be placed wholly within each of Florida's top

17   six largest counties, Miami-Dade, Broward, Palm

18   Beach, Hillsborough, Orange, and Duval

19   respectively. The proposed map is inclusive of

20   three protected black districts and three

21   protected Hispanic districts. This is the same

22   number of protected districts as found in the

23   benchmark map.

24   All six of these protected minority

25   districts have had an individual functional

Page 27

1   analysis conducted. And in performing this

2   analysis, we can confirm each district will be a

3   solidly performing district as under the

4   benchmark map. And we will continue to provide

5   minority voters with the ability to elect

6   candidates of their choice and the equal

7   opportunity to participate in the political

8   process.

9   These districts are also drawn in a

10   consistent manner, with respect to the Florida

11   Supreme Court precedent, to maintain existing

12   majority-minority districts. As we move

13   throughout the map, I will highlight these

14   districts as well. All of our districts consist

15   of contiguous territory. And as I'm sure you're

16   aware, the Committee has also implemented

17   safeguards in order to ensure that we do not draw

18   districts with the intent to favor or disfavor a

19   political party or an incumbent.

20   Now that we've looked at the statewide

21   overview, let's begin to review each region of

22   the state. I'm going to hand it over to

23   Representative Sirois to walk through each

24   region.

25   VICE-CHAIR FINE: Representative Sirois,

EXHIBIT 8

To: Newman, Ryan[Ryan.Newman@eog.myflorida.com]
Cc: Jason Torchinsky[jtorchinsky@HoltzmanVogel.com]; Mohammad O. Jazil[mjazil@holtzmanvogel.com]; Pratt, Joshua[Joshua.Pratt@eog.myflorida.com]; Meros, Nicholas[Nicholas.Meros@eog.myflorida.com]
From: Robert Popper[rpopper@JUDICIALWATCH.ORG]
Sent: Sun 2/13/2022 12:53:47 AM (UTC)
Subject: RE: Request for Assistance

Sure, that works. Talk to you then.

Sent from my T-Mobile 4G LTE Device

-------- Original message --------
From: "Newman, Ryan" <Ryan.Newman@eog.myflorida.com>
Date: 2/12/22 7:44 PM (GMT-05:00)
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, "Mohammad O. Jazil" <mjazil@holtzmanvogel.com>, "Pratt, Joshua" <Joshua.Pratt@eog.myflorida.com>, "Meros, Nicholas" <Nicholas.Meros@eog.myflorida.com>
Subject: RE: Request for Assistance

Thanks so much, Bob.

Just to clarify, the hearing is this Friday, February 18. (I mistakenly wrote March 18.)

Is there any chance that you would be free tomorrow afternoon at 1:30? If so, Josh / Mo, could you please circulate a conference call number?

All the best,

Ryan

Ryan D. Newman

General Counsel

Office of Governor Ron DeSantis

(850) 717-9368

From: Robert Popper <rpopper@JUDICIALWATCH.ORG>
 Sent: Saturday, February 12, 2022 5:35 PM
 To: Newman, Ryan <Ryan.Newman@eog.myflorida.com>
 Cc: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Pratt, Joshua <Joshua.Pratt@eog.myflorida.com>; Meros, Nicholas <Nicholas.Meros@eog.myflorida.com>
 Subject: Re: Request for Assistance

Mr. Newman,

Thank you for the invitation. I have seen the map, and I would be glad to serve as a witness. We can talk any time this weekend or next week at your convenience. My cell no. is (201) 486-8773.

Bob

Robert D. Popper

Judicial Watch, Inc.

425 Third Street, SW

Suite 800

Washington, D.C. 20024

(202) 646-5172

Direct: (202) 646-5173

From: Newman, Ryan <Ryan.Newman@eog.myflorida.com>
Sent: Saturday, February 12, 2022 3:19 PM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Pratt, Joshua <Joshua.Pratt@eog.myflorida.com>; Meros, Nicholas <Nicholas.Meros@eog.myflorida.com>
Subject: Request for Assistance

Mr. Popper,

My name is Ryan Newman, and I am General Counsel to Governor Ron DeSantis. John Gore at Jones Day suggested that I reach out to you.

The Florida House of Representatives has scheduled a committee hearing for this coming Friday, March 18, on its congressional redistricting map. The House proposal retains Congressional District 5 in northern Florida, which we believe is an unconstitutional racial gerrymander. It stretches roughly two hundred miles to connect a minority community in Jacksonville with a minority community in Tallahassee and Gadsden County to create a district with a BVAP of only 44%.

We were hoping that you might be interested in serving as a witness at the hearing to educate the committee on why retaining this district would likely violate the U.S. Constitution.

Please let me know if you would be interested in speaking with us. I'm cc'ing Jason Torchinsky and Mo Jazil, who have been representing the Governor's office and the Florida Department of State as outside counsel. Josh Pratt and Nick Meros are Deputy GCs in my office.

I look forward to hearing from you.

All the best,

Ryan

Ryan D. Newman

General Counsel

Office of Governor Ron DeSantis

State of Florida

The Capitol

Tallahassee, Florida 32399-0001

T: (850) 717-9368

F: (850) 488-9810

ryan.newman@eog.myflorida.com

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

EXHIBIT 9

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-717-9418

RON DeSANTIS
GOVERNOR

February 18, 2022

Honorable Tyler Sirois
Member, Florida House of Representatives
Chairman, Congressional Redistricting Subcommittee
400 South Monroe Street
Tallahassee, Florida 32399

Dear Chairman Sirois:

I write to convey the legal objections of the Executive Office of the Governor to the inclusion of Congressional District 3 in the maps proposed by the staff of the Florida House Redistricting Committee. The proposed district, which largely tracks current Congressional District 5, spans approximately 200 miles from East to West and cuts across eight counties to join a minority population in Jacksonville with a separate and distinct minority population in Leon and Gadsden Counties. The district is not compact and does not otherwise conform to usual political or geographic boundaries. Instead, it appears to be drawn solely to combine separate minority populations from different regions of northern Florida in a less than majority-minority district so that together they may have an opportunity to elect a candidate of their choice.

Where race is "the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district," the legislature must prove that such "race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end." *Cooper v. Harris*, 137 S. Ct. 1455, 1463-64 (2017) (citations omitted). Because the Legislature cannot show that the proposed Congressional District 3 would satisfy strict scrutiny, the proposed district violates the Fourteenth Amendment to the U.S. Constitution and should not be included in any map enacted by the Florida House of Representatives.

Proposed Congressional District 3 (Blue)

1

Current Congressional District 5 (Orange)

The Equal Protection Clause of the Fourteenth Amendment generally prohibits state laws that separate citizens into groups on the basis of race. A state law that "expressly distinguishes among citizens because of their race" can survive legal challenge only if it is "narrowly tailored to further a compelling governmental interest." *Shaw v. Reno*, 509 U.S. 630, 643 (1993). This principle applies not only to a law that "contains explicit racial distinctions, but also to those 'rare' statutes that, although race neutral, are, on their face, 'unexplainable on grounds other than race.'" *Id.* (quoting *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977)). Redistricting legislation is treated no differently. According to the U.S. Supreme Court, "redistricting legislation that is so bizarre on its face" that it can only be explained because of race "demands the same close scrutiny that we give other state laws that classify citizens by race." *Id.* at 644.

To state an equal protection claim, a plaintiff must "show, either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature's [line-drawing] decision." *Miller v. Johnson*, 515 U.S. 900, 916 (1995). Specifically, the plaintiff must prove that "the legislature subordinated traditional race-neutral districting principles, including but not limited to compactness, contiguity, and respect for political subdivisions or communities defined by actual shared interests, to racial considerations." *Id.*

Given the foregoing considerations, it is evident that non-racial grounds cannot explain proposed Congressional District 3. First, the district violates traditional districting principles. Far from compact, the district records compactness scores as low as .11 on the Reock test, .63 on the Area / Convex Hull test, and .1 on the Polsby-Popper test. It also does not respect political subdivisions or communities defined by actual shared interests. The district splits four counties and three municipalities, and it stretches across eight counties to join a minority population in Jacksonville with minority populations in Leon and Gadsden Counties. These communities are in separate and distinct regions of northern Florida and are not defined by shared interests. With respect to contiguity, the district narrows to a mere three miles wide from North to South when traversing the northernmost precincts of Leon County at the state's northern border in an effort to include the minority populations in western Leon County and Gadsden County while avoiding the non-minority population in eastern Leon County.

2

Second, only two considerations plausibly explain the district's unusual shape—partisanship or race. If the district were drawn to favor partisan interests, it would violate the Fair Districts Amendment of the Florida Constitution. Article III, Section 20 of the Florida Constitution provides that "[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent." If improper partisan interests did not play a role, the only reasonable explanation for the district is race. This conclusion follows from the historical circumstances surrounding the creation of the current district.

The Florida Supreme Court drew the current district—Congressional District 5—in 2015. The Court rejected a North-South configuration of the district that ran from Jacksonville to Orlando because it concluded that such configuration had been unconstitutionally tainted by improper partisan influences. *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 403 (Fla. 2015) ("*Apportionment VII*"). The Court further held that the North-South version was not "necessary to avoid diminishing the ability of black voters to elect a candidate of their choice." *Id.* Consequently, the Court adopted the current East-West version. *Id.* at 405-06. While acknowledging that the new configuration was not a "model of compactness," *id.* at 406 (internal quotation marks omitted), the Court determined that it would not "diminish the ability of black voters to elect a candidate of their choice." *Id.* at 405. The Court explained that the non-compact shape was necessary because of "geography" and "other constitutional requirements such as ensuring that the apportionment plan does not deny the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice." *Id.* at 406 (citation omitted). Thus, it is clear that race considerations predominated in the drawing of the current district. And because the proposed reapportionment plan seeks to retain the district in large measure to avoid diminishment of minority voting power, race considerations likewise predominate in the creation of proposed Congressional District 3.

Third, it is obvious, given the location of minority neighborhoods and precincts, that district lines in both Jacksonville and Tallahassee were drawn specifically to capture minority populations and to combine them into one district. But according to the U.S. Supreme Court, "[a] reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid." *Shaw*, 509 U.S. at 647. By attempting to connect a minority population in Jacksonville with a faraway minority population in Tallahassee and surrounding areas, proposed Congressional District 3 does precisely what the U.S. Supreme Court has condemned.

Because it subordinates traditional districting criteria to avoid diminishment of minority voting power, Congressional District 3 is a racial gerrymander that can survive constitutional challenge only if the Legislature can prove that "its race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end." *Cooper*, 137 S. Ct. at 1464 (citation omitted). The Legislature cannot meet that exacting burden here.

The U.S. Supreme Court has long assumed, without definitively deciding, that complying with the Voting Rights Act ("VRA") is a compelling interest. *Id.* at 1464, 1469. In this case,

however, there is no good reason to believe that the VRA requires Congressional District 3. According to the U.S. Supreme Court in *Bartlett v. Strickland*, 556 U.S. 1, 26 (2009) (plurality), Section 2 is satisfied only when a compact majority of minority citizens can be drawn into a single district. But there is no configuration in any proposal put forward in any public map that we are aware of that has created a majority-minority district in northern Florida.

As both the U.S. Supreme Court and the Florida Supreme Court have noted, Section 2 prohibits the dilution of minority votes where a minority group is "sufficiently large and geographically compact to constitute a majority in some reasonably configured legislative district." *Cooper*, 137 S. Ct. at 1470 (internal quotation marks omitted); *see also Thornburg v. Gingles*, 478 U.S. 30, 50 (1986); *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 622-23 (Fla. 2012) ("*Apportionment I*"). Congressional District 3 is not a reasonably configured district, and in any event, it does not contain a minority group that is sufficiently large and geographically compact to constitute a majority.

Nor does Section 5 of the VRA require Congressional District 3. Before the U.S. Supreme Court invalidated the VRA's coverage formula in *Shelby County v. Holder*, 570 U.S. 529, 553-57 (2013), the State of Florida was not a covered jurisdiction under Section 5, but five Florida counties were: Collier, Hardee, Hendry, Hillsborough, and Monroe. None of those counties are in Congressional District 3. Moreover, even assuming that compliance with the VRA is a compelling interest, it is doubtful that "continued compliance with [Section] 5 remains a compelling interest" in light of "*Shelby County v. Holder*." *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 276 (2015).

Finally, the U.S. Supreme Court has never held that compliance with a state non-diminishment requirement is a compelling interest sufficient to withstand strict scrutiny under the Fourteenth Amendment's Equal Protection Clause. That is especially so where the state race-based requirement lacks a strong basis in evidence. To the extent that Article III, Section 20(a)'s non-diminishment provision parallels Section 5 of the VRA, *see Apportionment I*, 83 So. 3d at 619-20, it should be noted that Congress compiled in 1965 an extensive record of racial discrimination in state electoral processes to justify Section 4 and 5's "strong medicine" and "extraordinary measures to address an extraordinary problem." *Shelby County*, 570 U.S. at 534-35; *see also South Carolina v. Katzenbach*, 383 U.S. 301, 329-34 (1966). When Florida voters approved Article III, Section 20(a), by contrast, they did not have before them a similar record of pervasive, flagrant, widespread, or rampant discrimination.

In any event, the non-diminishment provision of the Florida Constitution simply does not require Congressional District 3. Article III, Section 20(a) of the Florida Constitution provides that "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." This section contains two relevant provisions: the first is the non-vote-dilution provision ("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"), and the second is the non-diminishment provision ("districts shall not be drawn . . . to diminish their ability to elect representatives of their choice"). The

Florida Supreme Court has held that the non-vote-dilution provision mirrors Section 2 of the VRA. *Apportionment I*, 83 So. 3d at 619-23.

When Article III, Section 20(a) is read in this context, it becomes apparent that the group referenced in the latter non-diminishment provision is the very same group of "racial or language minorities" referenced in the former non-vote-dilution provision. The word "their" in the non-diminishment provision necessarily refers back to the "racial or language minorities" in the non-vote-dilution provision. Because the non-vote-dilution provision mirrors Section 2 of the VRA, and because Section 2 only applies to districts that contain a minority group that is sufficiently large and geographically compact to constitute a majority, the non-diminishment provision should also apply to those kinds of districts. Because Congressional District 3 does not contain a minority group that is sufficiently large and geographically compact to constitute a majority, Article III, Section 20(a)'s non-diminishment provision does not apply.

With this reading, both the non-vote-dilution provision and the non-diminishment provision work in tandem. The non-vote-dilution provision allows minority groups to form geographically compact districts where appropriate. *See Gingles*, 478 U.S. at 50-51 (requiring, additionally, political cohesion of the minority group and bloc voting of the majority group). The non-diminishment provision allows minority groups to maintain those districts where appropriate. *See Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 477-80 (1997). In other words, the non-vote-dilution provision goes into effect when a reasonably cohesive district *could be formed*, and the non-diminishment provision goes into effect *once the district has been formed*.

This reading of Article III, Section 20(a)'s non-diminishment provision to refer to "racial or language minorities" in the non-vote-dilution provision flows from the text of the Florida Constitution. It also gives the Florida Constitution the best chance to avoid the federal constitutional concerns raised above. *See Cooper*, 137 S. Ct. at 1463-64, 1482 (invalidating two North Carolina congressional districts).

In sum, I respectfully ask that you consider the foregoing legal objections to Congressional District 3. I also respectfully ask that you include in the legislative record Governor DeSantis' advisory opinion request to the Florida Supreme Court and the Governor's brief before the Florida Supreme Court.

Sincerely,

Ryan Newman
General Counsel

cc: Honorable Chris Sprowls
        Speaker, Florida House of Representatives
        400 South Monroe Street
        Tallahassee, Florida 32399

5

EXHIBIT 10

February 18, 2022

Honorable Tyler Sirois
Member, Florida House of Representatives
Chairman, Congressional Redistricting Subcommittee
400 South Monroe Street
Tallahassee, Florida 32399

Dear Chairman Sirois:

I write to convey the legal objections of the Executive Office of the Governor to the inclusion of Congressional District 3 in the maps by the staff of the Florida House Redistricting Committee. The proposed district, which largely tracks current Congressional District 5, spans approximately 200 miles from East to West and cuts across eight counties to join a minority population in Jacksonville with a separate and distinct minority population in Leon and Gadsden Counties. The district is not compact and does not otherwise conform to usual political or geographic boundaries. Instead, it appears to be drawn solely to combine separate minority populations in a less than majority-minority district from different regions of northern Florida so that together they may elect a candidate of their choice.

Where race is "the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district," the legislature must prove that such "race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end." *Cooper v. Harris*, 137 S. Ct. 1455, 1463-64 (2017). Because the Legislature cannot show that the proposed Congressional District 3 would satisfy strict scrutiny, the proposed district violates the Fourteenth Amendment to the U.S. Constitution and should not be included in any map enacted by the Florida House of Representatives.

Proposed Congressional District 3 (Blue)

Current Congressional District 5 (Orange)
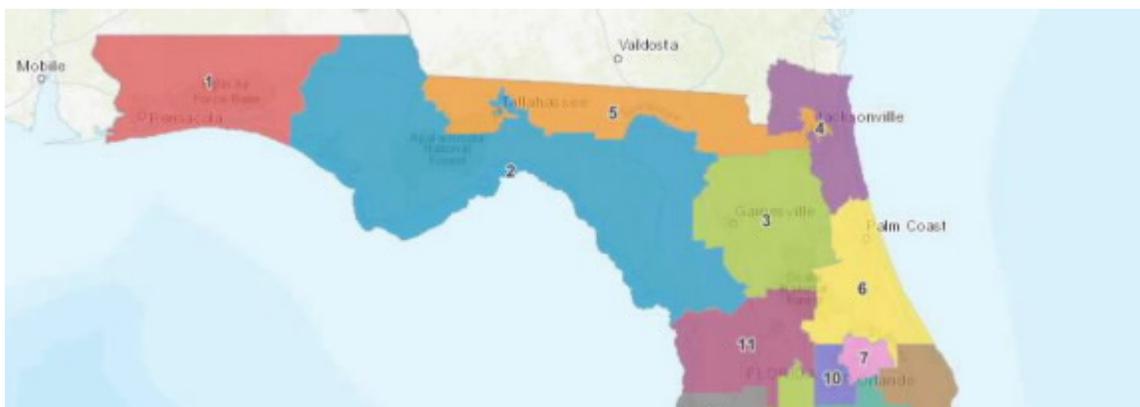
1

DRAFT // ATTORNEY WORK PRODUCT

The Equal Protection Clause of the Fourteenth Amendment generally prohibits state laws that separate citizens into groups on the basis of race. A state law that "expressly distinguishes among citizens because of their race" can survive legal challenge only if it is "narrowly tailored to further a compelling governmental interest." *Shaw v. Reno*, 509 U.S. 630, 643 (1993). This principle applies not only to a law that "contains explicit racial distinctions, but also to those 'rare' statutes that, although race neutral, are, on their face, 'unexplainable on grounds other than race.'" *Id.* (quoting *Arlington Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252, 266 (1977)). Redistricting legislation is treated no differently. According to the U.S. Supreme Court, "redistricting legislation that is so bizarre on its face" that it can only be explained because of race "demands the same close scrutiny that we give other state laws that classify citizens by race." *Id.* at 644.

To state an equal protection claim, a plaintiff must "show, either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature's [line-drawing] decision." *Miller v. Johnson*, 515 U.S. 900, 916 (1995). Specifically, the plaintiff must prove that "the legislature subordinated traditional race-neutral districting principles, including but not limited to compactness, contiguity, respect for political subdivisions or communities defined by actual shared interests, to racial considerations." *Id.*

Given the foregoing considerations, it is evident that non-racial grounds cannot explan proposed Congressional District 3. First, the district violates traditional districting principles. Far from compact, the district records compactness scores as low as .11 on the Reock test, .63 on the Area / Convex Hull test, and .1 on the Polsby-Popper test. It does not respect political subdivisions or communities defined by actual shared interests. The district splits four counties and three municipalities, and it stretches across eight counties to join a minority population in Jacksonville with minority populations in Leon and Gadsden Counties. These communities are in separate and distinct regions of northern Florida and are not defined by shared interests. With respect to contiguity, the district narrows to a mere three miles wide from North to South when traversing the northernmost precincts of Leon County at the state's northern border in an effort to include the minority populations in western Leon County and Gadsden County while avoiding the non-minority population in eastern Leon County.

FL-GOV-22-0226-B, 22-0227-A-000474

Second, only two considerations plausibly explain the district's unusual shape--partisanship or race.   If the district were drawn to favor partisan interests, it would violate the Fair Districts Amendment of the Florida Constitution. Article III, Section 20 provides that "[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent." If improper partisan interests did not play a role, the only reasonable explanation for the district is race. This conclusion follows from the historical circumstances.

The Florida Supreme Court drew the current district—Congressional District 5—in 2015. The Court rejected a North-South configuration of the district that ran from Jacksonville to Orlando because it concluded that such configuration had been unconstitutionally tainted by improper partisan influences. *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 403 (Fla. 2015) ("*Apportionment VII*"). The court further held that the North-South version was not "necessary to avoid diminishing the ability of black voters to elect a candidate of their choice." *Id.* Consequently, the court adopted the current East-West version. *Id.* at 405-06. While acknowledging that the new configuration was not a "model of compactness," *id.* at 406 (internal quotation marks omitted), the Court concluded that it would not "diminish the ability of black voters to elect a candidate of their choice." *Id.* at 405. The Court explained that the non-compact shape was necessary because of "geography" and "other constitutional requirements such as ensuring that the apportionment plan does not deny the equal opportunity of racial or language minorities to participate in the political process or diminish their ability to elect representatives of their choice." *Id.* at 406 (citation omitted). Thus, it is clear that race considerations predominated in the drawing of the current district. And because the House seeks to retain the district in large measure to avoid diminishing of minority voting power, race considerations likewise predominated in creationg proposed Congressional District 3.

Third, it is obvious, given the location of minority neighborhoods and precincts, that district lines in both Jacksonville and Tallahassee were drawn specifically to capture minority populations and to combine them into one district. But according to the U.S. Supreme Court, "[a] reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid." *Shaw*, 509 U.S. at 647. By attempting to connect a minority population in Jacksonville with a faraway minority population in Tallahassee and surrounding areas, proposed Congressional District 3 does precisely what the Supreme Court condemns.

Because the Florida Supreme Court subordinated traditional districting criteria to avoid diminishment of minority voting power, Congressional District 3 is a racial gerrymander whichcan survive constitutional challenge only if the Legislature can prove that "its race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end." *Cooper*, 137 S. Ct. at 1464. The Legislature cannot meet that exacting burden here.

The U.S. Supreme Court has long assumed, without definitively deciding, that complying with the Voting Rights Act ("VRA") is a compelling interest. *Id.* at 1469. In this case, however, there is no good reason to believe that the VRA requires Congressional District 3. According to the U.S. Supreme Court in *Bartlett v. Strickland*, Section 2 is satisfied only when a compact

3

majority of minority citizens can be drawn into a single district. 556 U.S. 1, 26 (2009) (plurality). But there is no configuration in any proposal put forward in any public map that we are aware of that has created a majority-minority district in northern Florida.

Section 2 of the VRA does not require Congressional District 3. As both the U.S. Supreme Court and the Florida Supreme Court have noted, Section 2 prohibits the dilution of minority votes where a minority group is "sufficiently large and geographically compact to constitute a majority in some reasonably configured legislative district." *Cooper*, 137 S. Ct. at 1470 (internal quotation marks omitted); *see also Thornburg v. Gingles*, 478 U.S. 30, 50 (1986); *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 622-23 (Fla. 2012) ("*Apportionment I*"). Congressional District 3 is not a reasonably configured district, and in any event, it does not contain a minority group that is sufficiently large and geographically compact to constitute a majority.

Nor does Section 5 of the VRA require Congressional District 3. Before the U.S. Supreme Court invalidated the VRA's coverage formula in *Shelby County v. Holder*, 570 U.S. 529, 553-57 (2013), Florida was not a covered jurisdiction under Section 5, but five Florida counties were: Collier, Hardee, Hendry, Hillsborough, and Monroe. None of those counties are in Congressional District 3. Moreover, even assuming that compliance with the VRA is a compelling interest, it is doubtful that "continued compliance with [Section] 5 remains a compelling interest" in light of "*Shelby County v. Holder*." *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 276 (2015).

The U.S. Supreme Court has never held or assumed that compliance with a state non-diminishment requirement is a compelling interest sufficient to withstand strict scrutiny under the Fourteenth Amendment's Equal Protection Clause. But even assuming that adherence to the non-diminishment provision of the Florida Constitution could be a compelling interest, and even assuming that Congressional District 3 is narrowly drawn to accomplish that interest, the non-diminishment provision of the Florida Constitution simply does not require Congressional District 3. Article III, Section 20(a) provides that "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."

This section contains two relevant provisions: the first is the non-vote-dilution provision ("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"), and the second is the non-diminishment provision ("districts shall not be drawn . . . to diminish their ability to elect representatives of their choice"). The Florida Supreme Court has held that the non-vote-dilution provision mirrors Section 2 of the VRA. *Apportionment I*, 83 So. 3d at 619-23.

In addition, when Article III, Section 20(a) is read in this context, it becomes apparent that the group referenced in the latter non-diminishment provision is the very same group of "racial or language minorities" referenced in the former non-vote-dilution provision. The word "their" in the non-diminishment provision necessarily refers back to the "racial or language

minorities" in the non-vote-dilution provision. Because the non-vote-dilution provision mirrors Section 2 of the VRA, and because Section 2 only applies to districts that contain a minority group that is sufficiently large and geographically compact to constitute a majority, the non-diminishment provision should also apply to those kinds of districts. Because Congressional District 3 does not contain a minority group that is sufficiently large and geographically compact to constitute a majority, Article III, Section 20(a)'s non-diminishment provision does not apply.[1]

With this reading, both Article III, Section 20(a)'s non-vote-dilution provision and non-diminishment provision work in tandem. The non-vote-dilution provision allows minority groups to form geographically compact districts where appropriate. *See Gingles*, 478 U.S. at 50-51 (requiring, additionally, political cohesion of the minority group and bloc voting of the majority group). The non-diminishment provision allows minority groups to maintain those districts where appropriate. *See Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 477-80 (1997). In other words, the non-vote-dilution provision goes into effect when a reasonably cohesive district *could be formed*, and the non-diminishment provision goes into effect *once the district has been formed*.

This reading of Article III, Section 20(a)'s non-diminishment provision to refer to "racial or language minorities" in the non-vote-dilution provision flows from the text of the Florida Constitution. It also gives the Florida Constitution the best chance to avoid federal constitutional concerns—specifically, whether drawing congressional districts with race as a predominant factor violates the Equal Protection Clause of the U.S. Constitution. *See Cooper*, 137 S. Ct. 1463-64, 1482 (invalidating two North Carolina congressional districts).

In sum, I respectfully ask that you consider the legal objections to Congressional District 3. I also respectfully ask that you include in the legislative record Governor DeSantis's advisory opinion request to the Florida Supreme Court and the Governor's brief before the Florida Supreme Court.

Sincerely,

Ryan Newman
General Counsel

---

[1]

To the extent that Article III, Section 20(a)'s non-diminishment provision parallels Section 5 of the VRA, it should be noted that when Congress compiled in 1965 an extensive record of racial discrimination in state electoral processes to justify Section 4 and 5's "strong medicine" and "extraordinary measures to address an extraordinary problem." *Shelby County*, 570 U.S. at 534-35; *see also South Carolina v. Katzenbach*, 383 U.S. 301, 329-32 (1966?). When Florida voters approved Article III, Section 20(a), they did not have before them a similar record of pervasive, flagrant, widespread, or rampant discrimination.

DRAFT // ATTORNEY WORK PRODUCT

cc: Honorable Chris Sprowls
        Speaker, Florida House of Representatives
        400 South Monroe Street
        Tallahassee, Florida 32399

6

EXHIBIT 11

From:	noreply@lobbytools.com
Sent:	Wednesday, April 13, 2022 4:48 PM EDT
To:	Kopelousos, Stephanie; Kapusta, Annalise
Subject:	Congressional Map Submission from Gov. DeSantis - Joint Legislative Auditing

The Governor's Office has submitted their proposed congressional redistricting map to the legislature.

Memo from Chair Rodrigues: Map Submission from Gov. DeSantis
https://lobby.tools/3JK6mNQ

Letter from Governor's General Council Ryan Newman to Chair Rodrigues re: Governor's map
https://lobby.tools/3jzHs8T

Memorandum
To: All Senators
From: Ray Rodrigues
Subject: Congressional Map Submission from Governor DeSantis
Date: April 13, 2022

As the President indicated earlier this week, the Office of the Governor has drafted a proposed congressional map for our consideration during next week's special session. This proposal comes following meaningful discussions with our Senate legal counsel. Tuesday afternoon, the Governor's staff briefed me on their submission. You can find the Governor's map here, and I have attached the legal memorandum that accompanied the submission.

The Governor's staff has agreed to provide the same briefing before the Senate Committee on Reapportionment on Tuesday, April 19, at 1:30 p.m. in 412 Knott.

After thoroughly reviewing the Governor's submission and a discussion with our legal counsel, I have determined that the Governor's map reflects standards the Senate can support. As such, I intend to introduce the map as a bill for consideration during the special session. I have asked Senate Counsel Dan Nordby to prepare a legal memorandum outlining his analysis of the Governor's submission, which we will provide for your review.

I would like to thank Governor DeSantis and his staff who have worked very hard to produce a congressional map that incorporates many of the features of the map that previously passed the Senate with bipartisan support. As we have stated from the beginning, the goal is to produce a congressional map for our state that gains majority votes on the House and Senate floors, is signed by the Governor and becomes law according to the consensus process outlined in our constitution.

Thank you for your attention to this important issue. I wish you a restful weekend as we celebrate Easter and Passover with family and friends, and I look forward to seeing you next week.

2022 Redistricting Materials:
https://lobby.tools/3fTJzDh

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EXHIBIT 12

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-717-9418

RON DeSANTIS
GOVERNOR

MEMORANDUM

To: Ron DeSantis, Governor of Florida

From: Ryan Newman, General Counsel, Executive Office of the Governor _RON_

Date: March 29, 2022

Re: Constitutionality of CS/SB 102, An Act Relating to Establishing the
Congressional Districts of the State

Congressional District 5 in both the primary and secondary maps enacted by the Legislature violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution because it assigns voters primarily on the basis of race but is not narrowly tailored to achieve a compelling state interest.

"Just as the State may not, absent extraordinary justification, segregate citizens on the basis of race in its public parks, buses, golf courses, beaches, and schools," the U.S. Supreme Court has made clear that the State also "may not separate its citizens into different voting districts on the basis of race." _Miller v. Johnson_, 515 U.S. 900, 911 (1995) (internal citations omitted). "When the State assigns voters on the basis of race," the Court explained, "it engages in the offensive and demeaning assumption that voters of a particular race, because of their race, 'think alike, share the same political interests, and will prefer the same candidates at the polls.'" _Id._ at 911-12 (quoting _Shaw v. Reno_, 509 U.S. 630, 647 (1993)).

For these reasons, the Court has interpreted the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution to prohibit state legislatures from using race as the "predominant factor motivating [their] decision to place a significant number of voters within or without a particular district," _id._ at 916, unless they can prove that their "race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end," _Cooper v. Harris_, 137 S. Ct. 1455, 1464 (2017) (citation omitted). That race was the predominant factor motivating a legislature's line-drawing decision can be shown "either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose." _Miller_, 515 U.S. at 916.

1

Although non-adherence to traditional districting principles, which results in a non-compact, unusually shaped district, is relevant evidence that race was the predominant motivation of a legislature, such evidence is not required to establish a constitutional violation. "Race may predominate even when a reapportionment plan respects traditional principles, . . . if '[r]ace was the criterion that, in the State's view, could not be compromised,' and race-neutral considerations 'came into play only after the race-based decision had been made.'" *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 798 (2017) (quoting *Shaw v. Hunt*, 517 U.S. 899, 907 (1996) (alteration in original)). "The racial predominance inquiry concerns the actual considerations that provided the essential basis for the lines drawn, not *post hoc* justifications the legislature in theory could have used but in reality did not." *Id.* at 799. A legislature "could construct a plethora of potential maps that look consistent with traditional, race-neutral principles," but "if race for its own sake is the overriding reason for choosing one map over others, race still may predominate." *Id.* It is the "racial purpose of state action, not its stark manifestation," that offends the Equal Protection Clause. *Miller*, 515 U.S. at 913.

In light of these well-established constitutional principles, the congressional redistricting bill enacted by the Legislature violates the U.S. Constitution. The bill contains a primary map and secondary map that include a racially gerrymandered district—Congressional District 5—that is not narrowly tailored to achieve a compelling state interest. *See generally* Fla. H.R. Comm. on Redist., recording of proceedings, at 0:00-2:55:19 (Feb. 25, 2022), https://thefloridachannel.org/videos/2-25-22-house-redistricting-committee/ (committee presentation and discussion of the maps later passed by the Legislature).

In the secondary map, which was the original map reported out of the House Congressional Redistricting Subcommittee, District 5 is a sprawling district that stretches approximately 200 miles from East to West and cuts across eight counties to connect a minority population in Jacksonville with a separate and distinct minority population in Leon and Gadsden Counties. The district is not compact, does not conform to usual political or geographic boundaries, and is bizarrely shaped to include minority populations in western Leon County and Gadsden County while excluding non-minority populations in eastern Leon County. Because this version of District 5 plainly subordinates traditional districting criteria to avoid diminishment of minority voting age population, there is no question that race was "the predominant factor motivating the legislature's decision" to draw this district. *Miller*, 515 U.S. at 916.

2

District 5 in the Secondary Map (Purple)
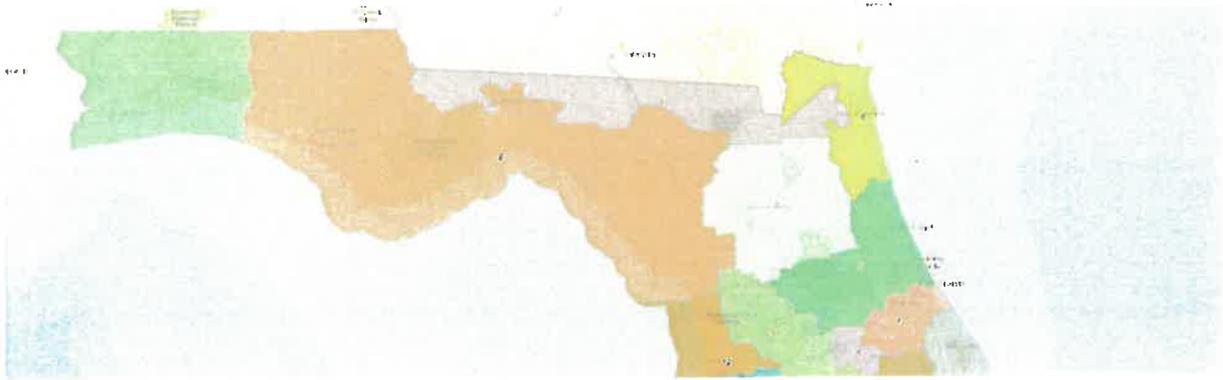
In response to federal constitutional concerns about the unusual shape of District 5 as it was originally drawn, and which is now reflected in the secondary map, the House Redistricting Committee drew a new version of District 5, which is reflected in the primary map. This configuration of the district is more compact but has caused the adjacent district — District 4 — to take on a bizarre doughnut shape that almost completely surrounds District 5. The reason for this unusual configuration is the Legislature's desire to maximize the black voting age population in District 5. The Chair of the House Redistricting Committee confirmed this motivation when he explained that the new District 5 was drawn to "protect[] a black minority seat in north Florida." Fla. H.R. Comm. on Redist., recording of proceedings, at 19:15-19:26 (Feb. 25, 2022).

District 5 in the Primary Map (Purple)
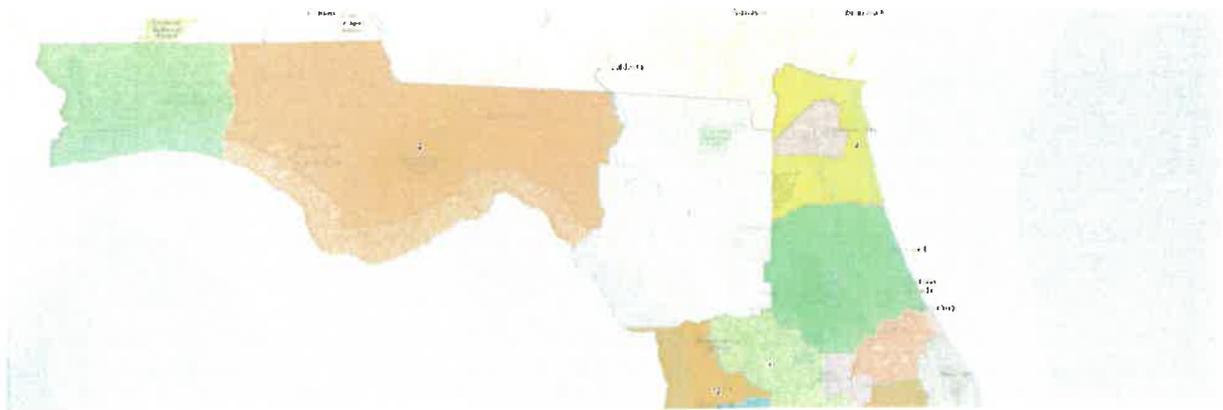
Despite the Legislature's attempt to address the federal constitutional concerns by drawing a more compact district, the constitutional defect nevertheless persists. Where "race was the criterion that, in the State's view, could not be compromised, and race-neutral considerations came into play only after the race-based decision had been made," it follows that race was the predominant factor, even though the district

3

otherwise respects traditional districting principles. *Bethune-Hill*, 137 S. Ct. at 798 (cleaned up).

Such was the case here. Even for the more compact district, the Legislature believed (albeit incorrectly) that the Florida Constitution required it to ensure "a black minority seat in north Florida." Fla. H.R. Comm. on Redist., recording of proceedings, at 19:15-19:26 (Feb. 25, 2022). Specifically, according to the House Redistricting Chair, the primary map's version of District 5 is the House's "attempt at continuing to protect the minority group's ability to elect a candidate of their choice." *Id.* at 19:45-19:54. The Legislature thus used "an express racial target" for District 5 of a black voting age population sufficiently large to elect a candidate of its choice. *Bethune-Hill*, 137 S. Ct. at 800.

Because racial considerations predominated even in drawing the new District 5, the Legislature must satisfy strict scrutiny, the U.S. Supreme Court's "most rigorous and exacting standard of constitutional review." *Miller*, 515 U.S. at 920. And to satisfy strict scrutiny, the Legislature "must demonstrate that its districting legislation is narrowly tailored to achieve a compelling interest." *Id.* That, the Legislature cannot do.

There is no good reason to believe that District 5 needed to be drawn as a minority-performing district to comply with Section 2 of the Voting Rights Act (VRA), because the relevant minority group is not sufficiently large to constitute a majority in a geographically compact area. In the primary map, the black voting age population of District 5 is 35.32%, and even in the secondary map, with the racially gerrymandered, non-compact version of District 5, the black voting age population increases only to 43.48%. *Compare* Fla. Redist. 2022, H000C8019, https://bit.ly/3uczOXb (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022), *with* Fla. Redist. 2022, H000C8015, https://bit.ly/36hFRBB (available at floridaredistricting.gov /pages/submitted-plans) (last visited Mar. 28, 2022). "When a minority group is not sufficiently large to make up a majority in a reasonably shaped district, § 2 simply does not apply." *Cooper*, 137 S. Ct. at 1472 (citing *Bartlett v. Strickland*, 556 U.S. 1, 18-20 (2009) (plurality opinion)); *see also Thornburg v. Gingles*, 478 U.S. 30, 50 (1986) (explaining that one of the threshold conditions for proving vote dilution under Section 2 is that the minority group is "sufficiently large and geographically compact to constitute a majority").

Nor is there good reason to believe that District 5 is required to be drawn to comply with Section 5 of the VRA. Section 5 is no longer operative now that the U.S. Supreme Court invalidated the VRA's formula for determining which jurisdictions are subject to Section 5. *See Shelby Cnty. v. Holder*, 570 U.S. 529, 553-57 (2013); *see also Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 279 (2015) (suggesting that continued compliance with Section 5 may not remain a compelling interest in light of *Shelby County*). In any event, even before the coverage formula was invalidated, the State of

4

Florida was not a covered jurisdiction subject to Section 5. *See In re Senate Joint Resolution of Legislative Apportionment 1176 (Apportionment I)*, 83 So. 3d 597, 624 (Fla. 2012). Only five counties in Florida were covered — Collier, Hardee, Hendry, Hillsborough, and Monroe — and none of them are in northern Florida where District 5 is located. *See id.*

The only justification left for drawing a race-based district is compliance with Article III, Section 20(a) of the Florida Constitution. But District 5 does not comply with this provision. Article III, Section 20(a) provides that "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." The Florida Supreme Court has noted that these "dual constitutional imperatives follow almost verbatim the requirements embodied in the Federal Voting Rights Act." *Id.* at 619 (cleaned up). The first imperative, which prohibits districts that deny or abridge the equal opportunity of minority groups to participate in the political process, is modeled after Section 2 of the VRA, and the second imperative, which prohibits districts that diminish the ability of minority groups to elect representatives of their choice, is modeled after Section 5. *Id.* at 619-20.

Like the VRA, these provisions of the Florida Constitution "aim[] at safeguarding the voting strength of minority groups against both impermissible dilution and retrogression." *Id.* at 620. Although judicial interpretation of the VRA is relevant to understanding the Florida Constitution's non-dilution and non-diminishment provisions, the Florida Supreme Court nonetheless recognizes its "independent constitutional obligation" to interpret these provisions. *Id.* at 621.

Relevant here is the Florida Constitution's non-diminishment requirement. Unlike Section 5 of the VRA, this requirement "applies to the entire state." *Id.* at 620. Under this standard, the Legislature "cannot eliminate majority-minority districts or weaken other historically performing minority districts where doing so would actually diminish a minority group's ability to elect its preferred candidates." *Id.* at 625. The existing districts "serve[] as the 'benchmark' against which the 'effect' of voting changes is measured." *Id.* at 624 (cleaned up). Where a voting change leaves a minority group "less able to elect a preferred candidate of choice" than the benchmark, that change violates the non-diminishment standard. *Id.* at 625 (internal quotation marks omitted); *see also id.* at 702 (Canady, C.J., concurring in part and dissenting in part) (noting that the dictionary definition of "diminish" means "to make less or cause to appear less" (citation omitted)).

The Florida Supreme Court has acknowledged that "a slight change in percentage of the minority group's population in a given district does not necessarily have a cognizable effect on a minority group's ability to elect its preferred candidate of choice." *Id.* at 625. The minority population percentage in each district need not be

5

"fixed" in perpetuity. *Id.* at 627. But where the reduction in minority population in a given district is more than "slight," such that the ability of the minority population to elect a candidate of choice has been reduced (even if not eliminated), the Legislature has violated the Florida Constitution's non-diminishment requirement as interpreted by the Florida Supreme Court.

Given these principles, there is no good reason to believe that District 5, as presented in the primary map, complies with the Florida Constitution's non-diminishment requirement. The benchmark district contains a black voting age population of 46.20%, whereas the black voting age population of District 5 in the primary map is only 35.32%.[1] *Compare* Fla. Redist. 2022, FLCD2016, https://bit.ly/3Iv6FeW (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022), *with* Fla. Redist. 2022, H000C8019, https://bit.ly/3uczOXb (available at floridaredistricting.gov/pages/submitted-plans) (last visited Mar. 28, 2022). This nearly eleven percentage point drop is more than slight, and while the House Redistricting Chair represented that the black population of the district could still elect a candidate of choice, *see* Fla. H.R. Comm. on Redist., recording of proceedings, at 59:44-1:00:17 (Feb. 25, 2022), there appears to be little dispute that the ability of the black population to elect such a candidate had nevertheless been reduced, *see id.* at 1:00:18-1:00:58 (noting that the benchmark district performed for the minority candidate of choice in 14 of 14 previous elections and that the new district would not perform for the minority candidate of choice in one-third of the same elections).

Moreover, the House Redistricting Chair claimed that the only criterion that mattered was whether the new district still performed at all. *See id.* at 1:06:09-1:06:30 ("It is not a diminishment unless the district does not perform."); *see also id.* at 1:05:05-1:05:13 ("Is it less likely to perform? Honestly, I don't know."). But that view is plainly inconsistent with the Florida Supreme Court precedent described above, which prohibits any voting change that leaves a minority group "less able to elect a preferred candidate of choice." *Apportionment I*, 83 So. 3d at 625 (internal quotation marks omitted). In sum, because the reduction of black voting age population is more than slight and because such reduction appears to have diminished the ability of black voters to elect a candidate of their choice, District 5 does not comply with the non-diminishment requirement of Article III, Section 20(a) of the Florida Constitution. Therefore, compliance with the Florida Constitution cannot supply the compelling reason to justify the Legislature's use of race in drawing District 5 in the primary map.

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[1] The benchmark district itself is a sprawling, non-compact racial gerrymander that connects minority communities from two distinct regions of the State; however, for purposes of this point, I assume that the district can be used as a valid benchmark against which to judge the new maps.

6

In the secondary map, by contrast, District 5 complies with the Florida Constitution's non-diminishment requirement, but in doing so, it violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The U.S. Supreme Court has warned that a "reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid." *Shaw*, 509 U.S. at 647. As described earlier, District 5 in the secondary map does precisely this.

That the district is believed to be necessary to comply with the Florida Constitution's non-diminishment requirement does not alone suffice to justify the use of race in drawing bizarre, non-compact district boundaries for the sole purpose of cobbling together disparate minority populations from across northern Florida to form a minority-performing district. Mere compliance with a state constitutional requirement to engage in race-based districting is not, without more, a compelling interest sufficient to satisfy strict scrutiny. The Fourteenth and Fifteenth Amendments to the U.S. Constitution and the VRA, which enforces the Fifteenth Amendment, exist to *prevent* states from engaging in racially discriminatory electoral practices. Indeed, one such weapon that states long used, and that the VRA was designed to combat, "was the racial gerrymander — the deliberate and arbitrary distortion of district boundaries for racial purposes." *Id.* at 640 (cleaned up).

Here, the Florida Constitution's non-diminishment standard would be satisfied only by a sprawling, non-compact district that spans 200 miles and repeatedly violates traditional political boundaries to join minority communities from disparate geographic areas. Such a district is not narrowly tailored to achieve the compelling interest of protecting the voting rights of a minority community in a reasonably cohesive geographic area. As applied to District 5 in the secondary map, therefore, the Florida Constitution's non-diminishment standard cannot survive strict scrutiny and clearly violates the U.S. Constitution.

For the foregoing reasons, Congressional District 5 in both maps is unlawful.

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EXHIBIT 13

Page 1

Common Cause, et al.   )

)

v.   ) 4:22-cv-109

)

Cord Byrd   )

)

TRANSCRIPTION OF AUDIO FILE

Senate Committee on Reapportionment

The Florida Channel

September 20, 2021

DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

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 1              (Beginning of Video Recording.)

 2              CHAIR RODRIGUES:  Senate Committee on

 3    Reapportionment will now come to the order.

 4    Dana, please call the roll.

 5              MS. IVEY:  Chair Rodrigues.

 6              CHAIR RODRIGUES:  Here.

 7              MS. IVEY:  Vice Chair Broxson.

 8              MR. BROXSON:  Here.

 9              MS. IVEY:  Senator Bean.

10              MR. BEAN:  Here.

11              MS. IVEY:  Senator Bracy.

12              MR. BRACY:  Here.

13              MS. IVEY:  Senator Bradley.

14              MS. BRADLEY:  Here.

15              MS. IVEY:  Senator Burgess.

16              MR. BURGESS:  Here.

17              MS. IVEY:  Senator Gibson.

18              MS. GIBSON:  Here.

19              MS. IVEY:  Senator Harrell.

20              MS. HARRELL:  Here.

21              MS. IVEY:  Senator Rodriquez.

22              MS. RODRIQUEZ:  Here.

23              MS. IVEY:  Senator Rouson.

24              MR. ROUSON:  Here.

25              MS. IVEY:  Senator Stargel.
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Page 3

 1   MS. STARGEL: Here.

 2   MS. IVEY: Senator Stewart.

 3   MS. STEWART: Here.

 4   MS. IVEY: The quorum is present, Mr.

 5   Chair.

 6   CHAIR RODRIGUES: Thank you. And let

 7   the record show that Senator Bracy is excused

 8   from today's meeting. Before we begin, please

 9   silence your cellphones and all electronic

10   devices so that those don't go off during the

11   meeting.

12   And let me begin by saying, this is the

13   first time the senate committee has met with

14   an audience since the conclusion of the 2020

15   session. And I, for one, am happy to see you

16   back. Welcome back to the Florida State

17   Senate. With that, I'll start with --

18   (Applause)

19   CHAIR RODRIGUES: Thank you, President.

20   Start with the observation that COVID-

21   19 precautions, where applicable, are being

22   taken. Anyone wishing to testify before the

23   committee must fill out an appearance card and

24   hand it to a member of the sergeant's office.

25   Should you waive your speaking time, your

Page 4

1   position will be read into the record.

2   Since this is our first meeting, I'd

3   like to start with the first agenda item and

4   introduce our committee staff. Then I'd like

5   to go to the members of our committee for them

6   to introduce themselves and say a few words,

7   if they would like.

8   So with our staff, I'll start with

9   staff director, who is sitting on my left,

10   your right, Jay Ferrin. And then on my right,

11   your left, is Jason Rojas, who is our special

12   counsel to our committee. Danna Ivey -- wave,

13   Dana -- is our committee administrative

14   assistant.

15   Yin Li (phonetic) -- wave, Yin -- and

16   Justin Icromueler (phonetic) are our policy

17   analysts. And Megan Magnole is our committee

18   legislative research assistant. And that is

19   our staff. We are blessed that Jay and Jason

20   have some experience in redistricting, and so

21   we're going to learn from their experience,

22   and their wisdom will help guide us on this

23   process.

24   Now let's move over to our members and

25   have our members introduce themselves. I'd

Page 5

1   like to start with President Bean at the end

2   and work our way down the row, if we could do

3   so.

4   MR. BEAN: Mr. Chairman, thank you so

5   much. I was trying not to make eye contact

6   with you so you would start on the other end,

7   but we did, and so I am pleased to start by

8   introducing myself. It's Aaron Bean. I

9   represent Jacksonville. It's good to see you

10   all, and it's good to see you in audience. It

11   is an historic day, and we are excited to have

12   you back and looking forward to working with

13   you in the chair -- the Chair and the

14   committee, Mr. Chairman.

15   MR. ROUSON: Good afternoon. Thank

16   you, Mr. Chairman, for this opportunity. I'm

17   Darryl Rouson, representing District 19,

18   portions of Hillsborough and Pinellas

19   Counties. Very proud to be here, very happy

20   to be here and be a part of this committee and

21   the whole reapportionment/redistricting

22   process.

23   Some of you know I served on

24   redistricting in 2010 when we traveled the

25   state to make sure that we got input of

HT_0006082

Page 6

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 1    citizens, residents, and voters.  I look

 2    forward to working with the staff to develop

 3    constitutional maps that are fair to

 4    everybody.  Thank you.

 5            MS. STEWART:  Good afternoon.  I'm

 6    Senator Linda Stewart.  I'm from Orlando,

 7    Orange County, and I am pleased to have been

 8    chosen to serve on this very notable

 9    committee.  I know that we all are going to

10    strive to make it a fair and open process.

11    And I know everyone here is interested in

12    making sure that happens.

13            I did, too, also serve on a

14    redistricting committee when I was in the

15    County Commission.  It's a very tough job.

16    It's not something that is particularly easy.

17    But you can in the end come to a resolution

18    that everybody could be pleased with, and I'm

19    hoping that will happen with this committee.

20    So thanks -- thank you very much.

21            Thank you, Mr. Chair, and good

22    afternoon to everyone and all of my Senate

23    colleagues.  It's exciting to see you back for

24    committees.  And this is not my first -- how

25    should I say -- redistricting, and so I'm
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Page 7

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 1          excited to be a part of this committee again

 2          this year and certainly glad to see that Jay

 3          is our leading staff.  I burned the carpet ten

 4          years ago going back and forth to his office.

 5          So I'm looking forward to -- hopefully, I

 6          won't have to do it as much.

 7                Looking forward, of course, to our

 8          constitutional duty, certainly, on behalf of

 9          the citizens of the State of Florida in terms

10          of reapportionment and using that data which

11          has phenomenally increased our population and

12          certainly gives us the opportunity.

13                And I expect that we will do the right

14          thing on behalf of the people of State of

15          Florida and their representation.  And I'm

16          ready to rock and roll.  Thank you, Mr. Chair.

17                MR. BROXSON:  Mr. Chair, Doug Broxson

18          in District 1.  And frankly, when I heard you

19          were appointed to be chair, my heart jumped

20          because I think all the members on both sides

21          of the aisle saw your performance over the

22          last couple years, how fair and deliberate and

23          how you invest in every issue.  And I think

24          you positioned yourself to deliver very

25          deliberate constitutional maps.
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Page 8

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 1            I would have to say, being from

 2       District 1 that my district was part of the

 3       first redistricting in which there were two

 4       counties, St. Johns and Escambia, so we've got

 5       a little bit more work to do than then, but

 6       I'm looking forward to your leadership, sir,

 7       and serving under you is an honor.

 8            CHAIR RODRIGUES:  Thank you.  I'm Ray

 9       Rodrigues.  I represent District 27 in the

10       Florida State Senate, which is Lee County in

11       southwest Florida.  I'm excited for this

12       opportunity.

13            Thank you very much, Mr. Chair, and

14       happy -- happy Monday, everybody.  It's good

15       to be back in the capital and see all your

16       smiling faces.  Nobody better could have been

17       picked to lead this once-in-a-decade process,

18       Chairman Rodriques, and very excited to have

19       the honor and the massive responsibility to be

20       able to endeavor on this with you.  Thank you.

21            MS. RODRIGUEZ:  Good afternoon, Mr.

22       Chairman, and thank you for having me on this

23       committee.  My name is Ana Marie Rodriguez,

24       and I'm the state senator for District 39,

25       which includes portions of West Miami-Dade
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1   County and all of Monroe County, so it is the

2   southern-most district in the State of Florida

3   and in the United States, and it's an honor to

4   be here on this committee. Thank you.

5   MS. HARRELL: Thank you very much, Mr.

6   Chairman. I'm Senator Gayle Harrell. I

7   represent District 25, which is Martin, St.

8   Lucie, and parts of Palm Beach County. And I

9   am so delighted to be on this

10   redistricting/reapportionment committee. This

11   is my third time around redistricting. Maybe

12   Senator Bean and I share that, whether you

13   were here in 2010, I don't remember.

14   But we -- this is the third time

15   around. I am excited to be a part of this

16   amazing committee and the wonderful people on

17   it.

18   This will be a very fair, open process.

19   I have every confidence that we will come up

20   with constitutional maps that meet every

21   requirement we have under Fair Districts, and

22   I have full confidence in the committee and

23   our wonderful staff. And I look forward to

24   working with you, Mr. Chairman, and our

25   various vice chairs and subcommittee chairs to

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1   make this the best ever. Thank you.

2   MS. BRADLEY: Thank you, Mr. Chairman.

3   My name is Jennifer Bradley. I am the state

4   senator for District 5, which is -- includes

5   11 rural counties across north Florida calling

6   Clay County home. It is a tremendous honor to

7   be a part of this committee. It is, as

8   Senator Burgess said, it's a once-in-a-decade

9   process, and it's constitutionally required,

10   and it's a weighty responsibility that we take

11   on. And it's one that we take very, very

12   seriously. And I just couldn't think of a

13   better group to be thoughtful and to be led by

14   just very capable staff. And I look forward

15   to a great process with great dialogue and

16   input, so look forward to it. Thank you.

17   MS. STARGEL: Good afternoon. I'm

18   Kelli Stargel. I represent District 22, which

19   is North Polk/South Lake County. Also had the

20   honor of serving on the redistricting

21   committee back in 2010. Looking forward to

22   the process this time, looking forward to your

23   leadership, Chairman, and -- and so let's get

24   to work.

25   CHAIR RODRIGUES: Thank you, members,

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 1      and since they were too humble to say so, I

 2      will say this: Senator Bradley will be

 3      chairing our Select Subcommittee on

 4      Congressional Reapportionment, and Senator

 5      Burgess will be chairing our Select

 6      Subcommittee on Legislative Reapportionment.

 7      And I look forward to working with both of

 8      you.  And I am very excited for the makeup of

 9      this committee.

10           I think the President has done a

11      tremendous job of ensuring that the entire

12      state has representation.  If you look, we've

13      got representation from northwest Florida,

14      northeast Florida, southeast Florida,

15      southwest Florida, I-4 Corridor, and the

16      heartland of Florida.

17           We've got urban districts represented;

18      we've got rural districts represented.  I

19      really feel like if you take the cross section

20      of Florida, the President's done a good job of

21      putting together a committee that represents

22      citizens in every one of those sections.

23           So the job in front of us is going to

24      be a tremendous one, and before we begin, I'd

25      like to just take a moment and talk about the
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 1    task that we are going to be embarking on.  As

 2    senators appointed to this committee, we have

 3    the responsibility of guiding our chamber

 4    through the process of fulfilling our

 5    constitutional obligation to redraw

 6    legislative and congressional district

 7    boundaries.

 8            The last time the legislature embarked

 9    on this task, it was the first time since the

10    adoption of the amendments governing the

11    standards for redrawing of legislative and

12    congressional districts, which have since been

13    codified in Article III, Sections 20 and 21 of

14    the Florida Constitution.

15            Those that came before us did not have

16    the benefit of how the Florida Supreme Court

17    would interpret those standards or a true

18    understanding of the role the judiciary would

19    play.  Some hard lessons were learned through

20    that previous cycle, and I believe we will

21    learn from those lessons.

22            The Florida Supreme Court's

23    interpretation of the then brand-new

24    amendments fundamentally altered the way we do

25    redistricting here in the State of Florida.
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 1      The Court relied on geometric compactness,

 2      consistent use of political and geographic

 3      boundaries, equal population, and functional

 4      analysis of minority districts to serve as

 5      objective indicators of intent when reviewing

 6      a plan or district.  The Court summarily

 7      rejected the use of subjective principles,

 8      such as communities of interest, partisan

 9      favoritism, partisan proportionality, and

10      incumbent protection.

11              The Court, also, expanded the role of

12      the judiciary in the redistricting process.

13      The Court limited legislative privilege to

14      allow for the deposition of sitting

15      legislators and compelled evidence and

16      testimony from nonparty political consultants

17      not directly involved in the legislative

18      decision-making process.

19              Ultimately, after considering both

20      direct and circumstantial evidence obtained

21      through discovery and depositions of

22      legislators, staff, and nonparty political

23      consultants, the State Supreme Court of

24      Florida ruled that the legislatures, senate,

25      and congressional plans had been drawn with
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1   improper intent.

2   The concurred with a trial court's

3   finding, and I'm quoting from the trial court

4   in the Apportionment 7 decision when it wrote,

5   "Political consultants or operatives did, in

6   fact, conspire to manipulate and influence the

7   redistricting process. They accomplished this

8   by writing scripts and organizing groups of

9   people to attend public hearings to advocate

10   for adoption of certain component or

11   characteristics in the maps and by submitting

12   maps, impartial maps, through the public

13   process. They made a mockery of the

14   legislature's proclaimed transparent and open

15   process of redistricting by doing all of this

16   in the shadow of that process."

17   After finding the plans to have been

18   drawn with unconstitutional and improper

19   intent, the Court flipped the burden of proof.

20   Legislative deference was lost, and the

21   presumption of constitutionality of the

22   legislature's redistricting plans was gone.

23   Fortunately, we now have the insight

24   into both the judiciary's expanded scope of

25   review and how courts have interpreted and

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1   applied the constitutional standards related

2   to redistricting.

3   I intend for this committee to conduct

4   the process in a manner that is consistent

5   with case law that developed during the last

6   decade is beyond reproach and free from any

7   hint of constitutional -- excuse me -- free

8   from any hint of unconstitutional intent. I

9   agree with the Florida Supreme Court when it

10   said, "Legislative apportionment is primarily

11   a matter for legislative consideration and

12   determination."

13   The Court has indicated that it will

14   defer to the legislature's decision to draw a

15   district in a certain way, so long as that

16   decision does not violate the constitutional

17   requirements, and it is my intention to

18   strictly adhere to the constitutional

19   requirements so that our legislative

20   discretion is preserved.

21   When we've talked about the issues of

22   communication and record retention, it is

23   important moving forward that all senators

24   should be aware that in prior redistricting

25   cycles, significant litigation has followed

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1   passage of new maps. Sitting legislators may

2   be compelled to produced records or to be

3   subject to questioning under oath about

4   conversations with colleagues, about

5   conversations with legislative staff, or with

6   outside parties who may attempt to persuade

7   the legislature to pass maps or disfavor --

8   that favor or disfavor a political party or an

9   incumbent.

10   Senators should take care to insulate

11   themselves from interests that may

12   intentionally or unintentionally attempt to

13   inappropriately influence the redistricting

14   process. Senators should continue to adhere

15   to the Records Retention Policy as directed by

16   Article I, Section 24 of the Florida

17   Constitution, Section 11.0431 of the Florida

18   Statutes, and Senate Rule 1.48.

19   Senators and staff should, also, be

20   mindful that correspondence, emails, texts,

21   and other electronic communications related to

22   the enactment of new districts, whether sent

23   or received, on official senate accounts or

24   devices or personal email accounts or devices,

25   may be a permanent or archival value, and

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1   those records should be preserved accordingly.

2   If you have questions about record

3   retention, I encourage you to contact our

4   Senator General Counsel for guidance.

5   As we move forward, we're going to look

6   at what the approach to this process will be.

7   While remaining to committed to having an

8   open, transparent, and interactive process, we

9   are taking steps to safeguard against the kind

10   of shadow process that occurred in the last

11   cycle. We will protect our process against

12   the astroturfing that occurred in the past

13   where partisan, political operatives from both

14   parties wrote scripts and recruited speakers

15   to advocate for certain plans or district

16   configurations to create a false impression of

17   a wide-spread grassroots movement.

18   Anyone testifying before our committee

19   or select subcommittees must disclose certain

20   information. In addition to stating whether

21   or not they are a registered lobbyist,

22   speakers must disclosed whether or not they

23   received compensation or anything of value --

24   travels, meals, lodgings, et cetera -- as part

25   of or exchange for their testimony. This

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 1   policy is being adopted senate-wide in the

 2   form of revised appearance cards.

 3   To prevent secretive submissions by

 4   partisan operatives, we are requiring publicly

 5   submitted written comments, suggestions, and

 6   maps with a signed form. This form must

 7   contain the identity of the submitter.

 8   Submitters must state whether or not they have

 9   received any compensation or anything of value

10   from any groups or organizations that have an

11   interest in redistricting as part of or in

12   exchange for their comments, suggestions, or

13   map.

14   Submitter must list every person,

15   group, or organization they have collaborated

16   with on their comment, suggestion, or map.

17   And finally, submitters must acknowledge that

18   their communications and submissions may be

19   included, reviewed, and examined in all steps

20   of the legislative process until and even

21   after new district maps are enacted into law.

22   Additionally, our staff will not review

23   or consider publicly submitted comments,

24   suggestions, or maps for inclusion in their

25   work product unless and until a senator asks

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 1   them to do so in writing. Publicly submitted

 2   maps will be available on the joint website

 3   the Senate is doing with the House,

 4   www.floridaredistricting.gov, for members to

 5   review.

 6   Any member who requests staff to review

 7   and consider such a submission should be

 8   prepared to appear before a committee or its

 9   select subcommittees and explain their

10   intentions for doing so. This is consistent

11   with all other aspects of our legislative

12   process and is akin to advocating for

13   inclusion of a policy in a proposed committee

14   bill.

15   My encouragement to each of you as

16   committee members is to make yourself

17   accessible to the public who wishes to have

18   their maps considered so that you meet with

19   them, listen to them, and give them that

20   access.

21   Are there any questions before we

22   proceed to the presentations on our agenda?

23   Senator Gibson, you're recognized.

24   MS. GIBSON: Thank you, Mr. Chair.

25   During the last redistricting cycle, there was

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 1     a particular email address that we used to

 2     send any emails or -- that we received related

 3     to redistricting.  There was this one

 4     depository for forwarding those emails.  Is

 5     that -- will that be the case this time, or --

 6     can you clarify how such emails get sent?

 7     Clarify, please.  Sorry.

 8            CHAIR RODRIGUES:  And thank you for the

 9     question.  That is a good question.  What we

10     have had staff do is prepare a response that

11     can be given to those who contact us directly

12     on the subject of redistricting.  The response

13     will direct the contactor to the

14     www.floridaredistricting.gov website and ask

15     them to place their idea onto that website.

16            That website will serve as the official

17     repository of all our redistricting data.

18     What I have done as an individual senator is

19     created a redistricting file, and each person

20     who contacts me gets that response, and then

21     their email goes into my redistricting file so

22     that it is archived and available in the

23     future.

24            MS. GIBSON:  Thank you.

25            CHAIR RODRIGUES:  Sure.
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1   MS. GIBSON: May I have a follow-up for

2   clarity, please?

3   CHAIR RODRIGUES: Yeah.

4   MS. GIBSON: Thank you. And I

5   didn't -- I forgot to say my district when I

6   first introduced myself. I want to make sure

7   everyone knows Duval is in the house. Senator

8   Bean has a portion of Jacksonville, and I have

9   the other.

10   On the -- I talked about burning the

11   carpet in the last cycle, but it was for

12   amendments that I wanted to make with staff,

13   and so in your -- in your explanation, that is

14   still a legal process as a part of this

15   committee for any -- any senator, actually,

16   this committee or not, correct?

17   CHAIR RODRIGUES: That is correct.

18   MS. GIBSON: All right. Thank you very

19   much.

20   CHAIR RODRIGUES: Senator Stewart,

21   you're recognize for a question.

22   MS. STEWART: For clarification, so a

23   grassroots organization comes to me and asks

24   would I submit a map on their behalf, is that

25   form something that would have to be filled

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1   out as -- and come with the map that I -- they

2   ask me to submit?

3   CHAIR RODRIGUES: The grassroots

4   organization would need to submit that map

5   through the Florida Redistricting.gov website,

6   and then they would need to ask you to be the

7   sponsor of it.

8   And so they would need to complete

9   whatever is required to submit it on the

10   website, and there's -- as you go onto the

11   website, there are cues that will guide you

12   through the process. And once they've

13   completed that, then they can meet with you

14   and lobby you to champion their map, in which

15   case you can move forward, bring that map

16   forward, and say, I wish to sponsor this as

17   either a part of the process or as an

18   amendment, whatever the case may be.

19   Senator Rouson, you look like you may

20   have a question.

21   MR. ROUSON: Yes, thank you, Mr. Chair.

22   You indicated in your introductory remarks

23   that this would be an open and interactive

24   process. Could you expound upon interactive?

25   I expect that means the public will be able to

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1   participate both through comments, testimony,

2   and submission of maps. But is there any

3   other opportunity for public participation?

4   CHAIR RODRIGUES: The examples that

5   you've given are what has been contemplated

6   and agreed upon so far between the Florida

7   Senate and the Florida House.

8   So to begin with, we've agreed -- and

9   what's different in this cycle than in the

10   previous cycle is that the Senate and the

11   House are using the same vendor; we're using

12   the same software. As a result of that, we

13   can do a joint website to receive all of the

14   public submissions.

15   We will have committee meetings, which

16   will -- as all committee meetings are -- be

17   publicly noticed and have the opportunity for

18   public comment. So the public will have that

19   opportunity. And of course, the public can

20   reach out to any of us as individual senators

21   to meet with us and ask us to champion their

22   ideas that they have submitted through the

23   website.

24   MR. ROUSON: And -- thank you, Mr.

25   Chair for that explanation. Is there any

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1   guidance on how to handle media inquiries or

2   citizen inquiries of individual senators?

3   CHAIR RODRIGUES: The only guidance

4   that I've seen put together so far is the

5   guidance that directs them to put their ideas

6   into the interactive website. If we need

7   additional guidance, I'm sure we can work with

8   staff to come up with it.

9   MR. ROUSON: And do you anticipate

10   that -- you know, last time when we did this,

11   we took this show on the road, to borrow a

12   term, and people were able to come to their

13   local arena or venue to testify. Is there any

14   thought to virtual appearances by members of

15   the public?

16   CHAIR RODRIGUES: Both of those

17   concepts are still under consideration at this

18   time.

19   Do we have any questions on this side?

20   Seeing none, we'll move on to Agenda Item 2,

21   Tab 2. We'll actually go ahead and do Tabs 2,

22   3, and 4. And I'm going to recognize our

23   staff director, Mr. Ferrin, for presentations

24   on our committee's jurisdiction, redistricting

25   terminology, timeline, and on the census and

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1   census data. Mr. Ferrin, you're recognized.

2   MR. FERRIN: Thank you, Mr. Chairman,

3   and good afternoon, members. Happy to be here

4   or back here.

5   I wanted to -- we wanted to start out

6   today with a general overview of the committee

7   process, committee jurisdiction. Get -- make

8   sure everyone's familiar with a lot of the

9   terminology we'll use throughout this process.

10   I know a lot of you have been involved in it

11   in different capacities in the past, but this

12   is probably a good opportunity for a refresher

13   and review of the basic subject matter.

14   So today's presentations are a high-

15   level orientation of what redistricting is and

16   why we do it. I anticipate that in subsequent

17   meetings we'll have opportunities to delve a

18   little further into more detail on the legal

19   environment, the way that we measure the

20   criteria that we'll be using and talking about

21   today, and the methodology that we'll use to

22   draw districts.

23   So to begin with the committee's

24   jurisdiction, the Senate Committee on

25   Reapportionment creates redistricting plans

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1   for the Florida -- for Florida's congressional

2   and state legislative districts to account for

3   population shifts revealed by data from the

4   2020 census. As you know, we do this every

5   ten years, as directed by the Florida

6   Constitution, which states that the

7   legislature, at its regular session in the

8   second year following each decennial census,

9   shall apportion the state in accordance with

10   the constitution of the state and of the

11   United States.

12   This cycle of our regular session will

13   begin on January 11th, 2022, and as the census

14   data that was released in a Legacy format on

15   August 12th and formally delivered on

16   September 16th revealed, Florida grew by about

17   2.7 million people and gained one additional

18   seat in Congress. For various reasons that

19   we'll discuss later today, this data was

20   delivered more than four months after the

21   April 1st, 2021, deadline prescribed in

22   federal law.

23   The data that was released in August

24   was the same data that was delivered last

25   week. The difference between a Legacy format

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 1    data and the formal release that we got last

 2    week is that the Legacy data is coded in a

 3    series of tables.  They're unformatted,

 4    without clear field labels, and so they have

 5    to be processed in order to be useful.  The

 6    formal data release is a much more pre-

 7    formatted and user-friendly format that's

 8    currently available on data.census.gov and is

 9    being added to our redistricting software.

10          We can jump to the constitutional

11    authority for redistricting.  The legislature

12    and its committees drive the authority to

13    redraw congressional districts from the

14    elections clause of the United States

15    Constitution.  It directs state legislatures

16    to regulate the times, places, and manner of

17    conducting elections for Congress.

18          We derive our authority to redraw state

19    legislative districts from Article III,

20    Section 16 of the Florida Constitution, which

21    directs the legislature to adopt a

22    redistricting plan for state legislative

23    districts in the second year after each

24    census.  In this case, that would be 2022.

25          As I previously mentioned, the regular
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1   session will begin on January 11th.   In

2   redistricting years, the regular session has

3   always started in January rather than March,

4   and this is to afford the greatest amount of

5   time possible for adoption and implementation

6   of redistricting plans.

7   One of the questions that usually pops

8   up at some point during this process is, what

9   is the difference between reapportionment and

10   redistricting. They're frequently used

11   interchangeably, and for all intents and

12   purposes mean the drawing of new district

13   boundaries for the purposes of representation.

14   The term redistricting refers to the process

15   by which boundaries of electoral districts are

16   redrawn to adjust for uneven population growth

17   revealed by the latest decennial census.

18   State legislatures, county commissions, and

19   city commissions redistrict.

20   Reapportionment is the process of

21   assigning seats in a legislative body amongst

22   preexisting political subdivisions such as

23   states or counties. Following each census,

24   the 435 seats in the United States House of

25   Representatives are apportioned to each state

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 1   based on state population. Each state gets at

 2   least one seat, but the larger the state

 3   population, the more congressional

 4   representation the state will receive.

 5   As I mentioned, based on the 2020

 6   census, Florida received an additional seat to

 7   bring the total number to 28, and that's in

 8   the U.S. House. We have two United States

 9   Senate representatives, as well.

10   The term reapportionment gets used in

11   Florida because it's used to assign -- because

12   Florida used to assign districts based on

13   county boundaries. Article III, Section 16 of

14   the Florida Constitution, also, refers to the

15   process of redrawing State House and State

16   Senate districts as legislative apportionment.

17   So aside from the constitutional

18   requirements to redraw boundaries every ten

19   years, why do we do this? The primary reason

20   is to comply with the equal population

21   requirements of the United States and Florida

22   Constitutions. The equal population standard

23   for the congressional districts is based on

24   Article I, Section 2 of the United States

25   Constitution, as interpreted by the U.S.

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1   Supreme Court in Wesberry v. Sanders in 1964.

2   The Court stated that representatives

3   be chosen by the people of the several states

4   means that, as nearly as is practicable, one

5   person's vote in a congressional election is

6   to be worth as much as another's. This has

7   come to be known as the one-person, one-vote

8   principle and compels us to draw congressional

9   districts that have a population variance of

10   plus or minus one person.

11   The equal population standard for state

12   legislative districts is based on the 14th

13   Amendment's equal protection clause, as

14   interpreted by the United States Supreme Court

15   in Reynolds v. Sims in 1964.

16   The Court stated that because there is

17   a significantly larger number of seats in

18   state legislative bodies to be distributed

19   within a state than congressional seats, it

20   may be feasible to use the political

21   subdivision lines while still affording

22   adequate representation to all parts of the

23   state.

24   The Court, also, stated that

25   mathematical nicety is not a constitutional

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1   requisite but nevertheless, states that the

2   overriding objective must be substantial

3   equality of the population amongst the various

4   districts. This has been interpreted and

5   applied to mean that districts should have no

6   more than a 10 percent difference in their

7   population.

8   Florida's Constitution also contains

9   provisions regarding equal population in

10   Article III, Section 20 and 21, which states

11   in Subsection B, the district shall be as

12   nearly equal in population as is practicable.

13   The equal population criteria contained

14   in the United States Constitution is contained

15   in Article I, Section 2, and in the Fourteenth

16   Amendment, but other redistricting criteria

17   exists in the Florida Constitution, the

18   Federal Voting Rights Act, and in Florida

19   statutes.

20   Protections against diminishment or

21   reduction in the ability of racial or language

22   minorities to elect representatives of their

23   choice are in the Florida Constitution and in

24   the Federal Voting Rights Act.

25   Prohibitions on drawing a plan or

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1   district with intent to favor or just favor a

2   political party or incumbent are in the

3   Florida Constitution. Requirements for

4   districts to be contiguous are in -- contained

5   in the Florida Constitution.

6   Requestions for districts to be compact

7   are in the Florida Constitution, and

8   requirement for district boundaries to, where

9   feasible, utilize existing political and

10   geographic features are in the Florida

11   Constitution.

12   The requirement to use data from the

13   most recent decennial census is contained in

14   Section 11.031 of Florida Statutes and in

15   Article X, Section 8 of the Florida

16   Constitution.

17   The minority voting right -- excuse me.

18   The minority protections of the Voting Rights

19   Act are applied in the redistricting context.

20   The Voting Rights Act prohibits any state or

21   political subdivision from enacting a map that

22   results in the denial or abridgment of any

23   U.S. citizen's right to vote on account of

24   race, color, or status as a member of a racial

25   or language minority group. And it prohibits

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1   purposeful discrimination and protects against

2   retrogression or backsliding in the ability of

3   racial minorities to elect representatives of

4   their choice.

5   The Voting Rights Act contains a couple

6   of pertinent sections. Section 2 compels the

7   drawing of a majority/minority district -- or

8   excuse me -- compels the drawing of a district

9   that performs for racial and language minority

10   where what are known as the Gingles Conditions

11   are met. These conditions come from Thornburg

12   v. Gingles, a 1986 case out of North Carolina.

13   They require us to draw a performing

14   minority district where, one, a minority

15   population is geographically compact, and it's

16   sufficiently numerous to be a majority in a

17   single district; two, the minority population

18   is politically cohesive; three, the majority

19   votes sufficiently as a block to enable it to

20   usually defeat the minority-preferred

21   candidate; and four, under all of the

22   circumstances, minority population has less

23   opportunity than others to participate in the

24   political process and elect representatives of

25   its choice.

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1   The other pertinent section is Section

2   5, and Section 5 differs somewhat from Section

3   2 in that it doesn't necessarily compel the

4   creation of minority -- minority districts.

5   Rather, it prohibits purposeful discrimination

6   and protects against retrogression or

7   backsliding in the existing ability of racial

8   and language minorities to elect

9   representatives of their choice. It contains

10   a coverage formula that was applied to

11   determine if there was a history of

12   discrimination against racial or language

13   minorities in a particular jurisdiction.

14   In Florida, Hardee, Henry,

15   Hillsborough, and Monroe Counties were

16   coverage jurisdictions until the coverage

17   formula was invalidated by the United States

18   Supreme Court in 2013 in a case called Shelby

19   County v. Holder. It's worth noting that the

20   Shelby decision means that the pre-clearance

21   process established by the Voting Rights Act

22   is no longer in effect, but it does not affect

23   the validity of the diminishment standard in

24   the Florida Constitution.

25   The Florida Constitution contains

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1   several other provisions related to

2   redistricting. Article III, Section 16 is our

3   guidance to the -- the general rationale for

4   dividing House and Senate districts. It

5   requires the state to be divided in 30 or --

6   30 to 40 contiguous and consequently-numbered

7   senatorial districts and into between 80 and

8   120 contiguous and consequently-numbered house

9   districts. A district is considered to be

10   contiguous if all of its territories in actual

11   contact and are uninterrupted by the territory

12   of another district. The courts have ruled

13   that contact at a corner or a right-angle is

14   insufficient, but territory may cross bodies

15   of water.

16   Consequently-numbered districts have

17   been interpreted to mean that districts cannot

18   skip numbers. We cannot, for example, number

19   all the Senate Districts with odd numbers. It

20   does not mean that District 1 has to share a

21   boundary with District 2 and District 2 has to

22   share a boundary with District 3 and so on and

23   so forth. And one other note on this is

24   provision in the constitution is that -- that

25   it technically does allow the state

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1   legislative districts to overlap, either

2   partially or entirely. However, this has not

3   been done since the state switched to single-

4   member districts.

5   Moving on to Article III, Sections 20

6   and 21. These were added to the constitution

7   by the voters in 2010. Article III, Section

8   20, which deals with congressional, and

9   Section 21, which deals with legislative

10   provisions, prohibit line drawing that

11   intentionally favors or disfavors a political

12   party or incumbent. The sections, also,

13   afford protection to racial and language

14   minorities and provide additional standards

15   for the drawing of plans and districts.

16   Subsection A states that no

17   apportionment plan or district shall be drawn

18   with the intent to favor or disfavor a

19   political part of incumbent. Districts shall

20   not be drawn with the intent or a result of

21   denying or abridging the equal opportunity of

22   racial or language minorities to participate

23   in a pollical process or to diminish their

24   ability to elect representatives of their

25   choice. And then finally, districts shall

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1   be -- of -- consist of contiguous territory.

2   Subsection B states that unless

3   compliance with the standards of the

4   section -- subsection conflict with the

5   standards in Subsection A or with federal law,

6   districts shall be nearly equal in population

7   that is practicable. Districts shall be

8   compact, and districts shall, where feasible,

9   utilize existing political geographic

10   boundaries.

11   Subsection C clarifies that the order

12   in which the standards within Subsections A

13   and B are set forth shall not be read to

14   establish any priority of one standard over

15   the other within that subsection.

16   The criteria that we just went over has

17   been broken out into two tiers by the Florida

18   Supreme Court in Apportionment 1. Tier one

19   consists of the provisions contained in

20   Subsection A relating to diminishment and

21   intent to favor/disfavor a political party or

22   incumbent, as well as the contiguity

23   provision.

24   Tier two apply, unless these -- unless

25   they conflict with tier one or federal law,

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1   and these are dealing with the equal

2   population, district compactness, and

3   utilization of political and geographic

4   boundaries. And as I've already noted, as

5   long as they don't -- they cannot be read to

6   establish any one priority over another within

7   that tier.

8   We can take a breather or move on to

9   terminology.

10   CHAIR RODRIGUES: Do we have any -- do

11   the members have any questions? Yes, let's go

12   ahead and do questions before we move on.

13   Senator Gibson, you're recognized for a

14   question.

15   MS. GIBSON: Thank you, Mr. Chair. On

16   the districts shall be compact in tier two, I

17   know previously we used Reock scores, I think,

18   and Convex Hull scores ad nauseum, those

19   words. And so since it's not -- there's no

20   real definition in the materials that we have

21   that speaks to compactness, is there some

22   anticipation that -- or why did we use Convex

23   Hull and Reock scores?

24   And then, if you could talk about the

25   appropriateness of following that same method

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1   in this cycle. Thank you, Mr. Chair.

2   CHAIR RODRIGUES: You're recognized.

3   MR. FERRIN: Thank you, Mr. Chairman

4   and Senator Gibson. We -- you're correct. We

5   used a score called a Reock score, a Convex

6   Hull score, and then a Polsby-Popper score.

7   And those three scores are all on a -- they're

8   scored on a range of zero to one, so it's a

9   proportional measurement. They measure

10   different things.

11   Generally speaking, a Reock is going to

12   measure how much a district resembles a

13   circle. A Convex Hull is a test for,

14   basically, indentations. So a star would

15   score very poorly on a Convex Hull, but a

16   square or a rectangle would score highly. And

17   then Polsby-Popper is a perimeter ratio so

18   that -- that kind of tests for jagged edges,

19   so to speak. And so the smoother the edges of

20   a district, the higher the score would be

21   there.

22   Those are the three that I would

23   anticipate using in addition to, as the

24   Supreme Court stated, the Intraocular Test,

25   which is just a visual review for compactness.

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1   I believe that you will see those three

2   available in the software very soon.

3   CHAIR RODRIGUES: Any further

4   questions? Okay. Let's move on to the next

5   tab.

6   MR. FERRIN: Thank you, Mr. Chairman.

7   So the terminology, a lot of this I've already

8   kind of mentioned, and some of you may be

9   familiar with. We've talked about equal

10   population and the requirements in the U.S.

11   Constitution for equally-weighted votes.

12   The equal population, as I've

13   mentioned, for congressional districts is plus

14   or minus one person. It's generally higher in

15   terms of legislative districts. The courts

16   have allowed in the past in different

17   circumstances up to a 10 percent overall

18   range. The legislature here in Florida has

19   typically drawn Senate and House districts

20   with deviations of less than 1 or 2 percent.

21   The ideal population is the total state

22   population divided by the number of districts,

23   and so that's our target population as we're

24   drawing districts in terms of what we're

25   trying to get to. Ideal populations based on

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 1    the 2020 census are as follows:

 2              For congressional, it's 769,221.  For

 3    Florida Senate districts, it's going to be

 4    538,455.  And for the House, it'll be 4 -- or

 5    excuse me -- 179,485.

 6              Voting age population refers to the

 7    number of --

 8              MR. BEAN:  Mr. Chairman, I'm sorry to

 9    interrupt.  Can you give those numbers one

10    more time?  I was writing them down.  I

11    missed -- missed them.  Starting with the

12    congressional.

13              MR. FERRIN:  Thank you, Mr. Chairman

14    and Senator Bean.  So congressional is 7-6-9-

15    2-2-1.  The Senate districts will be 5-3-8-4-

16    5-5.  The House districts will be 1-7-9-4-8-5,

17    and I believe I've got a slide later on that's

18    going to have those numbers on it and compare

19    them to the old numbers.

20              And so back to the voting age

21    population, that's the number of people in a

22    district or a plan that are -- excuse me -- in

23    a district that are over 18 years of age and

24    represents the potential electorate in a

25    district.
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1   And then population deviation is the

2   difference between the ideal population and

3   the population of a district or plan. It's

4   calculated for individual districts and the

5   redistricting plan as a whole. We often

6   express this as a percentage, and that's

7   calculated by dividing the deviation of a

8   district by the ideal population.

9   At the district level, population

10   deviation is measured as the amount of a

11   district's total population minus its ideal

12   population, and that can be positive or

13   negative. At the plan level, population

14   deviation is the numeric range between the

15   smallest total population and the largest

16   total population of a district.

17   This slide contains some redistricting

18   terms related to map drawing and the criteria

19   found in the Florida Constitution. A

20   benchmark plan is the last legally-enforceable

21   redistricting plan enforcer effect. A

22   proposed redistricting plan is compared to a

23   benchmark plan to analyze its compliance with

24   protections for racial and language minorities

25   under federal and state law. In Florida, the

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1   benchmark plans will be named and referred to

2   as follows:

3   For the congressional plan, you'll see

4   that as FLCD 2016 for 2016 in its date of

5   adoption. FLHD 2012 would be the House

6   benchmark, and FLSD 2016 would be the Senate

7   benchmark. And those are your current

8   districts today.

9   Retrogression occurs when a

10   redistricting plan reduces the opportunity of

11   a racial or language minority to participate

12   in the political process or elect

13   representatives of their choice when compared

14   to the benchmark plan. Retrogression can

15   apply to a whole redistricting plan or to an

16   individual district.

17   Diminishment is similar in that it

18   occurs when a redistricting plan eliminates a

19   majority minority district or potentially

20   weakens a historically-performing minority

21   district where doing so would actually reduce

22   the ability of racial or language minority

23   groups to elect candidates of their choice, as

24   compared to the benchmark plan.

25   Geographic boundaries. For geographic

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1   boundaries, we use easily ascertainable and

2   commonly understood features, such as rivers,

3   railways, and primary and secondary roads.

4   Primary and secondary roads are actually

5   defined by the United States Census Bureau in

6   their -- their date -- geographical dataset.

7   They include interstates, U.S. highways, and

8   state highways. County roads are not included

9   in that as -- as some of the roads in those

10   categories can range from a six-lane highway

11   to a dirt road.

12   And then finally, political boundaries

13   in the redistricting context has been defined

14   by the courts as county or incorporated

15   municipality boundaries, so your cities, town,

16   villages, et cetera. We have 412 of those

17   here in Florida for this cycle.

18   This slide here has an image for the

19   geographical hierarchy that's used by the

20   census. So the smallest feature that we'll

21   use is the census block. Blocks are formed by

22   streets, roads, bodies of water, and other

23   physical features and legal boundaries that

24   are shown on U.S. Census Bureau maps.

25   Census block groups are clusters of

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1   census blocks within a census tract. Tracts

2   are small, relatively-permanent statical

3   subdivisions of a county and are delineated by

4   the local participants as part of the U.S.

5   Census Bureau's Participants Statistical Areas

6   Program.

7   Counties are the primary legal

8   subdivisions of the state and are used for

9   reporting census -- decennial census data. So

10   each of those nests within each other.

11   Here we have some definitions and terms

12   related to the different kinds of districts

13   that can be drawn for racial or language

14   minority opportunities. The -- these are kind

15   of listed in the order of significance. So a

16   majority minority district is a district in

17   which racial or language minority groups

18   comprise a majority, which is 50 percent plus

19   1 or more of the voting age population of the

20   district.

21   An effective minority district is a

22   district that contains sufficient voting age

23   population to provide the minority community

24   with an opportunity to elect a candidate of

25   choice but falls short of a majority.

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 1              A crossover district is a district in

 2      which a racial or language minority group is

 3      not a numerical majority but is potentially

 4      large enough to elect its preferred candidate

 5      by persuading enough majority voters to cross

 6      over to support the minorities' preferred

 7      candidate.

 8              A coalition district is a district in

 9      which more than one racial or language

10      minority group working together can form a

11      majority to elect their candidates of choice.

12              And then lastly is an influence

13      district, which is a district in which the

14      racial or language minority community,

15      although not sufficiently large enough to

16      elect a candidate of its choice, is able to

17      influence the outcome of an election and elect

18      a candidate who will be responsive to the

19      interests and concerns of the minority

20      community.

21              That would conclude that portion of the

22      presentation, sir, Mr. Chairman.

23              CHAIR RODRIGUES:  Do we have any

24      questions on this tab?

25              Seeing none, let's move on to Tab 4,
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 1    Census -- Census Data Explanation.

 2            MALE VOICE:  (Inaudible).

 3            CHAIR RODRIGUES:  Oh, I'm sorry.  I

 4    missed the timeline.  Let's go back and

 5    complete the timeline.

 6            MR. FERRIN:  Thank you, Mr. Chairman.

 7            So the beginning of this -- this

 8    process starts with April 1st, 2020, which is

 9    the census day.  And the census responses,

10    although they're collected over a period of

11    time, are used -- are tied to April 1st.  So

12    if you're filling out a response later on in

13    the summer, the question that the Census

14    Bureau is asking you as a respondent is where

15    were you residing on April 1st, 2020.

16            April 26th was the day that the Census

17    Bureau released the state-wide population

18    totals for apportioning the seats in the

19    United States House of Representatives.  That

20    was originally scheduled under the kind of

21    normal cycle to have been December 31st, 2020.

22            On August 12th, 2021, the Census Bureau

23    published tabular population demographic and

24    housing data for all 50 states.  That was the

25    delivery and availability of the Legacy format
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1   census data.   That should have been available

2   on April 1st, 2021.

3   Last week, on September 16th, we

4   received the formal delivery of the formatted,

5   P.L. 94-171 redistricting data, which is the

6   same data that was delivered as -- in the

7   Legacy format.   That was delivered to the

8   states last week.   That date should have,

9   also, been April 1st.

10   Typically, in a cycle, that data is

11   released together.   It was broken up this

12   cycle.   Due to the delays, the Census Bureau

13   opted to get the Legacy format data out there

14   as soon as possible and then continue working

15   to deliver the formatted data by the end of

16   September.

17   And then lastly there, you see in --

18   later this month or within the month, we plan

19   on launching the joint website and the free

20   publicly-available map-drawing application.

21   Here we have a list of the interim

22   committee weeks and the prospective dates for

23   interim committee meetings.   So our next week

24   that we would be available to meet would be

25   October 11th, followed by October 18th to

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 1      22nd, November 1st through 5th, November 15th

 2      through 19th, and November 29th through

 3      December 3rd.  Because we're kind of going

 4      full-blast here and operating at full speed, I

 5      would expect at this time, unless told

 6      differently, that we would plan on meeting

 7      each of those weeks.

 8              This slide has some of the important

 9      session and post-session dates on it.  So we

10      will -- as I mentioned, we'll convene on

11      January 11th, 2022, for regular session.  The

12      60th day of that session would be March 11th,

13      2022.

14              June 13th to 17th is qualifying for

15      state and federal offices.  The mailing of the

16      overseas ballots, which is the first sort of

17      ballot delivery and -- and everything would

18      have to be finalized, not only in advance of

19      qualifying, but the date for supervisors to

20      mail the first ballots overseas is July 9th,

21      2022.

22              August 23rd is the primary election.

23      The supervisors will, also, have to send out

24      ballots on September 24th for the general

25      election, and then we have the general
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1   election date of November 8th, 2022.

2   Part of the timeline process is

3   governed by Article III, Section 16 of the

4   Florida Constitution, which includes the

5   provisions for the automatic facial review of

6   the state legislative redistricting plans.

7   Article III, Section 16 states that within 15

8   days after the passage of the joint resolution

9   of apportionment, the attorney general shall

10   petition the Supreme Court of the state for a

11   declaratory judgment determining the validity

12   of the apportionment.

13   The Supreme Court shall permit

14   adversary interests to present their views and

15   within 30 days from the filing of the petition

16   shall enter its judgment. A judgment of the

17   Supreme Court of the state determining that

18   the apportionment to be -- is -- to -- excuse

19   me -- determining the apportionment to be

20   valid, shall be binding upon all the citizens

21   of the state.

22   Should the Supreme Court determine that

23   the apportionment made by the legislature is

24   invalid, the governor by proclamation shall

25   reconvene the legislature within five days

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1   thereafter in extraordinary apportionment

2   session, during which the legislature shall

3   adopt a joint resolution of apportionment

4   conforming to the judgment of the Florida

5   Supreme Court.

6   Within 15 days after the adjournment of

7   an extraordinary apportionment session, the

8   attorney general is again required to file a

9   petition to the Supreme Court setting forth

10   the apportionment resolution adopted by the

11   legislature.

12   If none was adopted during the

13   extraordinary apportionment session, the

14   attorney general is required to report that

15   fact to the court. Otherwise, consideration

16   of the validity of the joint resolution shall

17   be -- had -- as provided in -- for in cases of

18   such joint resolution being adopted at a

19   regular or special apportionment session.

20   And then lastly, if the legislature

21   fails to adopt a resolution of apportionment

22   or if the Supreme Court finds the

23   apportionment to be invalid again, the court

24   has 60 days after receiving the petition from

25   the attorney general to file with the

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 1     secretary of state an order making the

 2     apportionment.

 3          The next slide that we have here is a

 4     bit of a flow chart that shows the path for

 5     the state legislative redistricting plans that

 6     we just walked through.  The color coding here

 7     indicates which paths were followed for which

 8     decade.  This will be available on the website

 9     when we launch it, and so I won't walk through

10     the particulars of the past history.  I think

11     we may have an opportunity to do that at

12     subsequent meetings, as well.

13          CHAIR RODRIGUES:  Do we have any

14     questions on the timeline?

15          Seeing none, now we can move forward to

16     the Census/Census Data Explanation.

17          MR. FERRIN:  Thank you, Mr. Chairman.

18          Established by the U.S. Constitution,

19     the census has been conducted every ten years

20     since 1790 to determine the number of people

21     living in the United States.  Article I,

22     Section 2 of the U.S. Constitution requires

23     this to be an actual enumeration of all people

24     in the United States.  Actual enumeration

25     means a physical count, and the Constitution
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1   has been determined to not allow for the use

2   of sampling in lieu of an actual count.

3   For redistricting, Florida is one of 21

4   states that explicitly requires the use of

5   census data for redistricting. As I mentioned

6   in Article X, Section 8, states that -- each

7   decennial census of the state taken by the

8   United States shall be an official census of

9   the state. The fourth statute -- the

10   statutory provision in Florida, also,

11   designates the most recently federally

12   conducted federal census as the official

13   census for redistricting.

14   I've already touched a little bit on

15   the hierarchy that's used by the census, but

16   it's worth noting that the geography comes

17   from a different source than the actual

18   demographic and population data. The

19   geographic data that we use for redistricting

20   comes in the form of TIGER/Line shape files

21   that are released by the Census Bureau.

22   And these are extracts of selected

23   geographic information from the United States

24   Census Bureau's database. It includes polygon

25   boundaries with geographic areas and features,

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1   linear features, including roads and

2   hydrography, and point features, such as

3   landmarks.

4   The state does not contain any

5   sensitive or -- information or data on

6   population on demographics. That's linked to

7   later from censuses and other surveys through

8   a standard geographic identifier that we refer

9   to as the geo ID. And one other note is that

10   Census Bureau is constantly updating this. We

11   use the 2020 version that was released earlier

12   this year.

13   We can talk a little bit about the race

14   and ethnicity categories in the census data,

15   so since 1980, the Census Bureau has asked

16   each person counted to identify their race and

17   whether or not they are of Hispanic or Latino

18   origin. An individual's response to the race

19   and ethnicity questions are based on self-

20   identification. The United States Office of

21   Management and Budget established these

22   standards in 1997, and they are as follows:

23   For racial categories, it's American

24   Indian or Native Alaskan. And these are

25   person having origins in any of the original

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1   peoples of North and South America, including

2   Centra America, and who maintains -- excuse

3   me -- maintains tribal affiliation or

4   community attachment.

5   Asian means a person having origins in

6   any of the original peoples of the Far East,

7   Southeast Asia or the Indian Subcontinent,

8   including for example Cambodia, China, India,

9   Japan, Korea, Malaysia, Pakistan, and the

10   Philippine Islands.

11   Black or African American means a

12   person having origins in any of the Black

13   racial groups of Africa.

14   Native or Hawaiian or Pacific Islander

15   is a person having origins of any of the

16   original people of Hawaii, Guam, Samoa, or

17   other Pacific Islands.

18   And then White is a person having

19   origins in any of the original peoples of

20   Europe, the Middle East, or North Africa.

21   The ethnicity question on the Census

22   Bureau or census forms asks whether or not a

23   respondent is of Hispanic or Latino origin or

24   if they are not Hispanic or Latino. Hispanic

25   or Latino has traditionally meant a person of

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1   Cuban, Mexican, Puerto Rican, South America --
2   South or Central American, or other Spanish
3   culture origin, regardless of race.
4   So it's important to note that the
5   categories of race include the national origin
6   and sociocultural groups. People can chose to
7   report more than one race to indicate their
8   racial mixture, and in fact, race alone can
9   result in up to 63 different combinations.
10   And people who identify their origin as
11   Hispanic, Latino, and Spanish may be of any
12   race.
13   Talk briefly about group quarters. So
14   in 2020, the census continued -- Census Bureau
15   continued to count prisoners, college
16   students, and people in other resident
17   situations, such as nursing homes, at the
18   group location where they lived and slept most
19   of the time. This is the way it's been done
20   in the past, and by far, the majority of
21   states use population and residence data
22   reported in the census as is.
23   A handful of states have changed their
24   procedures for allocating incarcerated --
25   incarcerated persons for redistricting

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1   purposes. And these states, whenever it's

2   possible, they reallocate prisoners from the

3   prison location to their residence prior to

4   incarceration. To date, eight states, which

5   includes California, Colorado, Delaware,

6   Maryland, Nevada, New Jersey, New York,

7   Virginia, and Washington, have passed laws

8   about how incarcerated persons are counted and

9   allocated during the redistricting process.

10   Personal -- protecting privacy within

11   census data. So since 2000, the Bureau has

12   used a practice called data swapping between

13   census blocks as its main disclosure avoidance

14   technique. And for an example of data

15   swapping, we can consider a census block with

16   just 20 people in it, including one Filipino

17   American without any disclosure of

18   (inaudible), it might be possible to figure

19   out the identity of that individual.

20   With the data swapping applied, that

21   person's data might be swapped with that of an

22   Anglo-American from a nearby census block

23   where other Filipino Americans reside. The

24   details for that person would be aggregated

25   with the others, and therefore, it would be

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1   not be identifiable. Yet the total population

2   would remain accurate.

3   Since recent developments and the

4   advent of big data and technical advancement

5   make it theoretically possible to take the

6   many data products that the Census Bureau

7   produces and cross-reference them with each

8   other or with outside data sources to the

9   point that (inaudible) could be compromised,

10   the Census Bureau chose to review their

11   disclosure avoidance techniques and reconsider

12   other methods. In 2018, they selected

13   differential privacy for use during the 2020

14   census.

15   With differential privacy, the total

16   population in each state is as enumerated.

17   But all other levels of geography -- so tract,

18   counties, census block group -- have some

19   variance from the raw data. And the Census

20   Bureau refers to this as noise. And noise

21   would not be injected into the state

22   population, but the smaller units it can be

23   expected.

24   And it's important to note here that

25   when reaggregated, that level of noise is --

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1   is -- goes away and results in a usable and

2   accurate count.

3   I mentioned the TIGER geometry that we

4   use in the geographical data. It's worth

5   noting that during the 2020 legislative

6   session, Florida -- the legislature passed two

7   bills that made changes to its political

8   subdivisions. Senate Bill 616 adjusted the

9   boundary lines of Indian River County and St.

10   Lucie County. That bill was signed into law

11   by Governor DeSantis on June 9th, 2020. And

12   Committee Substitute for House Bill 1215

13   abolished the City of Weeki Wachee, which was

14   one square mile and a population of nine.

15   That, also, took effect -- was signed and took

16   effect on June 9th, 2020.

17   Because we used the January 1, 2020,

18   data from the Census Bureau rather than the

19   census day -- or in addition to the fact that

20   these became law after census day, these

21   changes are not reflected in our geographical

22   population and demographic data, so we'll

23   still have the City of Weeki Wachee in our

24   dataset.

25   I've mentioned this a little bit before

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1   already related to the census delays, and this

2   slide is taken from a presentation that the

3   Census Bureau delivered to us back in, I

4   believe it was, May. But these are some of

5   the factors that the Bureau has cited for the

6   delay and the reasons the data was delivered

7   late.

8   This includes COVID-19, four tropical

9   systems that made landfall, wildfires on the

10   West Coast, civil unrest, and legal

11   challenges. And most of those occurred during

12   the door-to-door follow-up -- nonresponse

13   follow-up count portion of the census, which

14   did disrupt the collection and then,

15   subsequently, the processing of the data.

16   And we can go -- we can break there or

17   go right into same additional data points.

18   CHAIR RODRIGUES: Do we have questions

19   on what's been presented? Senator Gibson,

20   you're recognized for a question.

21   MS. GIBSON: Thank you, Mr. Chair.

22   Going back to the race and ethnicity in the

23   census data, I thought there were questions of

24   race that were not represented in the handout.

25   For example, I think there were individual --

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 1    do you know if these are all the categories

 2    that were questions on the census, by any

 3    chance?  And if not, if we can make sure that

 4    we have that for the next time because I

 5    thought there were -- there was some biracial

 6    or other questions, even an "other" that was

 7    reported when it came to race and ethnicity.

 8         And I'm asking that in light of -- as

 9    we begin to look at districts and minority

10    districts and how those -- how those

11    categories of race play into any potential

12    diminishment or -- if you understand what I'm

13    saying.

14         CHAIR RODRIGUES:  You're recognized.

15         MR. FERRIN:  Thank you, Mr. Chairman

16    and Senator Gibson.  That's, actually, an

17    excellent point.  I did neglect to mention

18    that there is a field for other race.  It's

19    available on the -- where respondents can

20    write in whatever they want, and the Census

21    Bureau will tabulate them that way.

22         But it's important to remember that for

23    redistricting purposes, we can -- we can

24    cross-tabulate.  So -- so if a person can mark

25    multiple races -- and in fact, they can select
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1   all of them. And when they do that, we, in

2   the redistricting dataset that we compile and

3   use in our software, we will count every

4   person that has indicated that race as part of

5   that group.

6   So for example, with African -- Black

7   or African American population, we count

8   anyone who responded that they were any

9   combination of race that included Black or

10   African American, and we also include whether

11   or not they were Hispanic. And so all that's

12   accounted for, and when we do the functional

13   analysis and we review that, we're looking at

14   the categories of anyone who would have

15   responded that they were that race in any

16   combination. Hopefully, that answers your

17   question.

18   MS. GIBSON: So a -- sorry, Mr. --

19   CHAIR RODRIGUES: Go ahead. You're

20   recognized.

21   MS. GIBSON: A combination leans

22   towards a particular race, so if -- if someone

23   put that they were African American and White

24   or African American and Hispanic, what's the

25   dominant race that we're counting them as --

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 1              CHAIR RODRIGUES:  You're recognized.

 2              MS. GIBSON:  -- because, obviously,

 3      they're not counting themselves that way.

 4              MR. FERRIN:  Thank you, Mr. Chairman.

 5      So we follow the OMB guidance, which I didn't

 6      go into in great detail, but provides that for

 7      the purposes of analyzing against,

 8      essentially, discriminatory behavior and

 9      Department of Justice review for things like

10      redistricting plans, we are supposed to count

11      all available population.

12              So -- so essentially, if you marked

13      that you were a -- a Black or African American

14      and White, you would be counted in the Black

15      population because you would, theoretically,

16      have standing to bring a discriminatory claim

17      in that circumstance.

18              CHAIR RODRIGUES:  Senator Rouson,

19      you're recognized for a question.

20              MR. ROUSON:  Thank you very much, Mr.

21      Chairman.  And I think you mentioned it, but I

22      just want to be clear, and I want the public

23      to be clear.  On group quarters, Florida

24      continues to count prisoners and college

25      students at the location where they were on
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1   April 1st of 2020, as opposed to their home or

2   before they were incarcerated?

3   CHAIR RODRIGUES: You're recognized.

4   MR. FERRIN: Thank you, Mr. Chairman

5   and Senator Rouson. The Census Bureau counts

6   them there. We do not edit the census data

7   and reassign them to another geographic

8   location.

9   CHAIR RODRIGUES: Any further

10   questions? Senator Bradley, you're

11   recognized.

12   MS. BRADLEY: Thank you, Mr. Chairman.

13   In the previous slide, you outlined what the

14   census delays. And I just wondered if you

15   could give a sense of the overall

16   participation rate, even with those delays, of

17   the 2020 census, maybe compared to prior years

18   or whether it was a -- what the participation

19   rate was in 2020.

20   CHAIR RODRIGUES: You're recognized.

21   MR. FERRIN: Thank you, Mr. Chairman

22   and Senator Bradley. This -- Florida had a

23   99.9 percent enumeration rate, so -- so the

24   Census Bureau calculates the total number of

25   households that they have on record, and 99.9

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1   percent of those households responded to the

2   census in 2020. I don't know the 2010 number

3   off the top of my head.

4   MS. BRADLEY: (Inaudible).

5   MR. FERRIN: But I know the 2021 was

6   99.9.

7   CHAIR RODRIGUES: Any further

8   questions?

9   Seeing none, let's move on to Census

10   Data.

11   MR. FERRIN: Thank you, Mr. Chairman.

12   And so to speak a little bit about some of the

13   trends that we've seen in the census data, one

14   of the underlying themes is the shift in -- or

15   continued trend towards population

16   congregation in metropolitan areas.

17   So the population of the U.S. metro

18   areas grew by 9 percent from 2010 to 2020,

19   resulting in 86. -- 80 -- excuse me -- 86

20   percent of the population living in the United

21   States metro areas, as compared to 85 in 2010.

22   Around 52 percent of the counties in

23   the United States saw their 2020 census

24   populations decrease from the 2010 census.

25   The largest county remains Los Angeles County.

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1   The largest city remains New York. But across

2   the United States, 312 of the 384 metro areas

3   gained population. Only a few lost. But one

4   of the fastest growing ones in the United

5   States was, actually, The Villages. It grew

6   39 percent from about 93,000 people to 130,000

7   or so.

8   Here we have some of the Florida-

9   specific facts. So we did surpass New York,

10   become the third-largest state officially. As

11   we just discussed, 99.9 percent of the housing

12   units were counted in the 2020 census. Our

13   total growth was 2,736,877 people from 2010 to

14   2020, and that's almost 15 percent. As I

15   mentioned earlier, The Villages was the

16   fastest-growing metro area in the country and

17   also in the State of Florida.

18   Talking about the self-response rate,

19   which was for the first time this year

20   available online -- so in the past, self-

21   response meant that you received your Census

22   Bureau questionnaire in the mail, you filled

23   it out and responded. It didn't require a

24   door-to-door visit or a nonresponse follow-up.

25   We did improve that a little bit this -- this

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1   cycle and went from 63 percent to 63.8.

2   Additionally, Jacksonville remains the

3   largest incorporated place in Florida, and

4   it's got 9 million -- or excuse me -- 949,611

5   people. And Jacksonville, as many of you

6   know, is also -- coincide with the county

7   boundaries of Duval.

8   Osceola County had the largest county

9   growth rate at 45 percent and growing by about

10   120,000 people. Not surprisingly, then,

11   Florida State Senate District 15 had a similar

12   growth rate, 51 percent, growing 241,000

13   people, which is nearly half of what a senate

14   district used to be.

15   And in the same general area, Florida

16   House District 44 grew 51 percent, and that's

17   by about 80,000, and I believe an ideal

18   district last cycle was somewhere in the

19   neighborhood of 150,000. Congressional

20   District 9, similarly, grew by about a third.

21   So 259,000 people from 2010 to 2020.

22   One of the other things that's been

23   noted in the -- the census data across the

24   country has been that we've had some shifts in

25   how people identify themselves racially.

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1   So that being said, the White

2   population still remains the largest race or

3   ethnicity group in the United States, over 204

4   million people identifying as White alone.

5   Another 35 million bring the total to 235.4

6   million reported being either White alone or

7   in combination with another group. But

8   specifically, the White alone population

9   decreased, and what that means is that we're

10 seeing a trend in which more people are

11 identifying as being White in combination with

12 some other race.

13   Likewise, the multiracial or two or

14 more race population changed. The multiracial

15 population was measured at 9 million people

16 across the country in 2010, and that's now at

17 33.8 million people, which is a 276 percent

18 increase. In Florida, I believe, it exceeded

19 that.

20   The in-combination multiracial

21 populations for all race groups accounted for

22 most of the overall changes within each racial

23 categories, so it wasn't necessarily people

24 identifying as a single race African American

25 or single race Asian; it was people combining

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 1    them across different races.

 2            And then the next largest races --

 3    racial populations were Asian alone or in

 4    combination.  They're up to 24 million

 5    nationwide, and they exceed the American

 6    Indian and Alaskan Native alone or in

 7    combination group, followed by the Native

 8    Hawaiian and other Pacific Islander Group.

 9            Not surprisingly, as I'm sure many

10    people expected, the Hispanic or Latino

11    population, which includes people of any race,

12    was 61 -- 62.1 million in 2020.  This is a

13    growth of 23 percent.  The population that has

14    identify itself of not being Hispanic or

15    Latino origin grew 4.3 percent since 2010.

16            A lot of this data is currently visible

17    and available via the Census website.  They've

18    provided some demographic map viewers, as well

19    as access to the tabular data and now the

20    interactive tables that you can select which

21    types of information you would like to see in

22    which geographical level.  That, also,

23    includes current state legislative and

24    congressional districts.  That's all available

25    on data.census.gov.  And that would conclude
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1   this portion. We can pause or keep going, Mr.

2   Chairman.

3   CHAIR RODRIGUES: Do we have any

4   questions on this portion?

5   Seeing no questions, let's continue on.

6   MR. FERRIN: Thank you, Mr. Chairman.

7   So the last thing we have for you today is

8   some maps to look at. So these -- these

9   display the over/under populations for the

10   different districts we have here in Florida,

11   so these are the current congressional

12   district boundaries.

13   Here you can see where we have listed

14   the 2010 population versus the state, as well

15   as the difference, the ideal population of the

16   old congressional districts, which was

17   696,000, and the new one, 769,000. So almost

18   a 73,000-person change there, as well as the

19   number of districts that we have.

20   One of the things to kind of note about

21   this map is that because we are gaining a

22   congressional district, the color coding there

23   is going to look a little different. It's --

24   it's -- these districts are going to trend --

25   show to be slightly more over-populated than

Page 71

1   they should, if we would to divide and color

2   them by 28 districts -- or excuse me -- 27

3   instead of 28.

4   Here we have the same map and same data

5   points for the State Senate districts, so you

6   can see here that a lot of the districts in

7   North Florida or currently underpopulated, as

8   are the districts in South Florida, as well as

9   some in the Tampa Bay area. Most of the

10   growth in the state, as is displayed by this,

11   occurred along the I-4 Corridor and up along

12   the First Coast in St. Johns and Flagler

13   Counties. Other districts that are

14   overpopulated include in Lee County, District

15   27, but the -- the one that's far and away the

16   most is District 15.

17   Lastly, we have the same kind of slide

18   for the Florida House and their current

19   districts, so looking at this at a more

20   granular level, smaller districts, is going to

21   display some of the population trends in a

22   little more detail. So you can see here,

23   really, the underpopulation and the

24   significance of it in the Big Bend area. You

25   can see the dark blue colors show the

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1   overpopulation, particularly in Central

2   Florida and along the I-4 Corridor, and then

3   you can see the bright red and shading and

4   colors down there in South Florida, as well.

5   All of these will be visible on our

6   website, when it launches in an interactive

7   manner that will allow users to click around

8   and get some more data on the specific

9   districts, including the population numbers

10   from 2010, 2020, and the percent differences,

11   as well. And that would include the

12   presentations, Mr. Chairman.

13   CHAIR RODRIGUES: Do we have any

14   questions on the map showing the under and

15   over populations of our various chambers?

16   Okay. Senator Rouson, you are recognized.

17   MR. ROUSON: Thank you very much. This

18   may go back to an earlier slide, but the

19   boundaries were adjusted in St. -- in St.

20   Lucie and Martin Counties. Did that

21   significantly add or shed population because

22   of the boundary adjustment?

23   CHAIR RODRIGUES: You're recognized.

24   MR. FERRIN: Thank you, Mr. Chairman.

25   Let me -- the answer is no. The boundary

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1   shift between Indian River County and St.

2   Lucie County was one parcel that was six-

3   tenths of an acre that went from St. Lucie to

4   Indian River, and then Indian River -- excuse

5   me, five and a half acres of land were

6   transferred from Indian River to St. Lucie

7   County.

8   The land -- it's my understanding and

9   recollection was -- those five and a half

10   acres were vacant. There was one house that

11   had a piece of property. Their parcel was

12   divided by the counties, and so they took the

13   one parcel that had a house on it, moved it

14   all to one county, and the other one took some

15   vacant land in exchange, and it was -- should

16   have had little to no -- I mean, the residents

17   of that one house, but other than that, no

18   changes in population would have -- would have

19   occurred.

20   MR. ROUSON: Thank you.

21   CHAIR RODRIGUES: Any other questions?

22   Seeing none, that includes Tab 4.

23   We'll now move on to Tab 5, which is public

24   comment. We'll start with Jonathan Webber

25   with Florida Conservation Voters. Jonathan,

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1   you're recognized.

2   MR. WEBBER: Thank you, Chair. Good

3   morning -- afternoon. My name is Jonathan

4   Webber. I'm the deputy director of Florida

5   Conservation Voters. It's wonderful to be

6   back in the same room with all of you and

7   seeing your faces. We have a lot of important

8   work to do ahead of us, although I will say I

9   will miss the basketball buzzer, which did

10   happen in the civic center in the beginning

11   there. I'll miss that.

12   Fair political districts are the most

13   important aspect of our democratic republic.

14   The integrity -- integrity of our entire

15   system is in those little lines on the map,

16   which are now completely in your hands.

17   Eleven years ago, 63 percent of Florida

18   voters approved the two amendments related to

19   the redistricting process. Thank you so much

20   for reviewing them. These amendments are now

21   part of the state constitution, and like you,

22   I will be referring to these words in the

23   constitution regularly as we engage over the

24   coming weeks and months.

25   But the words in the constitution are

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 1   only part of the story, and I strongly and

 2   respectfully encourage you -- encourage the

 3   following:

 4   So please ensure that all map drafts

 5   become visible in real time and that all

 6   actual work of map-making is livestreamed with

 7   audio and video. Preserve all communications

 8   about redistricting and make them available as

 9   public records.

10   Make all mapping data available in the

11   public -- to the public in a common, usable

12   format.

13   Solicit extensive input from the

14   public.

15   Seek out and work to understand

16   opposing perspectives and points of view.

17   Provide ample notice of all proceedings

18   and public comment opportunities.

19   Find ways to get the people of Florida

20   involved in a meaningful way, even if they do

21   not have the means to travel to Tallahassee,

22   which includes virtual verbal input

23   opportunities. Input and committee meetings

24   is not just enough, especially when Floridians

25   who want to comment on multiple maps sometimes

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1   cannot make it to multiple meetings.

2   And ensure language accessibility for

3   our rich and diverse population. Translation

4   services is a must.

5   And I know that each and every one of

6   you is taking this process seriously, and I

7   want you to know that so are the people of

8   Florida. I'll close by saying the

9   redistricting process demands your best. It

10   demands our best. Future generations are

11   watching, and current generations are counting

12   on you. Thank you all so much. Best of luck.

13   CHAIR RODRIGUES: Thank you for your

14   comments. Next we have Rich Templin with the

15   Florida AFL-CIO. Mr. Templin, you're

16   recognized.

17   MR. TEMPLIN: Thank you, Mr. Chairman.

18   What an awesome new space you guys have to

19   work in. This is my first time being in it,

20   so pretty cool.

21   I represent the Florida AFL-CIO. The

22   Florida AFL-CIO, we represent 1.3 million

23   union members, their families, and retirees in

24   every area of the state. We have ten central

25   labor councils in every single geographic

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 1      region of Florida, and we have members in all
 2      67 counties.  And like Leader Gibson, I was
 3      here ten years ago, participated in the
 4      process, and I can tell you that our members
 5      get very engaged in this.  It's something that
 6      they care a lot about.  I actually think that
 7      they enjoy it as much as it was interactive in
 8      the past and I know will be again in the
 9      future.
10             So I'm really just here to avail my
11      organization to you because in so much as
12      getting the word out about how the public can
13      participate and how the public can watch the
14      process and to get to the goals that you all
15      have set for transparency and clarity, we're
16      going to be doing that.
17             And we're going to be taking all of the
18      rules and procedures that you establish and
19      working within those to engage as much of our
20      members as possible, and so we really look
21      forward to watching this process move forward.
22             It was very encouraging what we heard
23      today, Mr. Chairman.  Thank you.  And we're --
24      we're here, and our members want to be a part
25      of the process.  We're a very bipartisan
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1   group, and so we just want to be here to help.

2   Thank you very much.

3   CHAIR RODRIGUES: Thank you. Next we

4   have Cecile Scoon with the Florida League of

5   Women Voters. She is the new president. Is

6   she in the room? Thank you. You're

7   recognized.

8   MS. SCOON: Thank you so much for this

9   opportunity. My name is Cecile Scoon, and as

10   stated, I'm the new president of the League of

11   Women Voters of Florida, and I'm coming here

12   as a citizen, I'm coming here as the

13   president, as a member of the league, and as

14   a -- or the league is a member of the Fair

15   Districts Coalition that was, also -- many of

16   these organizations were involved in the

17   redistricting in 2010 and everything that

18   transpired.

19   It's been really very good feeling to

20   hear the recounting of the actual history and

21   the problems that, you know, our state ran

22   into and the waste of time and energy and

23   upset in the, you know, creation of distrust

24   with the people when people in the past

25   represented to promise to follow the law and

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1   then they didn't. They kind of, you know,

2   went around the back door and did all those

3   things.

4   So one of the things that we came up

5   with to try to win back the trust of the

6   people is to ask for representatives and

7   senators to sign a pledge.

8   And the pledge is found on the Fair

9   Districts website, which is

10   fairdistrictscoalition.org, and essentially,

11   it's a -- it's a paragraph, and it's basically

12   just reiterating everything -- many of the

13   things that you already said to being

14   transparent, following the law, you know,

15   adhering to the rules of fairness and

16   everybody getting their equal say, no harm to

17   minority, language, or racial groups, no

18   political gerrymandering, and things of that

19   nature.

20   So it's basically just saying, would

21   you pledge to follow the law that the citizens

22   voted on over 63 percent in the Citizens'

23   Initiative that led to the Fair District

24   Amendments.

25   So I would ask you all, since we're all

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1        here and we're starting anew, to consider
2        signing that pledge and look it over, and if
3        there are any questions, please let us know.
4        So we're very excited about this opportunity.
5        We're looking forward to the continued
6        interaction and for public input.
7                 We would ask that the public input be
8        interactionable, in other words the public
9        would have a question or statement and then
10       you would hear it in real time and then
11       respond.  I know there are many avenues
12       available with digital and email and all the
13       other things, but it really lights a fire in
14       the citizens' heart to feel excited that they
15       spoke to their representative, they were heard
16       by the elected officials, and that there was a
17       response of some kind to their -- to a
18       question.  So we really, really ask you for
19       that.
20                 And the other thing I'd like to say is,
21       on the issue of -- I think Senator Rouson had
22       the question about how was the different
23       committees to interact with the media, and I'm
24       not sure I heard a specific answer to that
25       because we just want to know how we're going
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1   to hear from you. Are you going to be

2   accessible to the media, also? Or you know,

3   how is that going to work out? Thank you.

4   CHAIR RODRIGUES: I just have one

5   question before you go.

6   MS. SCOON: Yes.

7   CHAIR RODRIGUES: The language in the

8   Fair Districts pledge -- is the language in

9   the Fair Districts pledge the exact language

10   that is in the Fair Districts Amendment that

11   was adopted into the constitution?

12   MS. SCOON: I don't think it's exact.

13   I've got it right here. It's like a paragraph

14   and a half. Would you like me to read it?

15   CHAIR RODRIGUES: No, ma'am.

16   MS. SCOON: Okay.

17   CHAIR RODRIGUES: I'm just going to

18   share with you my particular position --

19   MS. SCOON: Sure.

20   CHAIR RODRIGUES: -- which is, if the

21   language is not exact, I can't pledge to it.

22   When I took my oath of office, I pledged to

23   uphold the Constitution of the State of

24   Florida, which includes the language that was

25   adopted by the voters in that Fair Districts

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 1     Amendment.  So if you're asking me to pledge

 2     to do something that is outside of that

 3     amendment, you're putting me in a position

 4     where I would be violating my oath of office,

 5     and I just can't do that.

 6              MS. SCOON:  Yes, I -- I --

 7              CHAIR RODRIGUES:  But I appreciate your

 8     participation.

 9              MS. SCOON:  yes.

10              CHAIR RODRIGUES:  And I appreciate your

11     enthusiasm.

12              MS. SCOON:  Thank you.  I understand

13     your analysis.  I don't think it's outside.

14     It's not -- it doesn't mirror the exact words,

15     but I think -- it's certainly well within the

16     intent, but I -- I respect what you're saying.

17     Thank you, sir.

18              CHAIR RODRIGUES:  Thank you.

19     Appreciate it.  Do we have any other public

20     comment?

21              Seeing none, do we have any comments

22     from the members before we conclude?  Is there

23     any other business to appear before the

24     committee?

25              Seeing none, Senator Stargel moves that
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1   we adjourn.   Without objection, we'll show

2   that motion's been adopted.   We are adjourned.

3   (End of Video Recording.)

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1   CERTIFICATE

2   I, Wendy Sawyer, do hereby certify that I was

3   authorized to and transcribed the foregoing recorded

4   proceedings, and that the transcript is a true record, to

5   the best of my ability.

6   DATED this 15th day of March, 2023.

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23   _____

24   WENDY SAWYER, CDLT

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A

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EXHIBIT 14

THE FLORIDA SENATE
SENATOR WILTON SIMPSON
President

MEMORANDUM

TO: All Senators
FROM: Wilton Simpson
SUBJECT: Special Session 2022C
DATE: March 29, 2022

As many are aware, the Governor has vetoed CS/SB 102, passed during the regular session. For your early planning purposes, Senators should prepare to return to Tallahassee from April 19-22, 2022, for a special session for the purpose of establishing congressional districts for the state. Additional information will be forthcoming. Speaker Sprowls and I plan to issue a joint statement on this matter, which I have copied below for your reference.

Joint Statement: Florida Senate President Wilton Simpson, House Speaker Chris Sprowls on 2022 Redistricting

TALLAHASSEE, Fla. *(March 29, 2022)* -- Florida House Speaker Chris Sprowls (R-Palm Harbor) and Senate President Wilton Simpson (R-Trilby) issued the following joint statement regarding redistricting:

"Notwithstanding the delayed census, during the 2022 Regular Session, Florida's Legislature passed new House and Senate maps with strong bipartisan support. For the first time in nearly a century, the Legislature's maps were not challenged by a single party, and earlier this month were declared valid by the Florida Supreme Court.

"Unlike state legislative maps, the congressional map requires approval by the Governor, and Governor DeSantis has vetoed the legislation we passed earlier this month. Our goal is for Florida to have a new congressional map passed by the Legislature, signed by the Governor, and upheld by the court if challenged. Therefore, it is incumbent upon us to exhaust every effort in pursuit of a legislative solution. We look forward to working with our colleagues and Governor DeSantis during the upcoming special session on a congressional map that will earn the support of the Legislature and the Governor and fulfill our constitutional obligation for the 2022 redistricting process."

EXHIBIT 15

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Common Cause, et al.   )

)

v.   ) 4:22-cv-109

)

Cord Byrd   )

)

TRANSCRIPTION OF VIDEO RECORDING

HOUSE CONGRESSIONAL REDISTRICTING SUBCOMMITTEE

FEBRUARY 18, 2022

DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

2/18/2022   Common Cause, et al. v. Cord Byrd   Audio Transcription

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1   February 18, 2022

2   CHAIRMAN SIROIS: Good morning, Members.

3   The Congressional Redistricting Subcommittee will

4   come to order.

5   DJ, please call the roll.

6   THE SECRETARY: Chair Sirois?

7   CHAIRMAN SIROIS: Here.

8   THE SECRETARY: Vice-Chair Tuck?

9   VICE-CHAIR TUCK: Here.

10   THE SECRETARY: Ranking Member Skidmore?

11 Ranking Member Skidmore?

12   Representative Benjamin has been excused.

13   Brown?

14   REPRESENTATIVE BROWN: Here.

15   THE SECRETARY: Fabricio?

16   REPRESENTATIVE FABRICIO: Here.

17   THE SECRETARY: Fetterhoff?

18   REPRESENTATIVE FETTERHOFF: Here.

19   THE SECRETARY: Giallombardo?

20   REPRESENTATIVE GIALLOMBARDO: Here.

21   THE SECRETARY: Harding?

22   REPRESENTATIVE HARDING: Here.

23   THE SECRETARY: Hunschofky? Hunschofky?

24 Joseph?

25   REPRESENTATIVE JOSEPH: Here.

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 1              THE SECRETARY:  Maggard?

 2              REPRESENTATIVE MAGGARD:  Here.

 3              THE SECRETARY:  Massullo has been excused.

 4       McClure?

 5              REPRESENTATIVE MCCLURE:  Here.

 6              THE SECRETARY:  Morales?

 7              REPRESENTATIVE MORALES:  Present.

 8              THE SECRETARY:  Perez?

 9              REPRESENTATIVE PEREZ:  Here.

10              THE SECRETARY:  Plakon?

11              REPRESENTATIVE PLAKON:  Here.

12              THE SECRETARY:  Silvers?  Silvers?  Toledo?

13              REPRESENTATIVE TOLEDO:  Here.

14              THE SECRETARY:  Trabulsy?

15              REPRESENTATIVE TRABULSY:  Here.

16              THE SECRETARY:  Williamson?

17              REPRESENTATIVE WILLIAMSON:  Here.

18              THE SECRETARY:  Ex-officio Clemons?

19              EX-OFFICIO CLEMENS:  Here.

20              THE SECRETARY:  Ex-officio Davis?

21              UNIDENTIFIED FEMALE:  On the way.

22              THE SECRETARY:  Members present, Mr. Chair.

23              CHAIRMAN SIROIS:  Thank you, DJ.

24              Members, a few reminders before we begin.

25       Please silence all electronic devices, and if you're
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1   here today to give public testimony, please take

2   time now to fill out a speaker appearance form, and

3   turn it into the sergeant staff. Also, Members, if

4   you wish to speak, please make sure that you turn

5   your microphone on.

6   On a personal note, I would ask the members

7   to bear with me. My voice has been faltering all

8   week, one of the occupational hazards of being a

9   legislator.

10   Representative Fetterhoff, I would like to

11   recognise you for an introduction.

12   REPRESENTATIVE FETTERHOFF: Thank you,

13   Chair. Good morning. I just wanted to introduce

14   our doctor of the today. Doctor Steven Golden has

15   travelled up from Charlotte County to visit with us

16   today, so if we have need of him today during

17   Committee, he is here to help. Thank you so much

18   for being here today, sir.

19   CHAIRMAN SIROIS: Thank you, Doctor. We're

20   glad to have you with us.

21   Thank you, Representative Fetterhoff.

22   Members, welcome back to our Congressional

23   Subcommittee. I'm glad to see all of us together

24   again. For those following along at home, a quick

25   recap of the last few weeks. After we began

Page 5

1   session, the Governor requested an advisory opinion

2   from the Florida Supreme Court centered around

3   Congressional District 5 in North Florida. The

4   House paused the congressional redistricting process

5   once this request was issued. Throughout this

6   process we've stated that we will follow the law.

7   And we knew if the Florida Supreme Court issued new

8   guidance, we would have to take that into account.

9   Last week the Supreme Court issued their

10   ruling, that they would decline to issue an advisory

11   opinion. And with that notice being issued and no

12   additional guidance being provided, we have now

13   resumed our process. The pause in our process was

14   the right thing to do to ensure that we continue to

15   follow all appropriate guardrails. And again, I'm

16   glad to be back here with all of you today.

17   Today we will present and consider the PCB

18   for our state's proposed congressional districts. I

19   want to refocus this Committee on the task at hand.

20   There's been noise outside of our process dealing

21   with the congressional map. I would encourage all

22   members to put that noise aside. Those external

23   influences need to stay external, and our personal

24   preferences cannot override our constitutional

25   responsibility to follow the law.

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```
 1              This Committee has undertaken several

 2    months of education in order to understand the

 3    redistricting process and uphold the high bar that

 4    was set for this chamber last decade.  The Proposed

 5    Committee Bill, CRS22-01, establishes congressional

 6    districts that will be used in election cycles

 7    beginning in 2022.  This PCB has been drafted by

 8    Committee staff with the advice of legal counsel

 9    based on data from the 2020 census and to be in

10    alignment with the Florida constitution, state and

11    federal law, and court president.  This map can also

12    be found on floridaredistricting.gov under the

13    planned name H000C8011.

14              You may have noticed the lengthy bill test

15    -- the bill text for the congressional map was not

16    included in the meeting materials for today's

17    meeting.  The bill text reflects the technical

18    census block, block group, and track numbers that

19    comprise each district.  These are the exact same

20    districts that are depicted in the printed map

21    before you.  However, to save all of our printers,

22    and 150 pages of paper, we have printed a copy of

23    the full bill text for the community's viewing, and

24    that can be found right here in front of DJ.

25              Now, it is my pleasure to hand the gavel
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HT_0004877

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1   over to Vice-Chair Tuck.

2   VICE-CHAIR TUCK: Thank you, Mr. Chair.

3   Members, up for consideration today is PCB

4   CRS22-01, establishing the congressional districts

5   of the state. As a reminder we are holding

6   questions until the end of the PCB presentation to

7   ensure we have time to get through an explanation of

8   the entire state and no one region is rushed.

9   Chair Sirois, you're recognised to present

10   the PCB.

11   CHAIRMAN SIROIS: Thank you, Vice-Chair

12   Tuck.

13   The Florida Legislature is directed to

14   redistrict every ten years, following the decennial

15   census, to account for growing and shifting

16   population across Florida. A decade ago, the

17   Florida Houses process and methodology for drawing

18   maps was lauded by the Florida Supreme Court, and

19   I'd like to read a quote from the 2012 ruling.

20   "A review of the House plan, and the record

21   reveals that the House engage in a consistent and

22   reasoned approach, balancing the two tier standards

23   by endeavouring to make districts compact and as

24   nearly equal in population as possible in utilising

25   political and geographical boundaries where feasible

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1 by endeavouring to keep counties and cities together

2 where possible. In addition, the House approached

3 the minority voting protection provisions by

4 properly undertaking a functional analysis of voting

5 strength in minority districts."

6   As I mentioned earlier, this Committee has

7 undertaken several months of education in order to

8 understand the redistricting process and uphold the

9 high bar that was set for this chamber last decade.

10 Last week we released Proposed Committee Bill CRS22-

11 01, which proposes congressional districts that will

12 be used in election cycles starting in 2022. As I

13 mentioned earlier this map, H000C8011, has been

14 drafted exclusively by Committee staff with the

15 advice of legal counsel based on data from the 2020

16 census, and to be in alignment with the Florida

17 constitution, state, and federal law, as well as

18 court president.

19   Members, I want to make sure that each of

20 you has a packet in front of you. This contains a

21 printout of the proposed map itself, the state-wide

22 snapshot of statistics, the functional analysis data

23 used for protected minority districts, a list of

24 county shares of population, a list of city splits,

25 and finally the boundary analysis report. These

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1   can you provide any stats on all of these 30

2   measures of compactness?

3   MR. POPPER: No. But I -- no, Madam

4   Chair. I can tell you that the social scientists

5   tended to focus on Polsby-Popper, Reock, sometimes,

6   total perimeter, and sometimes Convex Hull. For the

7   reasons I've given, I don't believe Convex Hull is a

8   very good measure. I do think that there are things

9   captured by Reock that are not captured by Polsby-

10   Popper. I do believe there are things captured by

11   Polsby-Popper that are not captured by Reock. I

12   believe, as a professional in this field, that one

13   should focus on those two measures. But there are

14   many measures, and one can see -- if the chair has

15   any particular one in mind, one can see how they do

16   and don't work. I mean, there's a measure that you

17   look at north south divided by east west. Well,

18   that doesn't see a lot of convolutions that can

19   occur in the middle.

20   The Reock score doesn't necessarily see

21   serrations on a smaller level, while Polsby-Popper

22   does. But the Reock score is particularly good at

23   picking up a district that stretches. And as I

24   pointed out, it is unusual for those two scores to

25   agree to this extent. Usually, the Reock score is

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1   more forgiving.

2   VICE-CHAIR TUCK: Now, are you aware of

3   which methodology was endorsed by the Supreme Court

4   in the last redistricting cycle?

5   MR. POPPER: We're speaking about the

6   Florida Supreme Court?

7   VICE-CHAIR TUCK: Correct.

8   MR. POPPER: I was, Madam Chair. I forget.

9   VICE-CHAIR TUCK: That's fine. Thank you.

10   Keep on going, if that's okay.

11   MR. POPPER: Please.

12   VICE-CHAIR TUCK: Representative

13   Giallombardo, you're recognized in questions? Good?

14   okay.

15   Representative Harding, any questions?

16   REPRESENTATIVE HARDING: Thank you, Madam

17   Chair.

18   And thank you for being here, and I

19   appreciate your experience and expertise you bring.

20   And I would also preface this question by saying I

21   come from a rural part of Florida, where we are the

22   large and long districts or something that we are

23   used to. And it's definitely a different

24   perspective on this.

25   If you view current Congressional

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1   District 5 as racially gerrymandered, are you aware

2   of any court decision holding a state constitutional

3   provision that protects minority voting rights that

4   is insufficient to justify the use of race to draw a

5   district?

6   MR. POPPER: Well, no. But I am aware of

7   Miller versus Johnson talking about section two and

8   section five, DS versus Silver talking about section

9   two and section five, Cooper versus Harris talking

10 about section two. And these are federal statutes

11 that didn't do the job under the supremacy clause.

12 I would imagine that the Tier 1, Tier 2 requirements

13 of federal law would be in an even weaker position,

14 but no.

15   VICE-CHAIR TUCK: Representative

16 Hunschofsky, any questions?

17   REPRESENTATIVE HUNSCHOFSKY: Thank you,

18 Madam Chair. I'm not an attorney, so please forgive

19 me in my elementary way of asking this question.

20 You talk about compactness and how important it is

21 from a federal law standpoint. When looking at

22 federal law, in your opinion, is compactness more

23 important than having an equal opportunity

24 representation in our districts?

25   MR. POPPER: I suppose my answer would be

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1   that I don't think that they're pitted against each

2   other in the same way that they are under Florida

3   law. Compactness arises in the legal framework --

4   I'm talking about at the tail end of an analysis of

5   a race-based district violates the equal protection

6   clause unless it satisfies strict scrutiny. It

7   satisfies strict scrutiny if there's a compelling

8   justification that is narrowly tailored to achieve

9   its object.

10   And there in the narrow tailoring is where

11   the Supreme Court has said this doesn't work. So

12   they're not aligned in the same sentence or in the

13   same provision as they are in Article III, Section

14   20 of the Florida constitution. So I can't really -

15   - as important is a difficult question.

16   VICE-CHAIR TUCK: Follow up?

17   REPRESENTATIVE HUNSCHOFSKY: Thank you,

18   Madam Chair. So, again, I'm not an attorney, and

19   your focus on compactness is just kind of as a

20   layperson, made me incredibly curious that that

21   seems to be -- and I understand, you know, with your

22   last name and everything -- why it is your focus.

23   But in the reality, we're here, big picture, trying

24   to weigh what is best for the residents of the state

25   of Florida and Florida's representation.

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1   You mentioned the term "compelling

2   justification." Do you believe there is a

3   compelling justification to have less access for

4   racial or language minorities to less access and

5   less ability to elect their representatives of

6   choice? You believe there's a compelling

7   justification to have less of that in favor of more

8   compactness?

9   MR. POPPER: Thank you for the question. I

10 think I can address it both as a lawyer and as a

11 non-lawyer. As a lawyer, under Section 2 of the

12 Voting Rights Act, even under Section 5, it is

13 possible to show the strong basis and evidence that

14 permits a compelling justification that, for

15 example, a district drawn to enhance and equalize

16 the opportunity of minority populations to elect

17 their candidates of choice. This is all very much

18 as a lawyer. That can justify a race-based

19 district. It has been held to be that that can

20 happen. I'm saying that it's unlikely to happen

21 with a district that looks like this.

22   As a layperson, I think that's an entirely

23 ambiguous question, just in the sense of 42 percent

24 black voting age population in District 3, or 44

25 percent, as I believe the state's figures. Is that

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1   going to lead to more representation of the kind

2   that you're talking about than 10 percent in 4

3   districts? It's not clear, particularly when the 44

4   percent comes from other districts which now have

5   less black population. That's not -- speaking as a

6   non-lawyer, it's not clear -- as a politician, I

7   guess -- it's not clear what that does. So I don't

8   know that -- I wouldn't say that that's a compelling

9   explanation unless it's explained further.

10   VICE-CHAIR TUCK: Follow up?

11   REPRESENTATIVE HUNSCHOFSKY: I'm not an

12   attorney, but I too am just a regular person. And

13   I'm asking this question because this is the

14   question that we're faced with when we are making

15   these decisions. This is a balancing act, as I

16   think we've heard from everybody. So I ask again,

17   if the two do come into conflict, that what we see

18   is the Tier 1, the opportunity of racial or language

19   minorities to participate in the political process

20   or to diminish their -- we're not allowed to deny

21   their -- or bridge the equal opportunity for racial

22   or language minorities to participate in the

23   political process or to diminish their ability to

24   elect a representative of choice, or districts shall

25   be compact. If the two come in conflict, which wins

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1   out in law, in your opinion?

2   MR. POPPER: In law? That's a matter of

3   Florida law. I can't tell you. I don't know, and I

4   think there's some speculation about what the

5   Florida Supreme Court would do with that question.

6   In federal law, the district is in trouble. In

7   federal law, it's not going to come down to that

8   way. And I shouldn't presume to be in your

9   difficult position making these difficult choices,

10   and I don't mean to do that and second guess you on

11   that.

12   When I talk as a politician, I think I'm

13   talking out of turn. I should talk only as a

14   lawyer. And talking as a lawyer, this district is

15   going to have problems in federal court. If I had a

16   client, I would counsel them that way. And it's

17   going to have problems as a question of narrow

18   tailoring. And they, the federal court, are not

19   going to care to the same extent that the Florida

20   Supreme Court cares about Tier 1 and Tier 2.

21   They're going to view it as not narrowly tailored.

22   That's my prediction. Did that answer your

23   question?

24   REPRESENTATIVE HUNSCHOFSKY: Not really,

25   but thank you.

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1   MR. POPPER: I would like to answer your

2   question.

3   Madam Chair.

4   VICE-CHAIR TUCK: Representative, you're

5   good? Hunschofsky?

6   REPRESENTATIVE HUNSCHOFSKY: Madam Chair,

7   I've asked my question in several ways, and it's the

8   same answer. So yes, I'm good. Thank you. And I

9   appreciate your indulgence on that.

10   VICE-CHAIR TUCK: That's good. Thank you.

11   Mr. Popper, do you agree that protecting minority

12   voting ability from diminishment is a compelling

13   state interest?

14   MR. POPPER: It can be. Yes. If it's

15   accomplished, Madam Chair, with a narrowly tailored

16   remedy. Yes.

17   VICE-CHAIR TUCK: So in that case, do you

18   believe there should be any minority districts in

19   North Florida, whether protected by state law or

20   federal law?

21   MR. POPPER: Madam Chair, you're asking me

22   to act as a politician. I mean, I think my

23   testimony -- the thing that I am an expert in -- I

24   guess everyone's an expert in their own opinions.

25   But the thing that I am an expert in is traditional

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1   districting criteria and narrow tailoring of

2   districts. And there's a problem. It's a difficult

3   weighing the kind of thing you all do.

4   VICE-CHAIR TUCK: Thank you.

5   Representative Joseph, any questions?

6   REPRESENTATIVE JOSEPH: Thank you, Madam

7   Chair.

8   So how many compact metrics are there that

9   you're aware of?

10   MR. POPPER: There are a lot,

11 Representative Joseph.

12   REPRESENTATIVE JOSEPH: Estimation?

13   MR. POPPER: I believe 20, perhaps, or 30.

14   REPRESENTATIVE JOSEPH: 20 to 30?

15   MR. POPPER: Yeah.

16   REPRESENTATIVE JOSEPH: And some are better

17 than others, correct.

18   MR. POPPER: One is best, but yes.

19   REPRESENTATIVE JOSEPH: The one that you

20 believe is best, I would assume that's yours, yeah?

21   MR. POPPER: It does happen to be that.

22 Yes.

23   REPRESENTATIVE JOSEPH: Okay. So since it

24 happens to be that and you believe that it's best,

25 why don't you tell me about some of the -- talk to

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1   the Committee about some of the infirmities of that

2   particular method.

3   MR. POPPER: Well, okay. That's an

4   interesting question.

5   REPRESENTATIVE JOSEPH: Yes, it is.

6   MR. POPPER: I think what it does is a

7   number of things, and perhaps as I'm discussing what

8   it does, I can pick out the infirmities. What it

9   definitely does is it arrays along a scale, so more

10   is more and less is less. There are some measures

11   of compactness that just don't see certain kinds of

12   contortions. For example, the Reock score, if a

13   district was generally compact but there was a spike

14   oriented down, it would score that as better because

15   the circumscribing circle would be smaller than if

16   that same spike were heading due east. There's no

17   logical reason for that. The person drawing a map

18   who's trying to gerrymander might want the spike to

19   point in any particular direction. That's a problem

20   with the Reock score, but Polsby-Popper doesn't have

21   that problem. That spike score is exactly the same

22   in both scenarios.

23   I suppose focusing on the Reock score, it

24   very much captures when a district is long, when a

25   district is wandering, just the whole district is

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1   shooting through the state. Polsby-Popper may not

2   capture that as well. Polsby-Popper captures

3   indentations, and Convex Hull doesn't capture them

4   at all. In my opinion, barely captures them.

5   REPRESENTATIVE JOSEPH: Thank you.

6   Follow up?

7   So you compared and contrasted the Reock

8   score with the Polsby-Popper score, what about its

9   infirmities compared to any of the other metrics for

10 compactness that can be used? Are there any other

11 ones that are superior to yours, in your opinion, or

12 that you've heard or heard criticized about that

13 exceed your metric in any way, shape, or form?

14   MR. POPPER: I do not believe so. There's

15 one qualification I would make: no one has perfectly

16 compact districts. It would do -- wreak havoc on

17 political subdivisions, on communities of interest.

18 You can't have a honeycomb of hexagons. We can't be

19 silly about it, but if the minimum district length

20 were perfect, that would be a perfectly compact set

21 of districts. That's the aggregate of all district

22 lines added up the total.

23   REPRESENTATIVE JOSEPH: Thank you, Madam

24 Chair.

25   And thank you for the response. My next

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1   provided us with actually no functional analysis to

2   illustrate any of the testimony that he was sharing

3   with us. And, Chair Sirois, that's why I was going

4   back and forth with you with that functional

5   analysis versus the performance analysis, to just

6   make sure I was clear with that.

7   So with that, as you've heard from my

8   colleagues, there are concerns with CD 10 because

9   the House is not in the same position as the Senate

10   with that District. I know we can get to the middle

11   and find a common ground with that. But I am glad

12   that in both of these maps, we do have an existence

13   of CD 3 in our map and CD 5 over in, I think, the

14   Senate map, and I would like to make sure I'm on

15   record to state that I appreciate wholeheartedly

16   that district being protected and being seen in both

17   maps and that we are not following the lead of an

18   administration who obviously has a different

19   mindset. So just wanted to put that on record.

20   Today, I will be down on this map just

21   because simply I know we still have work to do. And

22   I know the two Houses we'll get together and produce

23   maps that we eventually, hopefully, all can agree

24   on. So with that, I'll turn it back over to Chair

25   to close, and we get on our way. But today I will

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1   be a no vote just because I know there's still work

2   to be done.   Thank you.

3   Representative Joseph in debate.

4   REPRESENTATIVE JOSEPH: Thank you, Madam

5   Chair.

6   Let me say that I'm grateful to be in a

7   country that has certain constitutional protections

8   and provisions, where we have a form of government

9   where there are checks and balances, and there is a

10 separation of powers.   And the Legislature has its

11 function, and the Executive branch has its function.

12 And they're not the same.   Our job is to handle

13 these maps.   It is highly unusual for a Governor to

14 do what our Governor has been doing.

15   I look forward to ultimately getting to a

16 point where we have some maps that we all can be

17 proud of, and I'm hopeful that we can work towards

18 that.   And we've had some good conversations to get

19 that started, and we'd heard some testimony to help

20 guide us along that path.   I still have my

21 reservations about CD 10 and the things we talked

22 about.   We're going to work that through the

23 process, but that's literally our job.   Like, that's

24 what we're here to do is to work through that

25 process.   So I'm grateful for the opportunity to do

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1   what the people elected us to do.

2   My question for the Chair, if he would be

3   so kind as to address in debate if possible, is:

4   we've heard a lot of testimony, and we've gotten

5   some public feedback. But as we're continuing to

6   cook the cake or bake the cake out, I would say,

7   what is the best way to get the input from the

8   public to staff without exposing members to any

9   issues? I'm still a little unclear about how that

10   is ideally supposed to work in a way that does not

11   expose anybody to anything.

12   So there were some comments made, like I

13   want to know more about what's going on in 14 and 15

14   with respect to Latino districts. I can kind of

15   just put it out there in the ether for them to send

16   those stuff. But I want to figure out what's the

17   best way to do that so that we can communicate that

18   with staffs as we continue working on these maps.

19   So that's my question, and I thank you all for your

20   service.

21   Representative Hunschofsky in debate.

22   REPRESENTATIVE HUNSCHOFSKY: Thank you,

23   Madam Chair. And I'd first like to compliment you

24   on navigating this meeting so well. Never been in a

25   meeting like this one today, and I think you did a

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1   great job. And I appreciate that.

2   I've appreciated learning in this process.

3   I didn't realize there was as much to learn when I

4   originally got assigned to this Subcommittee. I

5   also appreciate the focus on cities being kept

6   whole. That has been important to me, and there has

7   been improvement in that area. I do still think

8   there is more room for improvement in this map, as

9   we've heard from my colleagues, and I do look

10   forward to the process continuing with the inclusion

11   of all these concerns that we've heard today from

12   members of the Subcommittee to make the map the best

13   map that can be. So thank you.

14   Additional members in debate?

15   Seeing none, Chair Sirois, you're

16   recognized to close on the PCB.

17   CHAIRMAN SIROIS: Thank you very much,

18   Madam Chair.

19   Members, I want to thank you for your

20   questions and your time and attention this morning

21   and over the previous weeks. Some of you have said

22   redistricting might be the most complicated of all

23   of our constitutional duties both as a body and,

24   certainly, as individual members, and I want to say

25   I share that as well. It's a historic task. It's

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 1   one that happens every 10 years, and I'm personally

 2   honored to have had the opportunity to work with all

 3   of you through it.

 4            The process, as you know, requires us to

 5   set personal interests aside.  We had a lot to

 6   learn.  The external pressures are significant.

 7   When it comes to our communities and neighborhoods,

 8   emotions run high.  But this process requires us to

 9   follow the law, follow the law, specifically our

10   Tier 1 and Tier 2 constitutional standards.  And I

11   want to mention, you know, I enjoy so much working

12   with Representative Hunschofsky because I've learned

13   that she has a way about her where she can just cut

14   to the heart of the matter, and I think she did that

15   today with her question.

16            And I just wanted to -- I felt compelled

17   after hearing your question, Representative, to go

18   back to where we started our Committee meetings,

19   with a review of our constitutional standards, Tier

20   1 and Tier 2.  "No apportionment plan or individual

21   districts shall be drawn with the interest of favor

22   or disfavor a political party or incumbent.

23   Districts shall not be drawn with the intent or

24   result of denying or abridging the equal opportunity

25   of racial or language minorities to participate in
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1   the political process or diminish their ability to

2   elect a representative of their choice. Districts

3   shall consist of contiguous territory." And then we

4   move on to Tier 2. "Districts shall be as nearly

5   equal in population as practical. Districts shall

6   be compact. District shall where feasible utilizing

7   existing political and geographical boundaries

8   We have to follow the law. Representative

9   Joseph, I appreciate your questions about receiving

10   that input, and I would remind Committee members

11   that we continue to be the vehicle for that input.

12   Those information, if there's something that you

13   hear, if there's something that you think adds to

14   the process, I encourage you to bring it forward.

15   But you have to be prepared, as we have said

16   consistently from the beginning of this process, to

17   disclose who brought it to you and be prepared to

18   back it up.

19   Individuals out there who wish to provide

20   input and feedback on this process have the ability

21   to do so, floridaredistricting.gov, where nearly 100

22   individuals have utilized the website to create and

23   to submit maps of their own. In January, we noticed

24   a two-hour meeting to accept public input in

25   addition to public input at each of our meetings,

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1   where we have received testimony. As elected

2   members of this House of Representatives, it is our

3   constitutional duty and responsibility to present

4   the views of our constituents in the conduct of

5   their business.

6   Members, you're going to have an

7   opportunity as you have had today throughout our

8   Committee meetings, at Chair Leeks Committee, on the

9   floor, when we reconciled with the Senate throughout

10   this process. You will have an opportunity to

11   provide that input, and I encourage you to get with

12   me and Chair Leek if there is something on your

13   mind. But we have to follow law. And once again, I

14   want to read to you the first line from the 2012

15   Supreme Court ruling that I started today's

16   presentation with. And this is what the Court said

17   then, "A review of the House plan and the record

18   reveals that the House engage in a consistent and

19   reasoned approach." Members, we hit that mark

20   again. We hit that mark again, and I'm proud of

21   this Committee's work product.

22   Now, as I said, our PCB is going to work

23   through the normal process, just like any other

24   bill, and this PCB is going to move on to the Full

25   Redistricting Committee, where the conversation that

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1   we started weeks ago will continue with our

2   colleagues. If you have further policy points for

3   discussion, please, please, Members, don't wait.

4   Get with me and Chair Leek, and we are happy to hear

5   you and to continue this conversation. But,

6   Members, I want to assuage any doubt that may be in

7   front of you today. This is a legally sound map.

8   It's a constitutionally compliant map. Please join

9   me in voting yes.

10   VICE-CHAIR TUCK: Chair Sirois having

11 closed, Members, please remember to turn on your

12 mics when you vote.

13   DJ, please call the roll on PCB CRS 22-01

14 and announced the vote.

15   THE SECRETARY: Chair Sirois?

16   CHAIRMAN SIROIS: Yes

17   THE SECRETARY: Representative Benjamin has

18 been excused.

19   Brown?

20   REPRESENTATIVE BROWN: No.

21   THE SECRETARY: Fabricio?

22   REPRESENTATIVE FABRICIO: Yes.

23   THE SECRETARY: Fetterhoff?

24   REPRESENTATIVE FETTERHOFF: Yes.

25   THE SECRETARY: Giallombardo?

EXHIBIT 16

Page 1

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Common Cause, et al.   )

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v.   ) 4:22-cv-109

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Cord Byrd   )

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TRANSCRIPTION OF AUDIO RECORDING

HOUSE SESSION

APRIL 21, 2022

10:00 A.M.

_____

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1   APRIL 21, 2022

2   SPEAKER SPROWLS: Members, the House will

3   come to order. Members, please take your seats.

4   Members and visitors in the gallery, please rise for

5   the prayer. The prayer today will be led by

6   Representative Massullo.

7   Representative Massullo, you may approach

8   the well.

9   REPRESENTATIVE MASSULLO: Thank you,

10 Mr. Speaker.

11   Members, let's pray.

12   Father God, thank you for this beautiful

13 day that you have made. Thank you for the House

14 that you've brought us to, that you have allowed us

15 the ability to serve your people in this state.

16 Thank you for this beautiful government that we have

17 where we can deliberate ideas and disagree with each

18 other and yet move our state continuing forward.

19   Unlike any other country in the world,

20 Lord, you've blessed us. Let us never forget that

21 it's because of your guidance that we have life.

22 It's because of your will that we breathe. It's

23 because of your grace and mercy that we can have a

24 place in this world, that we can make a difference

25 because you indwell us; you empower us. And I pray,

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1   Lord, that we never forget that.

2   As we go through this day, as we finish our

3   work here, as we go home to our friends and our

4   families, let us not forget, Lord, that our duty is

5   to glorify you with our lives. And I pray that you

6   would make that so in our hearts, that it may be our

7   desire as we live this day and the rest of our

8   lives. In your name we pray, Amen.

9   ALL: Amen.

10   SPEAKER SPROWLS: Thank you, Representative

11   Massullo.

12   The clerk will unlock the machine and

13   members will record their presence. Have all

14   members recorded their presence? Have all members

15   recorded their presence? Clerk will lock the

16   machine and announce the presence of a quorum.

17   THE CLERK: 106 members voting. A quorum

18   is present, Mr. Speaker.

19   SPEAKER SPROWLS: Yep. Members and

20   visitors, please remain standing for the Pledge of

21   Allegiance to the flag. The pledge this morning

22   will be led by Representative Will Robinson from his

23   desk.

24   (Pledge of Allegiance)

25   SPEAKER SPROWLS: Are there corrections to

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 1    the journal?  Hearing none, show the journal

 2    approved.  Are there matters on induction and

 3    reference?

 4              THE CLERK:  None on the desk, Mr. Speaker.

 5              SPEAKER SPROWLS:  Are there communications?

 6              THE CLERK:  None on the desk, Mr. Speaker.

 7              SPEAKER SPROWLS:  Are there messages from

 8    the Senate?

 9              THE CLERK:  None on the desk, Mr. Speaker.

10              SPEAKER SPROWLS:  Are there reports from

11    standing committees and subcommittees?

12              THE CLERK:  None on the desk, Mr. Speaker.

13              SPEAKER SPROWLS:  Are there motions

14    relating to committee and subcommittee references?

15    Are there matters on reconsideration?  Are there

16    bills and joint resolutions on third reading?

17              THE CLERK:  On the desk, Mr. Speaker.

18              SPEAKER SPROWLS:  Read the first bill.

19              THE CLERK:  By Senator Rodriguez, Senate

20    Bill 2-C, a bill to be entitled an act establishing

21    the congressional districts of the state.

22              SPEAKER SPROWLS:  All right, members.  We

23    are going to get into the first bill.  In a moment

24    we're going to enter into structured debate.

25    Structured debate this morning on the redistricting
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1   bill we'll have -- be 75 minutes per side in 15

2   minute total increments. I'll go back and forth

3   between representative Willhite, who will be

4   representing the con side of the bill, and Leader

5   Grant on the pro side.

6   Representative Leek, you're recognized to

7   explain the bill.

8   REPRESENTATIVE LEEK: Thank you,

9   Mr. Speaker.

10   This is the congressional redistricting

11   bill we heard yesterday.

12   SPEAKER SPROWLS: Are there amendments?

13   THE CLERK: None on the desk, Mr. Speaker.

14   SPEAKER SPROWLS: All right. Let's begin

15   debate. Representative Willhite, you're recognized.

16   REPRESENTATIVE WILLHITE: Thank you,

17   Mr. Speaker. In the difference of opinion side of

18   this bill, would you recognize Representative

19   Geller?

20   SPEAKER SPROWLS: Representative Geller for

21   his different side of opinion. You're recognized.

22   REPRESENTATIVE GELLER: Thank you,

23   Mr. Speaker. I appreciate that.

24   So members, here we are. Months of looking

25   at this. This House took a position. Our

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1   Callie, the 7-year old, when I got elected to

2   office, or -- I got in early. I was confirmed as a

3   state representative elect on qualifying day. And

4   Callie took me into the bathroom like -- which is

5   common for her -- and asked me, "What the heck does

6   it mean, Aunty Nica, to be a state representative?"

7   And I went through all these analogies for Callie.

8   I told her, "Well, I'm going to make laws, and I'm

9   going to help balance the budget, and I'm going to"

10 -- and Callie said, "What does it really mean?" And

11 I said, "Callie we're going to learn together.

12 We're going to learn together what it means for me.

13 And every time I learn something, I'll tell you

14 something more."

15   Callie doesn't understand what the heck is

16 going on, and she's brilliant; she tested gifted.

17 And I'm sure that when they test her again, she'll

18 probably be on the spectrum of something amazing

19 because that's who she is. She came here with me

20 when I got sworn in. She sat right next to me, and

21 she heard when I took my oath of office.

22   So it's back in your hands now. I failed.

23 But I'm looking forward to my colleagues not failing

24 the State of Florida. We have our duty as

25 legislators to do what is right for Floridians,

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1   regardless of our party affiliations.

2   MADAM SPEAKER: Representative Willhite.

3   REPRESENTATIVE WILLHITE: Will you

4   recognize Representative McCurdy?

5   MADAM SPEAKER: Representative McCurdy in

6   debate.

7   REPRESENTATIVE MCCURDY: Thank you, Madam

8   Speaker.

9   I want to talk to the people at home.

10 Hello, black Floridians at home today that's

11 watching this.   The Florida house is about to cut

12 your representation by 50 percent before lunchtime.

13 We shouldn't be in here begging for representation

14 in 2022 or begging you to not diminish minorities'

15 ability to elect representatives of their choice.

16 Alarming, but not that all surprising.   Being

17 elected to the Florida Legislature is the one job

18 that you can have in this state.   Come to work, and

19 then refuse to do your job.

20   You've heard over and over that the state's

21 Constitution directs the Legislature, directs the

22 Legislature, directs the Legislature to redraw

23 district boundaries.   And this charade playing out

24 today will further negatively impact people, people

25 that I represent; people that look like me; people

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1   that talk like me; people that struggle like me;

2   people that already don't have. And we're trying to

3   take more away from them.

4   What this body is saying is that people

5   that already don't have, won't have. People already

6   that -- people that already don't have opportunities

7   won't have representation now. I've had enough of

8   being kicked around in this building, in this

9   chamber, and still being expected to smile and shake

10   your hands and engage in conversation with the same

11   people who are trying to oppress my people.

12   In the words of the late Congressman John

13   Lewis, "Where is the heart of this body? Where is

14   our soul? Where's our more leadership? Where's our

15   courage?" Today it's not in this chamber. By

16   lacking the courage to stand up to Governor

17   DeSantis, his bullying, reject his political games,

18   and uphold our duty as legislators who draw

19   constitutional maps, we have totally failed the

20   people of this state. Vote no.

21   MADAM SPEAKER: Time having expired, Leader

22   Grant, you're recognized.

23   REPRESENTATIVE GRANT: Thank you, Madam

24   Speaker. Please recognize Representative Fine in

25   debate.

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1   MADAM SPEAKER: Representative Fine, you're

2   recognized in debate.

3   REPRESENTATIVE FINE: Thank you, Madam

4   Speaker.

5   It's been fascinating to watch this

6   process, and I want to thank the speaker and Chair

7   Leek for allowing me to be the Vice Chair of the

8   full Redistricting Committee. We spent months

9   learning about the law, Tier 1 and Tier 2. I've

10   learned more about redistricting case law than I

11   ever thought I would. It's reconfirmed my belief

12   that I'm very glad that I turned down the

13   opportunity to become a lawyer from my alma mater.

14   And I'm glad I did not go through that process, very

15   much so.

16   You know, there was an allegation yesterday

17   that's frankly brought through today that there was

18   an abrupt change in philosophy, presumably in the

19   configuration of the districts. We've abruptly

20   changed at the behest of the Governor. That's

21   something I'll talk about a little bit. What

22   strikes me as odd though is yesterday in all the

23   time we had for questions, there wasn't one about

24   the Governor's veto or his General Counsel's

25   testimony from committee this week.

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1   Now, it's a novel legal question. I don't

2   think there's any debate that there is unresolved

3   legal issues that are going to have to be resolved.

4   And by the way, the maps we pass before I believe

5   had already been heading for the courts. But with

6   any novel legal question, there's going to be many

7   unanswered questions. This is only the second

8   redistricting cycle since the constitutional

9   standard. Courts providing clarity is part of the

10   process.

11   And by the way, there are many people who

12   believe that when that 2016 map was finished for the

13   2010 redistricting, that it was unconstitutional for

14   the same reasons we're going in a different

15   direction today. You know, however, even though

16   there was zero questions of clarification, not a

17   single one, there was plenty of rhetoric, and it's

18   continued today, alleging the definitive

19   unconstitutionality of those districts and in turn

20   the disparagement of a community. Maybe it's a

21   facade. It's inauthentic line of questioning set up

22   for alternative purposes. Perhaps it's set up for

23   future plaintiffs or just to perpetuate a hateful

24   message.

25   So I'd like to talk about three things that

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1   relate to that. The first is: we got to hear a

2   recitation of the oath that we swore when we got

3   elected to follow the State Constitution and the

4   U.S. Constitution. I'd encourage people to go back

5   and take a look at the U.S. Constitution, because

6   many of you don't appear to know it, lawyers and

7   all.

8   See, we do not live in a parliamentary

9   democracy where the percentage of people who look

10   like you, or act like you, or think like you

11   determine your representation. If you want that,

12   there are other countries you can move to where they

13   aggregate the votes of the entire area and then they

14   assign that percentage to seats in their

15   Legislature. That's not how it works here.

16   But I also want to talk about the inherent

17   racism in the concept that many of you support, when

18   you say that minorities have the right or any group

19   has the right to elect the candidates of their

20   choice. I want to use one example from the maps

21   that we passed before, because I remember it.

22   The Jacksonville District that we talked a

23   lot about before, I remember the staff, as I was

24   reviewing it, telling me that it was 35 percent

25   black -- the seat, you know, that would be right

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1   there in the middle of Duval County, 35 black, and

2   that would be enough to guarantee the selection of

3   the candidate of their choice.

4   I want you to think about what that means.

5   It means the other 65 percent don't get a say at

6   all. See, when we guarantee that a group of people

7   gets to select the candidate of their choice, what

8   we're saying is we're guaranteeing those who aren't

9   part of that group get no say. Chew on that one for

10   a little bit.

11   The second thing that I find a little bit

12   hateful is the notion that we violate separation of

13   powers. That we're mindless automatons of the

14   Governor. I would remind all of you that the vast

15   majority of us in the front rows voted against what

16   the Governor -- we were in this room debating the

17   maps when he put out the message saying, "I will

18   veto what you are going to do." He sent it out in

19   Twitter while we were here having that discussion.

20   Very few people in this room have worked as

21   closely with that team downstairs on various issues

22   as I have, and yet I voted against it. We are not

23   mindless automatons. We don't do this because we

24   are bullied. We do this because we think it is

25   right.

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1   And lastly, I would like to remind us of

2   history. Because as my good friend, Rep. Alexander,

3   reminded us, history is appropriate to share. And

4   there is a shameless history -- shameful history

5   where there was an effort after reconstruction to

6   make sure that certain groups of people had no say

7   in the process.

8   In 1875 reconstruction ended in Florida,

9   and it was not the Republican Party that was put in

10   charge. In 1880 redistricting was done in this

11   state to disenfranchise minorities, and it was not

12   the Republican Party. In 1890 redistricting was

13   done to disenfranchise minority voters, and it was

14   not the Republican Party. In 1900 it was not the

15   Republican Party. In 1910, and 1920, and 1930, and

16   1940, and 1950, and 1960, and 1970, and 1980 and

17   1990, all those shameful years that you all want to

18   remind us of, it wasn't the predecessors of folks in

19   the front rows who came up with those maps.

20   Today we pass maps that are constitutional.

21   And they will be litigated, and we will learn

22   whether the 14th Amendment of the U.S. Constitution

23   reigns supreme over the Florida State Constitution.

24   That is the discussion at hand. There are some very

25   smart lawyers in this room that I respect quite a

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1 bit, who told me that they think that will happen.

2 I'm going to trust them. I believe these maps are

3 constitutional, and I encourage all of you to vote

4 for them.

5   MADAM SPEAKER: Representative Grant.

6   REPRESENTATIVE GRANT: Thank you, Madam

7 Speaker. We yield the remainder of our time in this

8 segment.

9   MADAM SPEAKER: Okay. Thank you. Having

10 yielded the time, Representative Alexander to give a

11 point of order.

12   REPRESENTATIVE ALEXANDER: Just a point of

13 clarification to the body, I would like to put in

14 the record the word neo-conservatism for the record.

15   MADAM SPEAKER: Representative Willhite,

16 you're recognized.

17   REPRESENTATIVE WILLHITE: Thank you, Madam

18 Speaker. Would you recognize Representative

19 Learned?

20   MADAM SPEAKER: Representative Learned,

21 you're recognized.

22   REPRESENTATIVE LEARNED: Thank you, Madam

23 Speaker.

24   And thank you, you know, to the clerk's

25 office for making sure we had the time stamp on the

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1   on the board today. I think it's important we have

2   the date up there, because I honestly -- based on

3   the last debate I wouldn't know if it's 2022 or 1965

4   with the debate against the abolishment of the

5   Voting Rights Act that we just heard.

6   You know, I'm a simple trigger puller. And

7   I'm certainly not a Harvard-educated lawyer, so I

8   have no idea what any of that means. But what I do

9   know is you all found a way to divide and carve a

10   50/50 state into a 22 to 8 partisan gerrymander.

11   That's what's before us right now. And you found a

12   way to cut minority representation in half at the

13   same time. The outcome speaks louder than your

14   words.

15   People should choose their representatives,

16   not politicians choosing their voters. This flies

17   in the face of the U.S. Constitution, the Florida

18   Constitution, and more importantly, every democratic

19   ideal that we hold dear.

20   When gerrymandered districts make

21   legislators more afraid of primaries than they are

22   of general elections, you end up with folks fighting

23   TV, CNN and Fox News over who can be more divisive.

24   And we saw how that resulted on January 6th of last

25   year.

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1   St. Petersburg and Tampa are two different

2   cities. This idea that water makes it contiguous

3   and satisfies a math formula is absurd. Manatees do

4   not vote. This map is a blatant partisan

5   gerrymander. It is designed so the Governor can

6   raise money in California and New York and solidify

7   his primary chances against former President Trump,

8   and he's willing to put black voters in the state of

9   Florida under the bus to do it.

10   MADAM SPEAKER: Representative Willhite.

11   REPRESENTATIVE WILLHITE: Thank you, Madam

12   Speaker. Would you recognize Representative Joseph?

13   MADAM SPEAKER: Representative Joseph in

14   debate.

15   REPRESENTATIVE JOSEPH: Thank you, Madam

16   Speaker.

17   Florida is made up of a beautiful mix of

18   peoples, from our Native American communities, the

19   descendants of colonial settlers, the descendants of

20   enfranchised slaves, and a multi-partisan,

21   multicultural group of immigrants who come here all

22   the time. Our Representatives should be reflective

23   of that diversity to ensure that all of our voices

24   are heard. Those closest to the pain should be

25   closest to decision making. And no one knows our

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 1   communities better and the pain better of those

 2   communities than those experiencing those pains.

 3   So rather than accepting the gerrymandering

 4   that had been done by politicians, carving up our

 5   communities to silence the voices from and deny

 6   resources to certain communities, Florida voters,

 7   Democrats and Republicans, voted to amend our

 8   constitution to require that we draw Fair Districts.

 9   But right now the GOP has the power, and we get

10   that. But there's no need to cheat. You really

11   don't need to stack the deck.

12   By sacrificing black representation on the

13   altar of the Governor's political ambition, we are

14   now stacking the deck 20 to 8, and have the gall to

15   say that somehow this is not partisan. The

16   Governor's map blatantly favors his political party;

17   but not for the benefit of Republicans, certainly

18   not for Democrats, and absolutely not for the people

19   of Florida, but rather to continue to ignore the

20   pains of the people of Florida in favor of lining

21   campaign coffers and financial interests of friends.

22   He claims it's supposed to protect us from

23   discrimination, but does so by discriminating

24   against black representation. But the funny thing

25   is his maps were still able to protect Hispanic

EXHIBIT 17

From:	House Speaker's Office
Date:	February 25, 2022 8:25:17 AM (-05)
To:	House Speaker's Office
Subject:	**Redistricting Committee - Amendment**
Attachments:	Amendment_Redistricting Committee.pdf;

MEMORANDUM

To: Members of the Florida House of Representatives
From: Chris Sprowls, Speaker
Date: February 25, 2022
Re: Redistricting Committee - Amendment

Last night, an amendment to HB 7503 was filed for consideration at today's Redistricting Committee meeting. This amendment contains a primary map (H000C8017) that addresses concerns about the shape of Congressional District 5 by creating a more compact North Florida district that should enable minority voters to elect the candidates of their choice. We believe this solution creates a singular exception to the diminishment standard. The amendment also contains a secondary map (H000C8015), which is postured to take immediate effect should the courts find the primary map's North Florida configuration illegal. This secondary map is one the Legislature knows is legally compliant under current law and keeps the previously-proposed configuration of District 5.

Outside of the districts impacted by the change to District 5, the structure of both maps is exactly the same throughout the rest of the state. The amendment also includes other adjustments that have been made – the same in both maps – to bring us more in alignment with our Senate partners so we can bring this process in for a landing prior to the conclusion of regular session.

I appreciate all Members' continued dedication to this once-in-a-decade process and to getting it right. We hope this option provides a pathway for passage by the House and Senate, and ultimate clarity for Floridians going into the 2022 election cycle.

EXHIBIT 18

Page 1

Common Cause, et al.   )

)

v.   ) 4:22-cv-109

)

Cord Byrd   )

_____)

TRANSCRIPTION OF AUDIO RECORDING

HOUSE SESSION - THE FLORIDA CHANNEL

APRIL 20, 2022

10:00 A.M.

DIGITAL EVIDENCE GROUP

1730 M Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

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1   APRIL 20, 2022

2   MR. SPEAKER: Members of the House will

3   come to order. Members, please take your seats.

4   Members and visitors in the gallery, please rise for

5   the prayer. The prayer today will be given by

6   Representative Payne.

7   Representative Payne, you may approach the

8   wall.

9   REPRESENTATIVE PAYNE: Thank you, Speaker.

10 Members, please join me in prayer.

11   Father, today we come before you this

12 morning anticipating for what you have in store for

13 us today. Let us not forget to praise, honor, and

14 worship you. We are expecting to hear your voice,

15 and we will be willing to be used by you in order to

16 fulfill our faithful duties. Father, we ask your

17 blessing on all the members of the Legislature, our

18 House and Senate colleagues, our speaker, our senate

19 president, upon our governor, cabinet members and

20 their families.

21   Lord, we are grateful to be living in a

22 democracy, where so many play a part of making sure

23 the needs of Floridians are met. As we work

24 together to find solutions to difficult problems, we

25 ask that you guide our words so that we speak with

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1   respect and humility to one another.

2   And, Father, finally, we ask a special

3   blessing and prayer for those suffering in the war-

4   torn regions of the Ukraine. Help there be an end

5   to the suffering and violence soon. Protect those

6   in harm's way. All these things we ask in your holy

7   name. Amen.

8   MR. SPEAKER: Amen. Thank you,

9   Representative Payne.

10   The clerk will unlock the machine, and

11   members will record their presence.

12   Have all members recorded their presence?

13   All members recorded their presence.

14   Clerk will lock the machine after presence

15   of a quorum.

16   THE CLERK: One hundred and six members

17   voting in quorum as present, Mr. Speaker

18   MR. SPEAKER: Members and visitors in the

19   gallery, please remain standing for the pledge. The

20   pledge this morning will be embedded by

21   Representative Tant from her desk.

22   REPRESENTATIVE TANT: I pledge allegiance

23   to the flag of the United States of America and to

24   the Republic for which it stands, one nation under

25   God, indivisible, with liberty and justice for all.

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1   MR. SPEAKER: Are there corrections to the

2   journal?

3   Hearing none. Show the journal approved.

4   Are there matters on induction in reference?

5   THE CLERK: None on the desk, Mr. Speaker.

6   MR. SPEAKER: Are there communications?

7   THE CLERK: None on the desk, Mr. Speaker.

8   MR. SPEAKER: Are there messages from the

9   Senate?

10   THE CLERK: None on the desk, Mr. Speaker.

11   MR. SPEAKER: Are there reports of the

12   standing committees and subcommittees.

13   THE CLERK: On the desk, Mr. Speaker.

14   MR. SPEAKER: Read the report.

15   THE CLERK: The Honorable Chris Sprowls,

16   speaker, House of Representative. Dear Mr. Speaker,

17   your rules committee herewith submits a special

18   order for Wednesday, April 20, 2022.

19   Reading of the report, Mr. Speaker.

20   MR. SPEAKER: Representative Renner, you're

21   recognized in the report?

22   REPRESENTATIVE RENNER: Mr. Speaker, the

23   report sets the special order calendar and

24   allocation of times for questions and debate

25   contained in the letter, and I move the adoption of

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1   the special order report for today, April 20, 2022.

2   MR. SPEAKER: Are there questions? Are

3   there questions? Is there a debate? All in favor

4   of adoption of the special order calendar, say yea.

5   (Multiple yays)

6   MR. SPEAKER: All opposed, no.

7   (Multiple nos)

8   MR. SPEAKER: Show the special order

9   calendar as adopted. Are there motions relating to

10   committee and subcommittee references?

11   Representative Geller, you're recognized.

12   REPRESENTATIVE GELLER: Thank you,

13   Mr. Speaker. I rise to make a motion.

14   MR. SPEAKER: You're recognized.

15   REPRESENTATIVE GELLER: I rise pursuant to

16   -- thank you, Mr. Speaker. I rise to -- pursuant to

17   House Rule 11.12 and now move to refer House Bill

18   1C, establishing the congressional districts to the

19   state to the full redistricting committee and to the

20   appropriations committee. And with your permission,

21   Mr. Speaker, at the time, I'd like to debate the

22   motion.

23   MR. SPEAKER: All right. Members,

24   Representative Geller has moved to move the

25   redistricting bill, which is 1C, to the larger

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1   compliant.

2   MR. SPEAKER: Representative Driskell.

3   REPRESENTATIVE DRISKELL: Thank you,

4   Mr. Speaker.

5   And given that the Legislature seems to be

6   following the Governor's direction at this, from

7   what I understood from the Governor, his only

8   complaints were about Northeast Florida, really

9   about CD 5 and maybe CD 4. That being the case, why

10   are we making adjustments to CD 14 and CD 15 in

11   Tampa Bay?

12   MR. SPEAKER: Representative Leek.

13   REPRESENTATIVE LEEK: Thank you,

14   Mr. Speaker.

15   Again, not speaking to the Governor's

16   process but I don't think that's a fair premise.

17   You know, if you looked back at the various maps

18   that have come through, they have changed over and

19   over and over again. And it is still true that you

20   cannot change one line without changing most lines.

21   And so in this instance, we were -- the Governor was

22   able to pick up ten of our districts that we had

23   drafted. So I don't think that it's fair to say

24   that the Governor's premise was only on CD 5 in the

25   northeast area. I think that what this map

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1   represents is an entire improvement on the map.

2   MR. SPEAKER: Representative Driskell.

3   REPRESENTATIVE DRISKELL: Thank you,

4   Mr. Speaker.

5   So I noticed that here there's a lot of

6   talk about following county lines and trying to

7   minimize county splits, but how is following county

8   lines not just a pretext for partisan gerrymandering

9   here? 8019 splits pretty much just as many counties

10   as your map. So if 8060 were adapted to make CD 5

11   just in Duvall, it would actually split two fewer

12   counties than your map. So how is what we're seeing

13   today by following county lines not really just a

14   pretext for the partisan gerrymandering, as we see

15   that the map that the Governor has presented results

16   in a significant Republican advantage over the

17   benchmark maps?

18   MR. SPEAKER: Representative Leek.

19   REPRESENTATIVE LEEK: Thank you,

20   Mr. Speaker.

21   As is the case with the prior maps, I'm not

22   -- we haven't done a performance analysis to know

23   those types of things. Maybe you guys have, but we

24   have not, so I can't speak to the partisan

25   performance of it.

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1   MR. SPEAKER: Representative Willhite.

2   Representative Brown, you're recognized.

3   REPRESENTATIVE BROWN: Thank you,

4   Mr. Speaker.

5   We heard yesterday there was a compromise

6   by -- that this was a compromising product. Can you

7   speak to that compromise? What were some of the

8   compromises?

9   MR. SPEAKER: Representative Leek.

10   REPRESENTATIVE LEEK: Thank you,

11   Mr. Speaker.

12   I want to make one thing clear. Governor's

13   office drew the map. Our folks did not draw the

14   map. It is apparent that the Governor's office drew

15   a map that was informed by the prior maps that we

16   have driven. You can see that because of the 10

17   exactly identical districts that we had in our prior

18   maps. I believe that that's what the Governor's

19   office meant by compromise.

20   MR. SPEAKER: Representative Willhite.

21   REPRESENTATIVE WILLHITE: Thank you,

22   Mr. Speaker.

23   Do you recognize Representative Davis?

24   MR. SPEAKER: Representative Davis, you're

25   recognized.

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1   REPRESENTATIVE DAVIS: Thank you,

2   Mr. Speaker.

3   Representative, will either District 4 or 5

4   perform for black candidates of choice?

5   MR. SPEAKER: Representative Leek.

6   REPRESENTATIVE LEEK: Thank you,

7   Mr. Speaker.

8   No.

9   MR. SPEAKER: Representative Davis.

10   REPRESENTATIVE DAVIS: Thank you,

11   Mr. Speaker.

12   Has any analysis been done to prove yes or

13   no?

14   MR. SPEAKER: Representative Leek.

15   REPRESENTATIVE LEEK: Thank you,

16   Mr. Speaker.

17   Yes.   Recall on the prior maps that we did

18   a functional analysis on CD 5.

19   MR. SPEAKER: Representative Davis.

20   REPRESENTATIVE DAVIS: Thank you,

21   Mr. Speaker.

22   So no analysis, again, just for clarity,

23   has been performed on these maps -- on this map?

24   MR. SPEAKER: Representative Leek.

25   REPRESENTATIVE LEEK: Thank you,

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1   Mr. Speaker.

2   Yes. On CD 4, our staff did a functional

3   analysis and confirmed that it does not perform.

4   MR. SPEAKER: Representative Davis.

5   REPRESENTATIVE DAVIS: Thank you,

6   Mr. Speaker.

7   In terms of compactness, have you looked at

8   whether the Governor's version or the version where

9   Districts 4 and 5 stack up on top of each other with

10   the line going straight through Duvall, and would it

11   be better on compactness?

12   MR. SPEAKER: Representative Leek.

13   REPRESENTATIVE LEEK: Thank you,

14   Mr. Speaker.

15   I'm not sure I understand that question.

16   Can you rephrase it?

17   MR. SPEAKER: Representative Davis.

18   REPRESENTATIVE DAVIS: I would. And

19   looking at the Governor's versions of the map, the

20   version where CD 4 and CD 5 are stacked on top of

21   each other with the line going straight through,

22   would it be a difference if we reconfigured that for

23   compactness?

24   MR. SPEAKER: Representative Leek.

25   REPRESENTATIVE LEEK: Thank you,

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 1   Mr. Speaker.
 2           We can't do that hypothetically, so we
 3   would have to see an exact configuration.  Remember,
 4   each district will result in a unique compactness
 5   score.
 6           MR. SPEAKER:  Representative Davis.
 7           REPRESENTATIVE DAVIS:  Thank you,
 8   Mr. Speaker.  I think this is my last question for
 9   now.
10           When we were -- when we charged the
11   Governor's office with the ability to draw these
12   constitutional maps using the constitutional
13   criteria, do you have any idea of the hierarchy,
14   because these are the Governor's maps, with the
15   geographic boundaries?  For example, did we say that
16   it was more important to follow the major roads and
17   highways as boundaries?
18           MR. SPEAKER:  Representative Leek.
19           REPRESENTATIVE LEEK:  Thank you,
20   Mr. Speaker.
21           I don't want to give the indication that
22   I'm accepting your premise, but I can tell you what
23   they told us yesterday in committee about the
24   hierarchy.  And they said they came in more in
25   alliance with -- alignment with the House and
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 1   Senate's use of Tier 2 criteria than they had

 2   previously.

 3              MR. SPEAKER:  Representative Davis.

 4              REPRESENTATIVE DAVIS:  Thank you,

 5   Mr. Speaker.  And last question.

 6              Because the Governor drew -- Governor's

 7   office drew these maps, were these maps ever

 8   presented to you or your team prior to being here

 9   today or prior to being in the committee room

10   yesterday?

11              MR. SPEAKER:  Representative Leek.

12              REPRESENTATIVE LEEK:  Thank you,

13   Mr. Speaker.

14              Yes.  I believe, as has been indicated, I

15   got a preview of the maps, the map that you are

16   seeing today, the Governor's office explained those

17   maps to me, to Chair Seroy (phonetic), and to Ms.

18   Kelly.  I think the Senate has also indicated that

19   that same week, they got the same briefing on those

20   maps, but it is the map that you see today without

21   changes.

22              MR. SPEAKER:  Representative Willhite.

23              REPRESENTATIVE WILLHITE:  Thank you,

24   Mr. Speaker.  Would you recognize Representative

25   Williams?
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 1          MR. SPEAKER:  Representative Williams,
 2   you're recognized.
 3          REPRESENTATIVE WILLIAMS:  Thank you,
 4   Mr. Speaker.
 5          Chair Leek, when you spoke of the Tiers,
 6   you said we're using Tier 2 now instead of Tier 1.
 7   Could you tell why are we choosing to go to Tier 2
 8   instead of Tier 1?
 9          MR. SPEAKER:  Representative Leek.
10          REPRESENTATIVE LEEK:  Thank you,
11   Mr. Speaker.
12          No.  I did not say that.
13          MR. SPEAKER:  Representative Williams.
14          REPRESENTATIVE WILLIAMS:  Are we using Tier
15   2 now instead of Tier 1?
16          MR. SPEAKER:  Representative Leek.
17          REPRESENTATIVE LEEK:  Thank you,
18   Mr. Speaker.
19          No.
20          MR. SPEAKER:  Representative Williams.
21          REPRESENTATIVE WILLIAMS:  You spoke of
22   unique compacts in each one of these districts.  Can
23   you tell me why?
24          MR. SPEAKER:  Representative Leek.
25          REPRESENTATIVE LEEK:  Thank you,
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EXHIBIT 19

Li, Alvin (x2184)

From:	Mohammad O. Jazil <mjazil@holtzmanvogel.com>
Sent:	Tuesday, February 28, 2023 5:51 AM
To:	Portorreal, Newton (x2854); Michael Beato; Zack Bennington; Gary V. Perko; Jason Torchinsky; cam@consovoymccarthy.com; taylor@consovoymccarthy.com; ashley.davis@dos.myflorida.com; McVay, Brad R.
Cc:	Diskant, Gregory L. (x2710); Baker, H. Gregory (x2871); Li, Alvin (x2184); ~katelin@scsj.org; hmc@bedellfirm.com; MEL@bedellfirm.com
Subject:	Re: Common Cause v. Byrd - Subpoena for Deposition - Adam Foltz

Caution: External Email!

Yes, that works for us.

Get Outlook for iOS

From: Portorreal, Newton (x2854) <nportorreal@pbwt.com>
Sent: Monday, February 27, 2023 8:59:52 PM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; Zack Bennington <zbennington@HoltzmanVogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; cam@consovoymccarthy.com <cam@consovoymccarthy.com>; taylor@consovoymccarthy.com <taylor@consovoymccarthy.com>; ashley.davis@dos.myflorida.com <ashley.davis@dos.myflorida.com>; McVay, Brad R. <brad.mcvay@dos.myflorida.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; Li, Alvin (x2184) <ali@pbwt.com>; ~katelin@scsj.org <katelin@scsj.org>; hmc@bedellfirm.com <hmc@bedellfirm.com>; MEL@bedellfirm.com <MEL@bedellfirm.com>
Subject: RE: Common Cause v. Byrd - Subpoena for Deposition - Adam Foltz

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Mo,

Thank you for confirming. We can agree to stay the deposition in this case so long as the federal court's ruling on the parameters for Mr. Kelly's deposition will also govern Mr. Foltz's deposition. If that is acceptable, please let us know.

Best,
Newton

Newton Portorreal, Jr. | Patterson Belknap Webb & Tyler LLP | T: 212.336.2854 | nportorreal@pbwt.com

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From: Mohammad O. Jazil <mjazil@holtzmanvogel.com>
Sent: Monday, February 27, 2023 1:43 PM
To: Portorreal, Newton (x2854) <nportorreal@pbwt.com>; Michael Beato <mbeato@HoltzmanVogel.com>; Zack Bennington <zbennington@HoltzmanVogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; cam@consovoymccarthy.com; taylor@consovoymccarthy.com; ashley.davis@dos.myflorida.com; McVay, Brad R. <brad.mcvay@dos.myflorida.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; Li, Alvin

(x2184) <ali@pbwt.com>; ~katelin@scsj.org <katelin@scsj.org>; hmc@bedellfirm.com; MEL@bedellfirm.com
Subject: RE: Common Cause v. Byrd - Subpoena for Deposition - Adam Foltz

<mark>*Caution: External Email!*</mark>

Newton—

We'll be representing Mr. Foltz. As you know, Mr. Foltz served as an outside consultant for the Executive Office of Governor DeSantis. And, in the state court case, Mr. Foltz's deposition will be subject to the same limitations imposed by Judge Marsh's order for J. Alex Kelly.

Can we agree to stay Mr. Foltz's deposition until the three-judge federal court resolves the issues already raised concerning Mr. Kelly's deposition? This should save the parties time in re-briefing an issue that's already set for a resolution.

Thanks,
Mo

From: Portorreal, Newton (x2854) <nportorreal@pbwt.com>
Sent: Thursday, February 23, 2023 12:12 PM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; Zack Bennington <zbennington@HoltzmanVogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; cam@consovoymccarthy.com; taylor@consovoymccarthy.com; ashley.davis@dos.myflorida.com; McVay, Brad R. <brad.mcvay@dos.myflorida.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; Li, Alvin (x2184) <ali@pbwt.com>; ~katelin@scsj.org <katelin@scsj.org>; hmc@bedellfirm.com; MEL@bedellfirm.com
Subject: Common Cause v. Byrd - Subpoena for Deposition - Adam Foltz

> You don't often get email from nportorreal@pbwt.com. Learn why this is important

Counsel:

Good afternoon. Do you represent non-party Adam Foltz in this litigation? If so, will you accept service of the attached subpoena for a deposition on his behalf? If not, please see the attached Notice and copy of the subpoena.

Very Truly Yours,

Newton Portorreal, Jr.
He | Him | His
Associate

Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036

T 212.336.2854

nportorreal@pbwt.com

EXHIBIT 20

Li, Alvin (x2184)

From:	John Cycon <jcycon@HoltzmanVogel.com>
Sent:	Friday, May 19, 2023 11:00 AM
To:	Li, Alvin (x2184); Jason Torchinsky; Mohammad O. Jazil; Portorreal, Newton (x2854); Michael Beato; Zack Bennington; Gary V. Perko; Cam Norris; Taylor Meehan; ashley.davis@dos.myflorida.com; McVay, Brad R.; Zack Henson
Cc:	Diskant, Gregory L. (x2710); Baker, H. Gregory (x2871); ~katelin@scsj.org; HMC@bedellfirm.com; MEL@bedellfirm.com; Djang, Catherine (x2817)
Subject:	Re: Common Cause v. Byrd - Rule 45 Notice of Subpoena

Caution: External Email!

Thanks. We agree.

Best,
John

John Cycon
Of Counsel
Holtzman Vogel
Office: 540.341.8808
Mobile: 202.941.6621
jcycon@HoltzmanVogel.com // www.HoltzmanVogel.com

From: Li, Alvin (x2184) <ali@pbwt.com>
Date: Friday, May 19, 2023 at 10:55 AM
To: John Cycon <jcycon@HoltzmanVogel.com>, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, Mohammad O. Jazil <mjazil@holtzmanvogel.com>, Portorreal, Newton (x2854) <nportorreal@pbwt.com>, Michael Beato <mbeato@HoltzmanVogel.com>, Zack Bennington <zbennington@HoltzmanVogel.com>, Gary V. Perko <gperko@HoltzmanVogel.com>, Cam Norris <cam@consovoymccarthy.com>, Taylor Meehan <taylor@consovoymccarthy.com>, ashley.davis@dos.myflorida.com <ashley.davis@dos.myflorida.com>, McVay, Brad R. <brad.mcvay@dos.myflorida.com>, Zack Henson <zhenson@HoltzmanVogel.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>, Baker, H. Gregory (x2871) <hbaker@pbwt.com>, ~katelin@scsj.org <katelin@scsj.org>, HMC@bedellfirm.com <HMC@bedellfirm.com>, MEL@bedellfirm.com <MEL@bedellfirm.com>, Djang, Catherine (x2817) <cdjang@pbwt.com>
Subject: RE: Common Cause v. Byrd - Rule 45 Notice of Subpoena

Good morning John,

Yes. We will be providing proposed questions for Mr. Kelly and Mr. Bryan. We will also be providing proposed questions for Mr. Foltz, who we agreed will be governed by the same parameters as Mr. Kelly in the attached email.

Best regards,

Alvin

Alvin Li

1

He | Him | His
Associate
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1133 Avenue of the Americas | New York, NY 10036
T: 212.336.2184
ali@pbwt.com | www.pbwt.com

From: John Cycon <jcycon@HoltzmanVogel.com>
Sent: Friday, May 19, 2023 10:49 AM
To: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Li, Alvin (x2184) <ali@pbwt.com>; Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Portorreal, Newton (x2854) <nportorreal@pbwt.com>; Michael Beato <mbeato@HoltzmanVogel.com>; Zack Bennington <zbennington@HoltzmanVogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Cam Norris <cam@consovoymccarthy.com>; Taylor Meehan <taylor@consovoymccarthy.com>; ashley.davis@dos.myflorida.com; McVay, Brad R. <brad.mcvay@dos.myflorida.com>; Zack Henson <zhenson@HoltzmanVogel.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; ~katelin@scsj.org <katelin@scsj.org>; HMC@bedellfirm.com; MEL@bedellfirm.com; Djang, Catherine (x2817) <cdjang@pbwt.com>
Subject: Re: Common Cause v. Byrd - Rule 45 Notice of Subpoena

Caution: External Email!

Alvin,

To confirm, you'll be providing the proposed questions for Mr. Kelly and Mr. Bryan, correct?

Thanks,
John

John Cycon
Of Counsel
Holtzman Vogel
Office: 540.341.8808
Mobile: 202.941.6621
jcycon@HoltzmanVogel.com // www.HoltzmanVogel.com

From: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>
Date: Friday, May 19, 2023 at 8:11 AM
To: Li, Alvin (x2184) <ali@pbwt.com>, Mohammad O. Jazil <mjazil@holtzmanvogel.com>, Portorreal, Newton (x2854) <nportorreal@pbwt.com>, Michael Beato <mbeato@HoltzmanVogel.com>, Zack Bennington <zbennington@HoltzmanVogel.com>, Gary V. Perko <gperko@HoltzmanVogel.com>, Cam Norris <cam@consovoymccarthy.com>, Taylor Meehan <taylor@consovoymccarthy.com>, ashley.davis@dos.myflorida.com <ashley.davis@dos.myflorida.com>, McVay, Brad R. <brad.mcvay@dos.myflorida.com>, John Cycon <jcycon@HoltzmanVogel.com>, Zack Henson <zhenson@HoltzmanVogel.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>, Baker, H. Gregory (x2871) <hbaker@pbwt.com>, ~katelin@scsj.org <katelin@scsj.org>, HMC@bedellfirm.com <HMC@bedellfirm.com>, MEL@bedellfirm.com

2

<MEL@bedellfirm.com>, Djang, Catherine (x2817) <cdjang@pbwt.com>
Subject: Re: Common Cause v. Byrd - Rule 45 Notice of Subpoena

Alvin,

Mo is on trial this morning as he has been nearly all week. I request that you give him a chance to review and respond.

Thanks
Jason

Get Outlook for iOS

Jason Torchinsky
Partner
Holtzman Vogel
Office: 202.737.8808
Mobile: 202.302.6768
jtorchinsky@HoltzmanVogel.com // www.HoltzmanVogel.com

From: Li, Alvin (x2184) <ali@pbwt.com>
Sent: Friday, May 19, 2023 8:07:45 AM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Portorreal, Newton (x2854) <nportorreal@pbwt.com>; Michael Beato <mbeato@HoltzmanVogel.com>; Zack Bennington <zbennington@HoltzmanVogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Cam Norris <cam@consovoymccarthy.com>; Taylor Meehan <taylor@consovoymccarthy.com>; ashley.davis@dos.myflorida.com <ashley.davis@dos.myflorida.com>; McVay, Brad R. <brad.mcvay@dos.myflorida.com>; John Cycon <jcycon@HoltzmanVogel.com>; Zack Henson <zhenson@HoltzmanVogel.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; ~katelin@scsj.org <katelin@scsj.org>; HMC@bedellfirm.com <HMC@bedellfirm.com>; MEL@bedellfirm.com <MEL@bedellfirm.com>; Djang, Catherine (x2817) <cdjang@pbwt.com>
Subject: RE: Common Cause v. Byrd - Rule 45 Notice of Subpoena

Good morning Mo,

Just bumping this up again to get confirmation, in writing, before our filings this morning.

Best regards,

Alvin

Alvin Li
He | Him | His
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From: Li, Alvin (x2184)
Sent: Thursday, May 18, 2023 5:56 PM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Portorreal, Newton (x2854) <nportorreal@pbwt.com>; Michael Beato <mbeato@HoltzmanVogel.com>; Zack Bennington <zbennington@HoltzmanVogel.com>; Gary V. Perko

<gperko@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Cam Norris <cam@consovoymccarthy.com>; Taylor Meehan <taylor@consovoymccarthy.com>; ashley.davis@dos.myflorida.com; McVay, Brad R. <brad.mcvay@dos.myflorida.com>; John Cycon <jcycon@HoltzmanVogel.com>; Zack Henson <zhenson@HoltzmanVogel.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; ~katelin@scsj.org <katelin@scsj.org>; HMC@bedellfirm.com; MEL@bedellfirm.com; Djang, Catherine (x2817) <cdjang@pbwt.com>
Subject: RE: Common Cause v. Byrd - Rule 45 Notice of Subpoena

Good afternoon Mo,

I just wanted to confirm in writing that—consistent with a conversation that I had with John Cycon a few weeks ago—we agreed that (1) the parameters for Mr. Kelly's deposition will also govern Mr. Bryan's deposition and that (2) we would wait for the Court's ruling on Mr. Kelly's deposition before taking Mr. Bryan's deposition.

Best regards,

Alvin

Alvin Li
He | Him | His
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ali@pbwt.com | www.pbwt.com

From: Mohammad O. Jazil <mjazil@holtzmanvogel.com>
Sent: Saturday, April 29, 2023 4:27 PM
To: Portorreal, Newton (x2854) <nportorreal@pbwt.com>; Michael Beato <mbeato@HoltzmanVogel.com>; Zack Bennington <zbennington@HoltzmanVogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Cam Norris <cam@consovoymccarthy.com>; Taylor Meehan <taylor@consovoymccarthy.com>; ashley.davis@dos.myflorida.com; McVay, Brad R. <brad.mcvay@dos.myflorida.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; ~katelin@scsj.org <katelin@scsj.org>; Li, Alvin (x2184) <ali@pbwt.com>; HMC@bedellfirm.com; MEL@bedellfirm.com; Djang, Catherine (x2817) <cdjang@pbwt.com>
Subject: RE: Common Cause v. Byrd - Rule 45 Notice of Subpoena

Caution: External Email!

Newton—

We'll be representing Mr. Bryan in this matter. Please let me know if you have time to discuss the subpoena directed at him sometime next week; a 15–30-minute conversation should be enough.

Thanks,
Mo

Mohammad O. Jazil
Partner
Tallahassee,FL

m 850.274.1690
o 850.391.0503

email   bio   in

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

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From: Portorreal, Newton (x2854) <nportorreal@pbwt.com>
Sent: Monday, April 17, 2023 11:23 AM
To: Mohammad O. Jazil <mjazil@holtzmanvogel.com>; Michael Beato <mbeato@HoltzmanVogel.com>; Zack Bennington <zbennington@HoltzmanVogel.com>; Gary V. Perko <gperko@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Cam Norris <cam@consovoymccarthy.com>; Taylor Meehan <taylor@consovoymccarthy.com>; ashley.davis@dos.myflorida.com; McVay, Brad R. <brad.mcvay@dos.myflorida.com>
Cc: Diskant, Gregory L. (x2710) <gldiskant@pbwt.com>; Baker, H. Gregory (x2871) <hbaker@pbwt.com>; ~katelin@scsj.org <katelin@scsj.org>; Li, Alvin (x2184) <ali@pbwt.com>; HMC@bedellfirm.com; MEL@bedellfirm.com; Djang, Catherine (x2817) <cdjang@pbwt.com>
Subject: Common Cause v. Byrd - Rule 45 Notice of Subpoena

Counsel,

Please see the attached Notices and copies of subpoenas.

Very truly yours,

Newton Portorreal, Jr.
He | Him | His
Associate

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1133 Avenue of the Americas
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nportorreal@pbwt.com

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